

# **Chapter 6 - Realising Rights for Women and Gender-related Refugees and Asylum Seekers: Exploring Intersectionality as an Analytical Tool for Refugee Law and Policy Reform in South Africa**

**Vivian Nasaka John-Langba**

**ORCID iD:** <https://0000-0002-0142-904x>

## **Abstract**

Although women reflect almost sixty percent of the total refugee population in Africa, they remain relatively invisible in refugee law and policy. This is because advances in protecting women refugees and asylum seekers have not necessarily kept pace with the realities they face. There is a need for law and policy reform geared towards effectively responding to their needs. With South Africa as the context, this paper utilises intersectionality theory as the analytical lens to examine protection gaps that women and gender-related refugees and asylum seekers face and suggests how these can be adequately addressed to enhance law and policy reform. The analysis is premised on the assumption that identifying specific systems within the refugee and asylum regime that propagate oppression and discrimination would enhance the protection of women and gender-related refugees in South Africa.

**Keywords:** refugee women, gender, intersectionality, asylum, South Africa

## **Introduction**

The notion of asylum or protection of foreigners by a state other than their own has been an issue of concern for centuries. It remains high on the political agenda, not least because of the large numbers of refugees and asylum seekers and the protracted nature that asylum has become (see, for example, Crisp 2003; Kraler, Etzold & Ferreira 2021). Key among the priorities within the global asylum sphere is addressing the root causes of forced displacement and finding durable solutions to what is termed the ‘refugee problem’ (see for instance, Bloch 2020; Chimni 2004; Goedhart 1955; Saunders 2017). Often the assumption is that the adoption of international law standards at the national level would ensure that those seeking refuge or granted protection would lead optimal lives shrouded by the protection that such domestication of laws would provide. However, the general reaction in 2015 of European states to the arrival of large numbers of asylum seekers highlighted that the existence of law would not necessarily ensure the protection of rights (John-Langba 2020: 96). Further, any questioning of the substance of asylum would focus not on remedying deficiencies in law, policy and practice but on the persons seeking refuge. Are they worthy of such protection even if persecution underlies their flight?

Perhaps the results would be different if the refugee laws and resultant policies were formulated giving due regard to pertinent dimensions of asylum, such as gender. Certainly, the lessons from feminist thought and methodology have underscored the importance of interrogating asylum utilising a holistic approach that ‘sees’ all as individuals with experiences of asylum that cannot be generalised or labelled simply by virtue of existing in a common space (for example, country of asylum) or perhaps displaced from a common geographical location (for example country of origin). This approach is particularly important in effectively addressing the rights of women refugees. Evidence and practice indicate that law and policy often overlook displaced women. Thus, scholars are applying a more complex gender lens in studies related to migration broadly and specifically to refugees and forced migration (see, for example Khan & Willie 2021; Yacob-Haliso 2021 & 2016; Farley 2019; Carastathis, Kouri-Towe, Mahrouse & Whitley 2018; Fiddian-Qasmiyeh 2014). Some states are adopting feminist foreign policies that redefine their foreign policies to ones centred on the socio-economic well-being of groups they have designated as marginalised such as refugees (Scheyer & Kumskova 2019).

The theoretical approach that is beginning to take root in analysing the complexities that face refugee (and other forcibly displaced) women is intersectionality. As a theory, intersectionality moves beyond a mere gender-sensitive approach to analysing asylum to one that attempts to peel back and expose the layered experiences of displacement that propagate or amplify inequalities that women in particular encounter (Yacob-Haliso 2016). While there are divergent views on its definition and application, basic tenets underpin this theory, including viewing people as more than just a single characteristic (Yuval-Davis 2011; Hankivsky & Cormier 2009). Intersectionality also proposes that social categories or locations like race, ethnicity, gender, age, class etc., are socially constructed, dynamic, inseparable, and in constant interaction, making it impossible to view or analyse each category in isolation or hierarchically (Hankivsky *et al.* 2019: 135). Its underlying current promotes social justice and equity (*ibid.*; Hankivsky & Cormier 2009: 4).

Intersectionality's utility as an analytical tool in research on refugee studies in Africa is that women account for almost 50 percent of the total refugee population (UNHCR 2022a). Yet, they remain relatively invisible in refugee law and policy as advances in their protection have not necessarily kept pace with their realities (Orock 2021). Most of the body of work on refugee women in Africa adopts the traditional analytical methods of focusing on a singular category, such as gender or sex, without critically considering the complex relationships that intersectionality proposes (Orock 2021). Thus, there is limited analysis between the various social categories and the complexity of the contexts within which they are located.

This paper stems from recommendations from a doctoral research project conducted between 2017 and 2020 (John-Langba 2020) and aims to explore intersectionality as a theoretical framework for refugee law and policy reform for the realisation of rights for women and gender-related refugees and asylum seekers in South Africa. In particular, the doctoral study identified the lack of consideration of the intersecting disadvantages that women face when accessing asylum. The paper employs a desk review methodology drawing from secondary sources, including journal articles, reports, books, and internet sources. It responds to Orock's (2021) call to explore intersectionality as a paradigm to generate knowledge on refugee women and forced migration in Africa by providing an analysis of the asylum regime in South Africa concerning women and gender-related refugees and asylum seekers. The analysis is located within the gender, women, and

refugee law discourse. The analysis utilises Yacob-Haliso's (2016: 55) intersectionality of disadvantage, which she defines as 'a dual intertwined convergence of personal and systemic factors' that aggravates refugee [women's] disadvantages in accessing and experiencing solutions.

The first part of the paper provides an overview of the theory of intersectionality and its importance in analysing women and gender in refugee law, policy, and practice. The second section discusses the emergence of women and gender as subjects of analysis within refugee law, the important notion of vulnerability, and why these need to be questioned. This is followed by a discussion and analysis of women and gender within the South African asylum regime focusing on specific aspects of claiming asylum based on gender-related and gender-specific grounds and the intersectionalities that arise. The paper wraps up with reflections on implications for policy and practice.

