

WOMEN'S LAND RIGHTS IN SOUTHERN AFRICA

Consolidated baseline
findings from Malawi,
Mozambique, South Africa,
Zambia and Zimbabwe

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Author: Tinyade Kachika

Editing and Proofreading: Everjoice Win (ActionAid International), Warigia Kamau (AAI Regional Office for Eastern and Southern Africa), Gerinke Fountain (NiZA)

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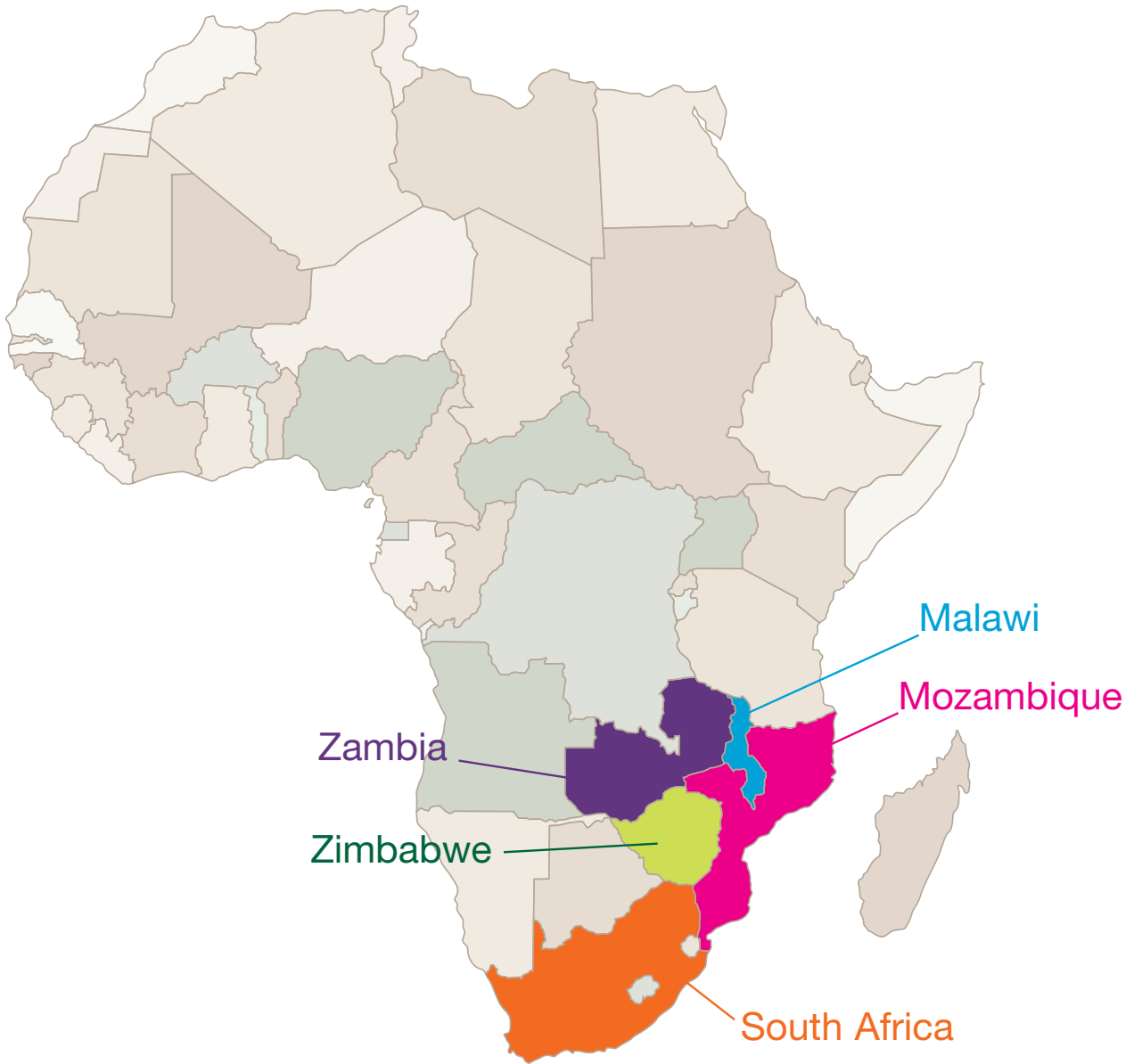
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Acronyms

