

FOREWORD

Women's Rights to Land & Privatization in Eastern Africa

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*'Property and a piece of land give women peace of mind.'*¹

This is an exciting new collection from an impressive generation of young scholars. Their focus on Eastern Africa makes great sense, geographically, historically and thematically, for the countries discussed in this volume have all undergone similar land reform and privatization processes in recent years.

It is a source of great personal pleasure that it has drawn its inspiration from a 2003 workshop on women's land rights in Southern and Eastern Africa which I organized with the redoubtable Kaori Izumi of FAO. Participants there asserted that women's already fragile land rights were being further eroded in a global context of privatization, of World Bank-sponsored land reforms, of HIV/AIDS, and of changing global employment and trade patterns. (Englert and Palmer, 2003). This volume will help to further test that hypothesis.

The struggle for women's land rights across the globe has both a long history and an extensive and distinguished literature.² Both the history and the literature illustrate how difficult that struggle has been and, as yet, how few have been the concrete gains. This is nicely encapsulated in this recollection from Bina Agarwal:

In 1979 in West Bengal, India, a group of poor women told their elected village council: 'Please go and ask the government why, when it distributes land, we don't get a title. Are we not peasants? If my husband throws me out, what is my security?' (Agarwal, 2002, 2).

Everywhere women who have struggled for such security have been confronted by resistance and by patriarchy in its many forms. This is because in many parts of the world land is so often regarded as a symbol of male dominance, and for women to challenge the status quo is to challenge patriarchal control – and thus other social and political inequalities.

One of the complexities of gender and land issues, as has been frequently stressed, is that women's and men's interests within marriages and households are both joint and separate (UNRISD, 2006, 3).

¹ This is the slogan emblazoned on the striking T-shirts distributed at a series of 4 workshops in Southern Africa on property grabbing from widows and orphans in an HIV/AIDS context organized by Kaori Izumi of FAO. Reports of these workshops have been posted on the Oxfam GB *Land Rights in Africa* website.

² My own very modest 4-page contribution was targeted at Oxfam staff and partners. It concluded somberly: 'Latin American experience would suggest that there is no serious alternative to political struggle to achieve rights that are so fiercely resisted at so many levels.' (Palmer, 2002, 4).

- Yet many land reform and land administration programmes over the past 60 years and more were premised on the notion of a unitary household in which resources (including title to land) were seen as benefiting the whole family in a quite unproblematic way. (UNRISD, 2006, 1). Such programmes also regularly ignored the different meanings and values of land and how different rights to land are allocated, distributed, used and passed on. So women almost always lost out – with the secondary rights that they previously enjoyed being extinguished.
- Something very similar happened earlier under colonialism, when colonial rulers across Africa found it convenient to make alliances with chiefs. In the codification of customary law that followed, custom was generally interpreted in ways that strengthened the rights of men over women and men's control over women's labour. (Chanock, 1985).
- Today, as this new volume on privatization amply demonstrates, new land market opportunities have also tended to disadvantage women (ActionAid International, 2006, 6), as men find it easier than women to avail themselves of the new openings implicit in for example the striking slogan that greets arrivals at Lusaka International Airport – 'Zambia, a paradise for investors!'

There have of course been advances, for example in parts of India and Latin America. These have generally come about either as a result of long political struggles involving both women and men, or from radical political change, such as India's independence in 1947, which led to strong and ultimately successful pressure for gender equity in inheritance laws (Agarwal, 2002, 14). Traditional practices of female seclusion – of not allowing women to be in certain places – have been successfully challenged by women activists in India. (Agarwal, 2002, 26). In Latin America, a relatively enlightened legal tradition has enabled many women to acquire land through inheritance (Palmer, 2002, 3), though even within supposedly progressive social movements women have had to battle hard for recognition of their land and property rights. (Razavi, 2003, 10). New gender sensitive Constitutions in Brazil and South Africa have been helpful from both a legal and, to a degree, a practical point of view. (Razavi, 2006, 3).

Africa of course lags far behind both Latin America and of Asia in terms of social organisation and political mobilisation. It is also suffering immensely from the HIV/AIDS pandemic, with wide implications for land rights. Both factors make already difficult issues even more daunting.

Women and men are embedded in a variety of social relations, networks and institutions. These can be absolutely critical for women in being able to lay claims on people. But as pressure on land begins to increase, as society become more individualised and the economy more privatized, notions of reciprocity and social safety nets within extended families are breaking down, again to the disadvantage of women. Clearly, HIV/AIDS is exacerbating this situation still further with disturbing consequences of property grabbing from widows and orphans.

Gender and land issues are hugely complex and difficult the world over. There are no easy, painless, single solutions. They are complex because they operate at so many different levels and so require responses at different levels. Most critically perhaps at the domestic level of the household, in the complex relationships between women and men, and also at the level of 'traditional' institutions which remain strong across much of Eastern Africa. Amartya Sen

once noted that gender struggles are even more difficult than class struggles because, unlike women and men, the capitalist and the worker did not normally live under the same roof! (Cited in Razavi, 2006, 3).

In Eastern Africa, as elsewhere on the continent, there is a major challenge to accept that many traditional attitudes and customs that may once have been appropriate are now highly inappropriate and need to change, and change rapidly, in the new realities resulting from HIV/AIDS. Ways must urgently be found to help people acknowledge and face up to the painful realities of HIV/AIDS. It really is time to get rid of stigma and shame, while the attitude of blaming the widow for infecting the deceased husband and using this as an excuse for property grabbing should be stigmatised for what it is – a gross violation of human rights. Eastern Africa may well be ahead of Southern Africa in this respect.

To confront these difficult, highly sensitive issues requires many things. It requires social mobilisation and collective action of the kind described in India by Bina Agarwal (2003). It requires awareness raising of rights that women may possess in theory but not enjoy in practice. It requires addressing gender seriously and integrally in all land policy, administration and reform initiatives, as even the World Bank has come to acknowledge, at least in theory (World Bank, 2005a, 2005b). It requires political and legal will. It requires serious alliance building so that advances can be made on many fronts. It also requires the kind of detailed, local level research so ably represented in this fine and well-edited collection; research that can help both to challenge the status quo and to demonstrate that another world is possible.

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