## **Intersectionality in the Context of Women, Gender and Refugee Law**

Intersectionality was proposed as a theory by Crenshaw (1989) and may be defined as 'a theory to analyse how social and cultural categories intertwine' (Knudsen 2006: 61). It has transcended its critical race theory roots and has been developed, adopted, or adapted by other academic disciplines and discourses. Its importance in the context of this paper is that it has since travelled beyond its initial theoretical premise and has found application in refugee studies (for example, Iyar 2019; Taha 2019; Yacob-Haliso 2016). Within the refugee discourse, Fiddian-Qasmiyeh (2017: 1) describes intersectionality as:

The recognition that experiences of displacement are framed by a range of intersecting and overlapping identity markers [or categories] (including gender, ethnicity, religion, sexual orientation, and age) and also by a range of power structures (such as patriarchy, xenophobia, Islamophobia, and homophobia). Importantly, the relative significance of these identity markers and related power structures shift across time and space, including in processes of displacement. This can help us understand – perhaps even predict – that individuals and social groups may be vulnerable to, or at risk of,

different forms of violence [marginalisation and exclusion] throughout different stages of their journeys to secure international protection.

Ultimately, intersectionality is principally concerned with how people experience belonging to these categories and the related oppression or empowerment that may result (Yuval-Davis 2011). Research within the intersectionality framework often gives a voice to oppressed or invisible groups (McCall 2005), hence its emblematic social justice leaning.

There are inherent challenges with intersectionality as a theory. One of the primary concerns is the underdevelopment of research designs and methods that capture their utility in social research (Hancock 2013 & 2007). This underdevelopment, in turn, impacts decisions about the manner intersectionality should be applied, the process of its application and how to accommodate the multiplicity of intersecting categories within any given analysis or if it is necessary to include all identifiable categories in the analysis (Orock 2021: 1169). There is evidence that the above-mentioned theoretical and methodological weaknesses have resulted in research outputs that still fail to account for the intersection of forcibly displaced women's experiences with other categorical variables (such as gender, race and sexuality) that shape those experiences (Orock 2021: 1169; Carastathis *et al.* 2018; McCall 2005: 1772). Some intersectionality scholars have proposed methodologies to address these shortcomings (see, for example, McCall (2005), Knudsen (2006) and Angelucci (2017)), which may assist in framing intersectional research on refugee women in Africa.

The other fundamental gap is limited evidence that intersectionality as a theory or method has been utilised in analysing asylum within the African context. It is, however, emerging as a pertinent theoretical framework to understand the gendered experiences of women refugees in Africa. A growing body of work provides viable insights into intersectionality's theoretical utility, including Yacob-Haliso (2021: 579-602 & 2016: 53-67); Orock (2021: 1168-1173); and Khan and Willie (2021: 175-189).

Notwithstanding the challenges and gaps, intersectionality provides a promising avenue to develop strategic approaches to address systemic human rights violations, which often arise in the context of refugees. Thus, it provides a lens to comprehensively analyse the situation of refugees and asylum seekers, especially women, girls, sexual minorities, persons with disability, and the elderly.

## **Situating Women and Gender within the Asylum Regime in South Africa**

South Africa hosts many refugees and asylum seekers, with the highest numbers from Ethiopia, the Democratic Republic of Congo, Bangladesh, and Somalia (UNHCR 2022b). The precise number of women, girls or those categorised based on gender is unknown as these data are not disaggregated. Based on NGO research reports and documentation from legal aid clinics, it is estimated that women constitute 32 percent of the asylum/refugee population (Chinnian 2014: 182). Given the absence of disaggregated data, it is difficult to determine the accurate figures. It is unclear what percentage of the refugee and asylum population comprises other gender-related asylum claimants.

Additionally, women and sexual and gender minorities seek asylum in a context of high levels of sexual and gender-based violence (Mogale, Burns & Richter 2012; Nduna & Shona 2021; Sibanda-Moyo, Khonje & Brobbey 2017; Vogelmann & Eagle 1991). This ultimately impacts how those adjudicating asylum view gendered harm and how women and gender-related refugees and asylum seekers experience asylum. (Freedman, Crankshaw & Mutambara 2020: 324-334; Freedman 2016 & 2015).

The Department of Home Affairs (DHA) oversees asylum, and its current domestic legal framework is underpinned by the Refugees Act 130 of 1998 (the Refugees Act or the Act) as amended. The Immigration Act 13 of 2002 also contains provisions relevant to refugees and asylum seekers. The Refugees Act is written in gender-neutral terminology and contains two key provisions that are particularly relevant with respect to women, sexual minorities, and gender are its definition of the term ‘social group’ (section 1 of the Act) and the refugee definition clause (section 3 of the Act).

The Refugees Act in section 1 (xxi) elaborates on the meaning of a ‘social group’ which is defined as including ‘a group of persons of particular gender, sexual orientation, disability, class or caste’. The definition of a refugee as provided for in section 3 of the Refugees Act not only reflects both the 1951 Refugee Convention and Organisation of African Unity/African Union (OAU/AU) Refugee Convention definitions of a refugee, but it also goes further than the treaty definitions by including ‘gender’ as one of the grounds of persecution. This widens the scope of protection and provides an explicit basis for claiming asylum on gender-related grounds. This provision reflects the constitutional imperative for

equality, set out in section 9 of the Constitution of the Republic of South Africa, 1996, that prohibits discrimination on grounds including sex, sexual orientation, and gender. Should such grounds have been absent from the Refugees Act, this constitutional provision for non-discrimination would have provided the implicit basis for claiming protection on such grounds. The Act was amended in 2020. While it retains its gender-neutral language, the opportunity to elaborate further on or reflect pertinent refugee law developments with respect to women and gender was missed.

The DHA's website also reflects the apparent disconnect between the legislative progression concerning gender and implementation. The DHA officially departs from gender-neutral terminology used in the Act resorting instead to the almost exclusive use of the pronouns he/him (DHA 2022). The website also fails to include 'gender' as the grounds on which asylum can be claimed. This asylum regime is embedded within a context steeped in xenophobia, corruption, and maladministration (John-Langba 2020), which in and of themselves contribute to the power differentials, complexities, discrimination, and disadvantages that refugees and asylum seekers in South Africa face.