AAI	ActionAid International
AEC	Area Executive Committee
AFRA	Association for Rural Advancement
AGRESS	Agriculture Gender Roles Extension Services System
AIDS	Acquired Immunity Syndrome
AMUDEIA	Association of Vulnerable Women from the Sugar Industry
ANC	African National Congress
ANCRA	Association for Community and Rural Advancement
AREX	Agricultural Research and Extension
ASP	Area Stakeholder Panel
ASSUMUDE	Association of Women for Democracy
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CFU	Conservation Farming Unit
COWFA	Coalition of Women Farmers
DADO	District Agriculture Development Officer
DEC	District Executive Committee
DFA	District Farmers Association
DFID	British Department for International Development
DSP	District Stakeholder Panel
DUAT	Dereito de Uso e Aproventamento da Terra/ Right to Land Use and Benefit
EC	European Commission
ESTA	Extension of Security of Tenure Act
FRLRP	Fast Track Land Reform Programme
FUM	Farmers Union of Malawi
HIV	Human Immuno Deficiency Syndrome
KHOFODE	Khosolo Foundation for Development

LADA	Law and Development Agency
LARP	Land Acquisition and Redistribution Programme
LRAD	Land Redistribution and Agriculture Development Programme
MDLA	Monze District Land Alliance
NASFAM	National Smallholder Farmers Association of Malawi
NiZA	Netherlands Institute for Southern Africa
NGO	Non Governmental Organisation
NGOCC	Non Governmental Organisation Coordinating Council
NSO	National Statistics Office
ORAM	Rural Association for Mutual Support
REFLECT	Regenerated Freirean Literacy through Empowering Community Technique
SANGOCO	South African National NGO Coalition
SDAE	District Services of Economic Activities
SDSMAS	District Health, Women and Social Action Services
UCAM	Farmers Union of Marracuene
VDC	Village Development Committee
WLSA	Women and Law in Southern Africa
WOLAR	Women's Land Rights in Southern Africa

Figure 1: Location of Malawi, Mozambique, South Africa, Zambia and Zimbabwe



Executive summary

The Women's Land Rights in Southern Africa Project (WOLAR) is aimed at enhancing women's access to, ownership of, control over land and other productive resources and services in order to meet their basic livelihood needs and become more economically independent and secure. The project targets rural women farmers in selected districts in Malawi, Mozambique, South Africa, Zambia, and Zimbabwe.

The project is being implemented to achieve several broad intended project results, namely: **awareness raising of women's land rights**, so that women at local level will become aware, knowledgeable, and organised with respect to their land rights; **mobilising political support at community level** in respect to women's land rights; **women claiming and obtaining land rights**; and **improved access to support for sustainable farming**, so that programmes with women farmers are supported, and their national network organisations are strengthened. Each of the WOLAR project countries has translated these result areas and developed specific indicators—to suit its strategic interests with regards to the prevailing situation of women's land rights.

The legal and policy environment in the five countries shows that while land laws and policies are critical to the promotion of women's land rights, other relevant laws—like those related to inheritance, marriage, divorce, and domestic violence—are equally critical. Despite some gains that have been made, women land rights in the five countries continue being violated because the State is not taking concrete action to review gender insensitive laws and policies, or to effectively implement gender sensitive laws and policies, where they exist. Many women are also not aware of some statutory laws that offer them opportunities to acquire land; or the procedures that they need to follow in order to get land.

In all the five countries, women commonly use the customary land administration system, and it is a system whose laws they best understand. While there are some positive practices in some countries, customary land administrators that do not apply a rights based approach are compromising women's land rights. This is because they continue to apply discriminatory inheritance and land

allocation rules. Married, divorced and widowed women are particularly vulnerable in most settings. The WOLAR project and its allies therefore face the significant task of ensuring that where the trend prevails, customary land administration systems stop applying rules and customs that are in collision with constitutional principles of equality. By exposing positive attitudes of some Chiefs, this report illustrates that while harmful traditions seem to be a major barrier to the attainment of women's land rights, change is possible.