### ***Claiming Asylum by Women and Gender-related Asylum Seekers***

Due to its positive legal environment, there is an assumption that South Africa provides one of the most optimal environments in Africa for those fleeing persecution on the grounds of gender, including based on sexual orientation and gender identity (Marnell, Oliveira & Khan 2021). The asylum process is initiated at first contact with an immigration official (refugee status determination (RSD) officers), which then triggers certain processes that are time-bound, with all documentation issued in terms of the Immigration Act. The regulations stipulate that the adjudication process should take 180 days. However, the system is plagued with numerous problems, which result in intersectionalities of disadvantage. These include: the absence of a framework for determining refugee status based on gender; challenges with confidentiality and the impact of cultural norms on the asylum process; limited capacity and skills in refugee law; and the lack of knowledge on the asylum process. These challenges are discussed below, considering the intersecting disadvantages they impose on women and others claiming

asylum based on gender, and the resultant protection gaps.

*Absence of a Guiding Framework for Determining Refugee Status Based on Gender and the Resultant Intersecting Disadvantages.*

There are currently no guidelines in South Africa that provide a framework for evaluating gender-related asylum claims. The United Nations High Commission for Refugees (UNHCR) issued two guidelines which remain the most authoritative source for interpreting claims based on gender-related persecution within Article 1A (2) of the 1951 Convention. These are the UNHCR Guidelines on International Protection: Gender-related Persecution (UNHCR 2002) and the Guidelines on Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity (UNHCR 2012). These guidelines aim to standardise: the interpretation of claims and procedures, including the concept of gender/sex as grounds for claiming asylum, the notions of well-founded fear and persecution, the absence of State protection, the use of same-sex interviews or appeal hearings and optimal modalities of giving evidence (Querton 2019: 381).

In the absence of such guidelines, the RSD process concerning claiming asylum in South Africa on gender-related grounds is, at best arbitrary and subjective. A guiding framework would give meaning to the legal provision that recognizes gender as a ground on which to claim asylum and, where implemented, would reduce the arbitrariness that may result from processing such claims. This is because gender is relevant in assessing whether one meets the criteria for being granted asylum. The DHA had the opportunity to provide such a framework through the amendments to the Refugees Act. The amendments could have included principled guidance on how the gender-related grounds for claiming protection are to be interpreted. This would eliminate the arbitrariness or subjectivity that a mere listing of grounds would have on the interpretation and application of the decisions related to such gender-related claims. As Palmary (2003:11) rightly points out, a positive change in the law is only one part of the equation as the asylum process depends not only on the law itself but also on the constructions of meaning by all the actors involved. Its interpretation and application will determine whether those eligible to claim asylum based on gender can successfully do so. argued that. Therein lies the crux of the matter.



Crawley (2001) distinguishes between gender-related and gender-specific claims as they relate to women. Gender-related persecution is ‘the experiences of women who are persecuted because they are women, i.e., because of their identity and status as women’ and gender-specific persecution as ‘forms of serious harm, which are specific to women’ (Crawley 2001: 7) such as female genital mutilation (FGM). As acknowledged earlier, men also experience gender-based persecution, which could be based on sexual orientation or sexual violence. In addition, certain war-related activities that can amount to persecution target men/males specifically because of their gender, such as forcible recruitment of boys and young men by armed groups (Querton 2019: 385). These are gender-specific claims. Therefore, delineating what constitutes gender-related and gender-specific persecution clarifies the substantive elements of such claims and is an important step toward eliminating subjectivity and arbitrariness when assessing claims.

In addition, studies indicate that claiming asylum based on gender-related or gender-specific grounds is difficult (see, for example, Camminga 2018; Dustin & Held 2018; Arbel, Dauvergne & Millbank 2014; Hathaway & Pobjoy 2012; Harris 2009; Zeigler & Stewart 2009). Gender-related and gender-specific grounds in South Africa include domestic violence, female genital cutting/ mutilation, forced marriage, forced sterilisation, rape, and sexual orientation (Harris 2009). These claims are interpreted using the ‘typical male refugee fleeing religious or political persecution’ (Crawley 2001: 35; UNHCR 2002: 2; Zeigler & Stewart 2009) approach due to the absence of a gender-sensitive interpretation in the adjudication process. The result is that claims based on gender often fail as they are deemed manifestly unfounded; they do not fall under any of the designated grounds.

Harris (2009) noted a vast difference in interpretation of what amounted to valid gender-related claims and the requirements for meeting the perceived thresholds of such claims in South Africa. In the absence of guidelines, this is left to the whim of the RSD officer and other officials within the adjudication structures. For instance, the differences in adjudicating domestic violence and FGM claims. Domestic violence claims failed regardless of the facts. The view among officials was that it would not be grounds for asylum as states are not required to prevent domestic violence, and domestic violence does not amount to persecution (Harris 2009: 310-311). The result was that all claims based on domestic violence were rejected regardless of the facts (*ibid.*). However, FGM claims were considered favourably (*ibid.*). There was also a degree of arbitrariness and unsound

reasoning behind the rejection of claims based on rape. For instance, one rejection letter stated: ‘rape is a crime that appears to be rampant all over the world and could therefore not constitute persecution’ (Harris 2009: 316). This was despite the claim, included details of the systematic use of rape by rebel groups against women and girls, and country of origin information supporting this fact (Harris 2009: 316).

A study on asylum claims based on SOGI in Germany and the United Kingdom (UK) found a high degree of subjectivity in adjudicating such asylum claims, despite the existence of guidelines or instructions on handling SOGI claims (Dustin & Held 2018). Similarly, a growing body of evidence in the South African context indicates that the experiences of asylum seekers when applying for asylum based on SOGI are not based on the interpretation of the law but the administrative officers’ perceptions, attitudes, and stereotypes about sexual minorities (Moodley 2012; Mudarikwa *et al.* 2021; Okisai 2015).

Decisions related to SOGI have revealed inconsistencies in understanding the nature of well-founded fear of persecution, absence of best practice and, given the emerging jurisprudence of SOGI-based asylum claims, a lack of consultation with case law and authoritative legal opinions that would otherwise clarify critical concepts and guide necessary interpretation of claims (Mudarikwa *et al.* 2021). For instance, the Refugee Appeals Board, the DHA body entrusted with appeals, determined that well-founded persecution for a claim based on SOGI requires not merely the existence of a law that criminalises homosexuality but the enforcement of the law leading to the actual prosecution of the asylum claimant (Moodley 2012: 11-17). In other words, an asylum claimant was required to live openly as a homosexual (or other sexual minority) and, as a result, face persistent harassment, threats, or arrest before qualifying as having a well-founded fear of persecution. Academic opinion and case law point to the fact that in the case of sexual minorities, harm amounting to persecution can either be exogenous, endogenous or both (Hathaway & Pobjoy 2012: 333; Moodley 2012: 10 & 16).

Exogenous harm is external to the person and can be from state action, such as through criminalisation of SOGI or cultural and religious factors (Hathaway & Pobjoy 2012). Endogenous harm is internal or psychological, as illustrated by Sachs (1999, para 130) in *National Coalition for Gay and Lesbian Equality v Minister of Justice* 1999 (1) SA 6, where he asserts that requiring an applicant to live in a state of self-denial was to

require him to live in a state of self-induced oppression. To rely on external harm would not be sufficient to assess the totality of the degree of persecution for a SOGI asylum claim. The relevant persecutory harm is the modification of behaviour or the impact that such behaviour modification has on the applicant Hathaway and Pobjoy (2012: 333). The South African asylum system relies heavily upon exogenous harm to determine the credibility of a SOGI asylum claim, contrary to international case law and human rights practice resulting in structural intersectionality with detrimental effects on meeting the protection needs of such refugees and asylum seekers (Dustin & Held 2018; Lee & Brotman 2013).

### *Confidentiality, Cultural Norms and the Intersectionalities of Disadvantage*

Confidentiality is another important underlying principle of the asylum process. Section 21(5) of the Refugees Act guarantees confidentiality and is one of the fundamental principles of the UNHCR Gender-related persecution guidelines (2002, para 35 & 36). However, evidence indicates that the application process for some asylum seekers was not confidential or that the applicants were not made aware that the application process would be confidential (Harris 2009). The impact manifested in particular ways. Sexual minority refugees and asylum seekers reported being ‘outed’, taunted, ridiculed, and humiliated by officials and other refugees and asylum seekers when they sought services related to their asylum application process, whether at initial interviews or subsequent DHA visits for permit renewals (Camminga 2018: 102-105; Okisai 2015: 28-30).

In the absence of the guarantee for confidentiality or awareness about confidentiality, other asylum seekers chose not to disclose their SOGI status at the time of application out of shame or fear of repercussions like those that caused the flight (Okisai 2015: 26-28). Those who were ‘outed’, perceived, or discovered to be sexual minorities, found it difficult to integrate locally, within their national or socio-cultural communities or the broader community, were treated with indignity, and faced high levels of threats of harm and violence (Camminga 2018; Okisai 2015: 28-30). In sum, once within the asylum system, claiming rights such as accessing employment, healthcare and housing are curtailed by societal perceptions, attitudes, and stereotypes about sexual minorities, which compound their survival

(Camminga 2018: 102-105). In the case of women, particularly those subjected to sexual violence, this resulted in non-disclosure of the sexual violence perpetrated against them, with a detrimental impact on the credibility of their claims (Freedman *et al* 2020).

Cultural norms impact how asylum seekers interact with the asylum system or process and compound perceptions about confidentiality. They play a significant role in determining perceptions about the interviewing process, interactions between adjudicators of a sex different from the claimant, perceptions about persons in authority, the extent to which matters considered taboo can be discussed and so forth. Zeigler and Stewart (2009), in their assessment of the US asylum policies, noted the detrimental impact that the failure of the US policies to incorporate the gendered nature of cultural practices had on women's access to asylum (119). Similarly, within the South African context, the asylum system is administered in a manner that fails to account for the gendered nature of cultural practices, which impact, for instance, women's willingness to discuss sexual violence. Harris (2009) and Moodley (2012) found that women were reluctant to disclose the nature of the sexual or gender-based harm they experienced where the RSD officer or assigned interpreter was male. Harris (2009) noted a general pattern of non-disclosure or limited disclosure of gender-related harm by female asylum seekers and refugees where the interviewer and interpreter were males. None of the women whose asylum claims were gender-related in all the cases reviewed were interviewed by a female RSD officer, and neither was a female interpreter provided (Harris 2009: 331).

Cultural norms do not fall away once in a country of asylum. Thus, being a refugee or an asylum seeker serves a cohesive purpose to the extent that cultural norms are retained while in the country of asylum. While the degree to which acceptance of homosexuality and other forms of sexuality varies across Africa, evidence from South Africa indicates that many refugees and asylum seekers who are sexual and gender minorities are excluded from their communities (Camminga 2018; Mudarikwa *et al.* 2021). In the case of women, for instance, victims of rape, disclosure of the rape(s) experienced may be difficult due to social norms that constrain discussion of sexual matters or that victimise the woman because of the sexual violence she has experienced (Harris 2009: 331-333; Zeigler & Stewart 2009: 123). In the absence of carefully considered asylum adjudication protocols, refugees and asylum seekers are disempowered and rendered vulnerable to the injustices that arise from a poorly managed asylum system.

### *Knowledge/Awareness and the Intersectionalities of Disadvantage*

The asylum process relies heavily on knowledge (Yacob-Haliso 2016: 56). It requires knowledge about refugee law and emerging trends in its interpretation; knowledge about the country of origin (including the laws and practices that may constitute harm amounting to persecution); and knowledge about the asylum process and importantly, the grounds upon which international protection may be claimed. Knowledge underlies competency. Proper refugee status determination requires competency in the law, and the application of the law in a gender-sensitive manner while adhering to confidentiality. A proper status determination also requires access to accurate country of origin information (Amit 2012; Middleton 2009: 31-33).

In a survey of the asylum process, Amit (2012) found that adjudicators generally lacked an understanding of the basic tenets of refugee law. This resulted in an overall lack of well-reasoned decisions, critical errors of refugee law, including misapplication of the notions of ‘persecution’, ‘well-founded fear’, and ‘social groups’, and application of incorrect standards for burden of proof (Amit 2012: 18 - 19, 31 - 94; see also Middleton 2009: 33 - 37). The RSD officers also failed to apply their minds and regularly utilised inaccurate country of origin assessments to determine the credibility of claims (see also Middleton 2009: 38- 45; Moodley 2012: 10-18).