Women farmers themselves narrate, in their own words, why such change is necessary. Because land is so valuable to them, they have a long "wish list" that they need to be fulfilled by different stakeholders if they are to develop at an equitable level with men. Among other things, as primary users of land, women wish to be able to generate income from the land they use; to have literacy skills so that they can have the confidence and ability to acquire credit and market their produces; to have viable marketing outlets from their produces; to have a cultural environment that assures them control of land, and to make independent or joint decisions regarding land investments and reinvestments in the land they use. Women also require the support Chiefs, their spouses and families; as well as material and technical resources—to enable them to acquire land that is available for redistribution or resettlement; and/or to use land to its fullest potential.

From the women's voices, it can be deduced that while most of them access land either directly or indirectly, they have no or limited control over the land. Though there are some positive trends, most women are also rarely allocated land in their own right, particularly in patrilineal areas. Women in matrilineal areas are allocated land in their own right, but the land is commonly controlled by their husbands or male clan heads. The findings show that what most women farmers need is to move from having "mere land access rights" to having "concrete land control rights." The WOLAR project therefore needs to invest its energies in this area. Pursuing the agenda of women's ownership of land would only be sensible in countries where statutory laws create space for people to

beat restrictive land ownership regimes under customary law; and only if women think this is what would best protect their land rights.

In order to achieve women's right to control land, there are layers of challenges that the WOLAR project and key stakeholders need to strategically address. This would involve using education on women's rights to deal with attitudes by women, men and traditional leaders; as well as ensuring that adult literacy through methodologies like REFLECT(Regenerated Freirean Literacy through Empowering Community Technique) are integrated into the project as a women's empowerment strategy, where necessary. It is also crucial to decisively address, or find concrete tactics of achieving legal, policy and programmatic springboards that are needed for the full enjoyment of women's land rights. These springboards include laws and policies that promote and protect women farmers' rights; access to services—including extension, training, and inputs; gender sensitive justice and decision making structures—both at formal and customary levels; supportive and strong movements and groups that advance women's rights; and the women's own increased knowledge and capacities.

But for now, the trends in the five countries show that except in few areas where there are vibrant NGO's, most women have a low awareness of their (legal) rights. Therefore while some women are able to point at sources of their oppression, they do not identify these as legal wrongs from which they ought to be protected by the State. However, women are keen to be educated, because they believe that education will provide them with strength and information on policies and programmes. Through education, they will also be more equipped and wise in dealing with issues of land. The trends also show that women have to be educated along with those who hold the power in their environment—Chiefs and men—for sustainable transformation to occur.

Women farmers are also currently poorly organised to demand their rights, and only seem able to do so when they are operating under an NGO. Therefore, education alone is not enough, but women have to be actually shown how they can take action. This is why it is necessary that NGOs should be available at all times to support the needs of grassroots women farmers—including leadership needs to enable them to participate

in key decision making fora. Currently, most farming associations are also not able to balance commercial interest and social justice interests. As such, they have not taken an interest in advocating for increased women's land rights, or designing special programmes for women farmers. It is therefore important that the WOLAR project should help farming associations to adopt these agendas, and strengthen women farmers associations where they exist.

The Baseline findings also show that women farmers do not only need associations, but they also need agricultural extension support and sustainable farming support. Because of lack of sex disaggregated data, it is not clear how far the support on the ground is reaching women compared to men. However, what is clear is that the support is not enough due to inadequate extension staff, gender insensitive programming, and lack of awareness by most women farmers on how to demand the support, among other challenges. The WOLAR project could also be an opportunity to ensure that there is cohesive implementation of agricultural support services by both government and key stakeholders. For government, this implies the recognition that promoting women's land rights is not just a responsibility of Ministries of Agriculture and/or Lands, but that each Ministry has got its own role to play. Because women's land rights matter for development, the promotion of women land rights across the sub region cannot wait.