For example, a female Rwandan asylum seeker who identified as Tutsi and was repeatedly raped by Hutu militia was assigned a male Hutu interpreter (Harris 2009: 330). She was uncomfortable disclosing the nature of the crimes perpetrated against her because of the interpreter’s ethnicity and gender. The RSD officer’s failure to utilise country of origin information in appointing an interpreter, specifically that the Rwandan genocide was perpetrated primarily by the Hutu tribe against the Tutsi tribe, jeopardised her claim to asylum and access to protection. She chose not to mention either the rapes by the Hutu militia or her ethnicity during that interview which substantively undermined her claim (*ibid.*).

Similarly, in *Refugee Appeal Board Decision (Tanzania)*, South Africa 2011 (UNHCR 2011), which involved a SOGI asylum claim, the Refugee Appeal Board failed to consider pertinent country of origin information, including a report submitted to the UN Human Rights Committee (HRC) that highlighted the human rights violations that sexual minorities faced at the hands of Tanzanian authorities (Kyaruzi, Mbaru,

Fabeni & Tripp 2009). The HRC would subsequently censure Tanzania for failing to protect the rights of sexual minorities in its outcome report (HRC 2009, para 22). The asylum claim was denied.

Knowledge of the asylum process, including grounds on which a claim can be made, is vital to access protection. There is a degree of unawareness among asylum seekers of the grounds upon which to lodge a claim; for example, Harris (2009) noted that some asylum seekers were not aware that they could claim asylum based on gender-related or gender-specific grounds such as SOGI, FGM or rape until legal counsel was sought following an asylum denial. Some asylum seekers were also unaware of the impact that non-disclosure of gender-related persecution would have on the credibility of their claim, as exemplified above with the case of the Rwandan claimant. Non-disclosure of valid grounds for asylum applications in terms of the Refugees Act often occurred due to the combined absence of an environment conducive to disclosure, cultural concerns, and the lack of awareness of, or perceived absence of confidentiality (Harris 2009; Moodley 2012; Okisai 2015; Zeigler & Stewart 2009). These factors rely on having the requisite knowledge about the asylum system, the rights that an asylum seeker or refugee derived from the law and the duties imposed on the officials overseeing the implementation of the system.

Yacob-Haliso (2016: 54-55), writing about refugee women's experiences in Liberia and Nigeria, concluded that access to information contributed significantly to the intersectionality of disadvantage. She notes that numerous protection problems were directly related to access to information and that the lack of information contributed to complicating protection challenges that refugee women face (Yacob-Haliso 2016: 56). A primary example is access to justice, without which the rights promised are illusory. Access to justice requires knowledge about legal remedies and institutions that can facilitate justice and the process of accessing those remedies and institutions. Not many refugees and asylum seekers in South Africa have the knowledge or resources to seek justice (Khan & Willie 2021: 182-187). This is a significant problem as the asylum system is beleaguered with problems that directly undermine refugee and asylum seekers' access to their rights (John-Langba 2020). The result is the heightened vulnerability of women and other gender-related refugees and asylum claimants to limitations on accessing rights, violation of rights, abuse, violence, and exploitation.

## **Reflections: Implications for Policy and Practice**

The above challenges interact in a context rife with xenophobia, discrimination, maladministration, corruption, securitisation, and a lack of political will to meet legislative and constitutional obligations to refugees and asylum seekers (John-Langba 2020). In the absence of a mandatory framework for applying gender guidelines and the presence of an asylum regime that does not integrate a critical gender-sensitive approach, women and gender-related refugees and asylum seekers constantly find themselves navigating complex crossroads that render protection out of reach.

For policy to address these challenges and the resultant protection gaps, proposals need to consider how the different inequalities such as social class, ethnicity or sexuality interact to produce different effects on refugees and asylum seekers. Moreover, policies would need to challenge power hierarchies and account for how ‘structural aspects locate individuals and groups in certain (dis)advantageous positions, while at the same time refraining from (re)enforcing stereotypes about specific groups’ (Standke-Erdmann 2021: 8).

The first mitigating step would be to make women and gender-related refugees and asylum seekers visible in terms of numbers. The absence of official statistics and data on these categories of refugees and asylum seekers results in an asylum system that renders them de facto invisible. The laws and policies are implemented blindly without recognising vital trends that disaggregated data may provide. Statistics and data constitute an integral part of generating policy and, if properly analysed and communicated, result in policies that work well (Dilnot 2012). Importantly, such information would provide important trends on gender-related asylum issues and help develop contextual responses that would effectively address protection gaps.

Another vital step is developing a framework for gender-related asylum determination within the asylum system. Adopting gender guidelines for refugee status determination is not a remedy that stands in isolation. Still, they provide the necessary benchmarks with which adjudication can occur with reduced arbitrariness and subjectivity. For instance, the NGO-proposed gender guidelines for refugee status determination in South Africa included a recommendation to expand the meaning of political persecution to include experiences of harm in the private sphere (Valji & De La Hunt 1999). Importantly, they would mitigate discrimination based on sex and gender and enhance substantive gender equality. A normative approach to developing

such a framework would be necessary to ensure that they form a binding influence on the adjudication process. They could, for instance, be included as part of the regulations of the Refugees Act. Such a framework would require a capacity-building plan, which includes training on, the interpretation of gender as grounds for persecution and, collecting and synthesising data on women and other gender-related refugees and asylum seekers.

There is a growing body of evidence on asylum claims based on SOGI and the experiences of these categories of persons as either refugees or asylum seekers in South Africa. The evidence has highlighted significant protection gaps and intersectionalities of disadvantages they face, and crucially, provides policy recommendations to address these challenges. There is, however, a significant gap in research on other aspects of gender-related asylum matters, specifically on women. Feminist engagement with and analysis of refugee law has brought substantive changes in understanding women's experiences with persecution in the North. It is precisely this manner of academic and advocacy engagement that can propel the experiences of persecution of women in Africa to the forefront of asylum policy and practice and contribute to substantive changes that would address the protection gaps in Africa. Gender also needs to be analysed further to generate clarity on the impact of masculinity on power relations in the context of asylum in Africa. This would reveal other structures of discrimination or intersectionalities and vulnerabilities that must be addressed to enhance the protection of the rights of women and gender-related refugees and asylum seekers in South Africa.

## References

- Amit, R. 2012. *All Roads Lead to Rejection: Persistent Bias & Incapacity in South African Refugee Status Determination*. June 2012. Johannesburg: ACMS. Available at: <http://www.migration.org.za/wp-content/uploads/2017/08/All-Roads-Lead-to-Rejection-Persistent-Bias-and-Incapacity-in-South-African-Refugee-Status-Determination.pdf> (Accessed on 7 July 2021.)
- Angelucci, A. 2017. From Theory to Practice: The Intersectionality Theory as a Research Strategy. *IfS Working Paper 02/2017*. Available at: <https://soz.univie.ac.at/forschung/working-papers> (Accessed on 28 July 2021.)



- Arbel, E., C. Dauvergne & J. Millbank 2014. Introduction: Gender in Refugee Law – From the Margins to the Centre. In Arbel, E., C. Dauvergne & J. Millbank (eds.): *Gender in Refugee Law: From the Margins to the Centre*. London & New York: Routledge. <https://doi.org/10.4324/9780203771457>
- Bloch, A. 2020. Reflections and Directions for Research in Refugee Studies. *Ethnic and Racial Studies Review* 43, 3: 436 - 459. Available at: <https://doi.org/10.1080/01419870.2020.1677928> (Accessed on 12 July 2021.)
- Camminga, B. 2018. ‘Gender Refugees’ in South Africa: The ‘Common-Sense’ Paradox. *Africa Spectrum* 53, 1: 89 - 112. Available at: <https://doi.org/10.1177/000203971805300105> (Accessed on 20 July 2021.)
- Carastathis, A., N. Kouri-Towe, G. Mahrouse & L. Whitley 2018. Introduction: Intersectional Feminist Intervention in the ‘Refugee Crisis’. *Refuge: Canada’s Journal on Refugees* 34, 1: 3-15. Available at: <https://doi.org/10.7202/1050850ar> (Accessed on 5 July 2021.)
- Chimni, B.S. 2004. From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems. *Refugee Survey Quarterly* 23, 3: 55 - 73. Available at: <https://www.jstor.org/stable/45053831> (Accessed 9 April 2022.) <https://doi.org/10.1093/rsq/23.3.55>
- Chinnian, K.A. 2014. *Gender Persecution as a Ground for Asylum in South Africa and Canada: Reconceptualising a Theoretical Framework for Assessing Refugee Claims by Women*. Unpublished LLD Thesis. University of the Western Cape: Cape Town.
- Crawley, H. 2001. *Refugees and Gender: Law and Process*. Bristol: Jordan Publishing Ltd.
- Crenshaw, K. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* 1989, 1, 8: 139 - 167. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8> (Accessed on 25 March 2020.)
- Crisp, J. 2003. No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa. *Refugee Survey Quarterly* 22, 4:114 - 150. Available at: <https://www.jstor.org/stable/45054745> (Accessed 9 April 2022.) <https://doi.org/10.1093/rsq/22.4.114>

- Dilnot, A. 2012. Numbers and Public Policy: The Power of Official Statistics and Statistical Communication in Public Policymaking. *Fiscal Studies* 33, 4: 429 – 448. Available at: <https://doi.org/10.1111/j.1475-5890.2012.00167.x> (Accessed on 9 April 2022.)
- Dustin, M. & N. Held 2018. *In or Out? A Queer Intersectional Approach to 'Particular Social Group' Membership and Credibility in SOGI Asylum Claims in Germany and the UK*. (Version 2). University of Sussex. <https://hdl.handle.net/10779/uos.23463953.v2>
- Farley, A. 2019. Refugee Legislation in South Africa: A Feminist Foreign Policy Analysis. *CFFP Online Journal*. Available at: <https://centreforfeministforeignpolicy.org/journal/2019/6/3/refugee-legislation-in-south-africa-a-feminist-foreign-policy-analysis-part-1> (Accessed on 4 February 2020.)
- Fiddian-Qasmiyeh, E. 2017. Presentation to the UNHCR High Commissioner's Dialogue on Protection Challenges Panel 1, Session 1 on Reception and Admission. 2017 UNHCR High Commissioner's Dialogue, Geneva, 12-13 December 2017. Available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiun8upqYD3AhVlolwKHxacAeEQFnoECAIQAQ&url=https%3A%2F%2Fwww.unhcr.org%2F5a745f4f7.pdf&usg=AOvVaw0Zcg14fYQV\\_Cb\\_r-V2Yiyy](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiun8upqYD3AhVlolwKHxacAeEQFnoECAIQAQ&url=https%3A%2F%2Fwww.unhcr.org%2F5a745f4f7.pdf&usg=AOvVaw0Zcg14fYQV_Cb_r-V2Yiyy). (Accessed on 4 February 2020.)
- Fiddian-Qasmiyeh, E. 2014. Gender and Forced Migration. In Fiddian-Qasmiyeh, E., G. Loescher, K. Long & N. Sigona (eds.): *The Oxford Handbook of Refugee and Forced Migration Studies*. Oxford: OUP. <https://doi.org/10.1093/oxfordhb/9780199652433.013.0010>
- Freedman, J., T. Crankshaw & V. Mutambara 2020. Sexual and Reproductive Health of Asylum Seeking and Refugee Women in South Africa: Understanding the Determinants of Vulnerability. *Sexual and Reproductive Health Matters* 28, 1:324 - 334. Available at: <https://doi.org/10.1080/26410397.2020.1758440> (Accessed on 20 July 2021.)
- Freedman, J. 2016. Sexual and Gender-based Violence against Refugee Women: A Hidden Aspect of the Refugee 'Crisis'. *Reproductive Health Matters* 24, 47: 18 - 26 Available at: <https://doi.org/10.1016/j.rhm.2016.05.003> (Accessed on 20 July 2021.)
- Freedman, J. 2015. *Gendering the International Asylum and Refugee Debate* 2<sup>nd</sup> Edition. Cham, Switzerland: Palgrave MacMillan. <https://doi.org/10.1057/9781137456236>

- Goedhart, G.J.H. 1955. Refugee Problems and their Solutions – Address of Dr. Gerrit Jan van Heuven Goedhart, United Nations High Commissioner for Refugees, at Oslo on 12 December 1955. Available at: <https://www.unhcr.org/admin/hcspeeches/3ae68fb918/refugee-problems-solutions-address-dr-gerrit-jan-van-heuven-goedhart-united.html#:~:text=Refugee%20problems%20can%20only%20be,combination%20with%20intra%2DEuropean%20migration> (Accessed 9 January 2022.)
- Hancock, A. 2013. Empirical Intersectionality: A Tale of Two Approaches. *UC Irvine Law Review* 3: 259 - 296. Available at: <https://www.law.uci.edu/lawreview/vol3/no2/hancock.pdf> (Accessed on 4 April 2022.)
- Hancock, A. 2007. Intersectionality as a Normative and Empirical Paradigm. *Politics and Gender* 3,2: 248 – 254. Available at: [https://edisciplinas.usp.br/pluginfile.php/4300366/mod\\_resource/content/1/2.1.%20Hancock\\_intersectionality-as-a-normative-and-empirical-paradigm.pdf](https://edisciplinas.usp.br/pluginfile.php/4300366/mod_resource/content/1/2.1.%20Hancock_intersectionality-as-a-normative-and-empirical-paradigm.pdf) (Accessed on 4 April 2022.) <https://doi.org/10.1017/S1743923X07000062>
- Hankivsky, O., D. Grace, G. Hunting 2019. An Intersectionality-Based Policy Analysis Framework: Critical Reflections on a Methodology for Advancing Equity. In Hankivsky, O. & J.S. Jordan-Zachery (eds.): *The Palgrave Handbook of Intersectionality in Public Policy*. Cham, Switzerland: Palgrave Macmillan. <https://doi.org/10.1007/978-3-319-98473-5>
- Hankivsky, O. & R. Cormier 2009. *Intersectionality: Moving Women's Health Research and Policy Forward*. Vancouver: Women's Health Research Network.
- Harris, L.M. 2008. Untold Stories: Gender-related Persecution and Asylum in South Africa. *Michigan Journal of Gender and Law* 15, 2: 291 - 347. Available at: <https://repository.law.umich.edu/mjgl/vol15/iss2/2/> (Accessed on 20 July 2020.)
- Hathaway, J. C. & J. Pobjoy 2012. Queer Cases Make Bad Law. *New York University Journal of International Law and Politics* 44, 2: 315 - 389. Available at: <https://nyujilp.org/wp-content/uploads/2010/06/44.2-Hathaway-Pobjoy.pdf> (Accessed on 12 February 2022.)
- Iyar, S. 2019. *The Most Vulnerable: An Intersectional Approach to Refugee Policymaking and Advocacy Efforts*. Ottawa: Citizens for Public Justice. Available at: <https://cpj.ca/wp-content/uploads/The-Most->

- [Vulnerable-Report-by-Serisha-Iyar.pdf](#) (Accessed on 8 September 2021.)
- John-Langba, V. 2020. *The Role of National Human Rights Institutions in Promoting and Protecting the Rights of Refugees: The Case of South Africa and Kenya*. Unpublished PhD Thesis. Cape Town, University of Cape Town.
- Khan, F. & N. Willie 2021. Strengthening Access to Justice for Women Refugees and Asylum Seekers in South Africa. In Lawson, D., A. Dubin & L. Mwambene (eds.): *Gender, Poverty and Access to Justice: Policy Implementation in Sub-Saharan Africa*. London: Routledge.  
<https://doi.org/10.4324/9781315407104-15>
- Kraler, A., B. Etzold & N. Ferreira 2021. Understanding the Dynamics of Protracted Displacement. *Forced Migration Review* 68: 49 - 52. Available at:  
<https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/externalisation/magazine.pdf> (Accessed on 9 January 2022.)
- Knudsen, S.V. 2006. Intersectionality – A Theoretical Inspiration in the Analysis of Minority Cultures and Identities in Textbooks. In Bruillard, E., B. Aamotsbakken, S.V. Knudsen & M. Horsley (eds.): *Caught in the Web or Lost in the Textbook?* Caen: IARTEM, STEF, IUFM. Available at:  
[https://www.researchgate.net/publication/252890593\\_Intersectionality\\_-\\_A\\_Theoretical\\_Inspiration\\_in\\_the\\_Analysis\\_of\\_Minority\\_Cultures\\_and\\_Identities\\_in\\_Textbooks](https://www.researchgate.net/publication/252890593_Intersectionality_-_A_Theoretical_Inspiration_in_the_Analysis_of_Minority_Cultures_and_Identities_in_Textbooks) (Accessed on 28 June 2021.)
- Kyaruzi, J., M. Mbaru, S. Fabeni & D. Tripp 2009. HRC Tanzania: Shadow Report to the United Nations Human Rights Committee. Available at:  
<http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/290-1.pdf> (Accessed on 11 March 2022.)  
<https://doi.org/10.29121/ijesrt.v11.i3>
- Lee, E. O.J. & S. Brotman 2013. SPEAK OUT! Structural Intersectionality and Anti-Oppressive Practice with LGBTQ Refugees in Canada. *Canadian Social Work Review* 30, 2: 157 - 183. Available at:  
<https://www.jstor.org/stable/43486768>. (Accessed on 9 January 2022.)
- Marnell, J., E. Oliveira & G.H. Khan 2021. 'It's about being safe and free to be who you are': Exploring the Lived Experiences of Queer Migrants, Refugees and Asylum Seekers in South Africa. *Sexualities* 2021, 24, 1-2: 86 - 110. <https://doi.org/10.1177/1363460719893617>

- McCall, L. 2005. The Complexity of Intersectionality. *Signs: Journal of Women in Culture & Society* 30, 3: 1771 - 1800.  
<https://doi.org/10.1086/426800>.
- Middleton, J 2009. *Barriers to Protection: Gender-Related Persecution and Asylum in South Africa*. Unpublished Master's Thesis. University of the Witwatersrand: Johannesburg.  
<https://doi.org/10.5040/9781350220294.ch-005>
- Mogale, R.S., K.K. Burns & S. Richter 2012. Violence against Women in South Africa: Policy Position and Recommendations. *Violence against Women* 18, 5: 580 - 594. <https://doi.org/10.1177/1077801212453430>.
- Moodley, Y. 2012. Receiving LGBTI Refugees in South Africa: Towards a Culture of Non-Discrimination and Human Rights. *Working Paper Series 5 University of Cape Town: Refugee Rights Unit*. Available at: [http://www.humanities.uct.ac.za/usr/refugee/Working\\_papers/Working\\_Paper\\_5\\_of\\_2012.pdf](http://www.humanities.uct.ac.za/usr/refugee/Working_papers/Working_Paper_5_of_2012.pdf). (Accessed on 7 July 2021.)
- Mudarikwa, M., M. Gleckman-Krut, A. Payne, B. Camminga & J. Marnell 2021. *LGBTI+ Asylum Seekers in South Africa: A Review of Refugee Status Denials Involving Sexual Orientation & Gender Identity*. Johannesburg: Legal Resources Centre. Available at: <https://lrc.org.za/wp-content/uploads/LGBTI-ASYLUM-REPORT-RFS.pdf> (Accessed on 7 July 2021.)
- Nduna, M. & S.O. Tshona 2021. Domesticated Poly-Violence against Women during the 2020 COVID-19 Lockdown in South Africa. *Psychological Studies* 66: 347 - 353. <https://doi.org/10.1007/s12646-021-00616-9>.
- Orock, A.N. 2018. Exploring the Potential of Intersectionality for Enhancing Refugee Women's Research in Africa. *International Journal of Science and Research* 9,4: 1168 - 1173. <https://doi.org/10.21275/SR20422111931>.
- Palmary, I. 2016. *Gender, Sexuality and Migration in South Africa: Governing Morality*. Cham, Switzerland: Palgrave Macmillan.  
<https://doi.org/10.1007/978-3-319-40733-3>
- Palmary, I. 2003. Nationalism and Asylum: Implications for Women. *Agenda* 55: 4 - 14. Available at: <https://www.jstor.org/stable/4066294>. (Accessed on 7 July 2021).
- Querton, C. 2019. Gender and the Boundaries of International Refugee Law: Beyond the Category of 'Gender-related' Asylum Claims. *Netherlands Quarterly of Human Rights* 37, 4: 379 – 397.  
<https://doi.org/10.1177/0924051919884764>.

- Saunders, N. 2017. *International Political Theory and the Refugee Problem*. New York: Routledge.
- Scheyer, V. & M. Kumskova 2019. Feminist Foreign Policy: A Fine Line between ‘Adding Women’ and Pursuing a Feminist Agenda. *Dynamics of Global Feminism: Journal of International Affairs* 72, 2: 57 - 76. Available at: [www.jstor.org/stable/26760832](http://www.jstor.org/stable/26760832) (Accessed on 15 January 2020.)
- Sibanda-Moyo, N., E. Khonje & M. K. Brobbey 2017. *Violence against Women in South Africa: A Country in Crisis*. Johannesburg: CSVR.
- Taha, D. 2019. Intersectionality and Other Critical Approaches in Refugee Research: An Annotated Bibliography. Local Engagement Refugee Research Network Paper No. 3 – December 2019. Available at: <https://carleton.ca/lern/wp-content/uploads/Intersectionality-and-Other-Critical-Approaches-in-Refugee-Research.pdf> (Accessed on 28 January 2020.)
- UN Human Rights Committee (HRC) 2009. *Concluding Observations of the Human Rights Committee: United Republic of Tanzania*. Geneva: Office of the High Commissioner for Human Rights. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/440/87/PDF/G0944087.pdf?OpenElement> (Accessed on 6 January 2022.)
- UNHCR 2022a. *UNHCR Africa: Women*. Geneva: UNHCR. Available at: <https://www.unhcr.org/women.html> (Accessed on 25 March 2022.)
- UNHCR 2022b. *Refugee Data Finder*. Available at: <https://www.unhcr.org/refugee-statistics/download/?url=0Uq5F6> (Accessed on 5 July 2022.)
- UNHCR 2012. *Guidelines on International Protection No.9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the Context of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees HCR/GIP/12/01*. Available at: <https://www.refworld.org/docid/50348afc2.html> (Accessed on 8 February 2021.)
- UNHCR 2011. *Refugee Appeal Board Decision (Tanzania)*, South Africa: Refugee Appeal Board, 5 December 2011. Available at: [https://www.refworld.org/cases\\_SA\\_RAB\\_5034f59a2.html](https://www.refworld.org/cases_SA_RAB_5034f59a2.html) (Accessed on 11 March 2022.) <https://doi.org/10.29121/ijesrt.v11.i3>
- UNHCR 2002. *Guidelines on International Protection No. 1: Gender-related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*

*Intersectionality as an Analytical Tool for Refugee Law and Policy Reform*

HCR/GIP/02/01. Available at:

<https://refwrold.org/docid/3d36f1c64.html>

(Accessed on 11 March 2022.)

- Valji, N. & De La Hunt, L.A. 1999. *Gender Guidelines for Determination Status: National Consortium for Refugee Affairs Report*. Johannesburg: NCRA.
- Vogelman, L & G. Eagle 1991. Overcoming Endemic Violence against Women in South Africa. *Social Justice* 18, ½, 43 - 44: 209 - 229. Available at: <https://www.jstor.org/stable/29766604> (Accessed on 7 April 2022.)
- Yacob-Haliso, O. 2021. Gendered Experiences of Refugee and Displaced Women in Africa. In Yacob-Haliso, O. & T. Falola (eds.): *The Palgrave Handbook of African Women Studies*. Cham, Switzerland: Springer Nature. [https://doi.org/10.1007/978-3-030-28099-4\\_91](https://doi.org/10.1007/978-3-030-28099-4_91)
- Yacob-Haliso, O. 2016. Intersectionality and Durable Solutions for Refugee Women in Africa. *Journal of Peace Building & Development* 11, 3: 53 - 67. <https://doi.org/10.1080/15423166.2016.1236698>.
- Yuval-Davis, N. 2011. *The Politics of Belonging: Intersectional Considerations*. London: SAGE Publications Ltd. <https://doi.org/10.4135/9781446251041>
- Zeigler, S.L., & K.B. Stewart 2009. Positioning Women's Rights within Asylum Policy: A Feminist Analysis of Political Persecution. *Frontiers: A Journal of Women Studies* 30, 2: 115 - 142. Available at: <https://doi.org/10.1353/fro.0.0051>; <https://www.jstor.org/stable/40388735> (Accessed 28 June 2021.)

Dr. Vivian Nasaka John-Langba

Post-Doctoral Fellow

School of Built Environment & Development Studies

University of KwaZulu-Natal

Durban

[johnlangbav@ukzn.ac.za](mailto:johnlangbav@ukzn.ac.za)

[nasaka.makunda@gmail.com](mailto:nasaka.makunda@gmail.com)