Introduction

Land is the basis of many social and political struggles, and for most—particularly rural—people, is the starting point for livelihoods and dignity. Where women are concerned, the land question remains far from resolved. The area of women's land rights therefore opens up a space to work simultaneously on issues, institutions, systems and processes that perpetuate oppression and injustice. Women's rights to access and control land are central to the goal of poverty eradication, and a rights-based approach to development. Eliminating discrimination in land and property rights is essential to rolling back the impoverishment of millions of women worldwide and is, without doubt, a necessary condition for equitable sustainable development.¹ The call to eliminate discrimination is reiterated in key regional and human rights instruments that most Southern African countries have signed and/or ratified - like the Protocol to the African Charter on People's and Human Rights on the Rights of Women in Africa; and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As a concrete step towards giving attention to these issues, NiZA and ActionAid International are currently implementing the Project Women's Land Rights Project in Southern Africa (WOLAR) - which is the starting point for this report.

About the project

The Women's Land Rights in Southern Africa Project (WOLAR) is a two-year programme, which is being implemented in the five Southern African countries of Malawi, Mozambique, South Africa, Zambia and Zimbabwe starting in 2009. The programme is funded by the MDG3 Fund of the Dutch government, and is being implemented through Action Aid's five Country Programmes and the Non-Governmental Organisations' Coordinating Council (NGOCC) in Zambia, in

collaboration with local partners. The project is aimed at enhancing women's access to, ownership of, control over land and other productive resources and services in order to meet their basic livelihood needs and become more economically independent and secure. The project targets rural women farmers in selected districts within the five countries,² and the following are the broader intended project results:

- Awareness raising of women's land rights: women at local level will become aware, knowledgeable, and organised with respect to their land rights.
- Mobilising political support at community level: political support mobilised in respect to women's land rights.
- Women claiming and obtaining land rights: land rights claimed and obtained by women—cases serving as a model to others.
- Improved access to support for sustainable farming: programmes with women farmers supported and their national network organisations strengthened.

Each country translated these broad intended results into their country context by developing specific results that the WOLAR project could work towards in the quest to practically realise women's land rights in the country. Country Baseline studies were also conducted.

The country baseline studies

Purpose of the baselines

Realising that statistics on women's rights to land, the status on access, ownership and control over land remain scanty (although a lot of research has been done on women's land rights), and that existing research hardly includes the perspectives and opinions from

¹ ActionAid, Women's Land Rights, ActionAid International Policy Brief, undated.

² Malawi: Machinga, Mwanza and Mzimba Districts
Mozambique: Marracuene, Manhiça, Maganja da Costa, Pebane, Namarrói and Eráti Districts
South Africa: Eastern Cape, KwaZulu Natal, and Northern Cape Provinces
Zambia: Kafue, Monze, Mkushi, Nakonde, Petauke, Chipata, Solwezi and Kaoma
Zimbabwe: Bubi in Matebeleland North province, Makonde in Mashonaland West province, Gweru Peri-Urban in Midlands province, Makoni in Manicaland province and Wedza in Mashonaland East

women farmers themselves, national Baseline studies were conducted in Malawi, Mozambique, South Africa and Zambia in the second quarter of 2009. Originally, Zimbabwe did not plan to do a Baseline study due to the limited scope of their activity plan under the WOLAR project. However, since they had recently conducted a Baseline study on Women’s Land Rights for a CIDA/ EC funded programme in 2008, a decision was taken to compile a Baseline report based on this earlier data. The purpose of conducting the Baseline studies was to determine, establish, and benchmark the current situation regarding women’s land rights against which project performance and impact would be measured and evaluated.³

Methodology for conducting the baselines

Malawi, South Africa and Zambia conducted their Baseline studies in three districts each, though the WOLAR project is being implemented in more districts. Mozambique had six districts, and Zimbabwe had five districts. With the exception of Zimbabwe, the country coordinators for the programme recruited a consultant/ consultants to conduct the studies. In Zimbabwe, the country coordinator used the available data to produce a report that conformed as much as possible to the guidelines set for the WOLAR country reports. The country Baseline studies were coordinated by an international consultant, who developed common guidelines, (**Annexure 1**), to enable the comparison of results, while keeping space for national and district level differences. Because the respective countries had different strategic interests in promoting women’s land rights in their countries, South Africa did not follow these guidelines to the letter, and concentrated on collecting case stories from women farmers for the purpose of national campaigning to bring the invisible issue of women’s land rights to the national platform. The Baseline studies were largely qualitative, except for Malawi, which also included a lot of quantitative data from questionnaires that were administered at household level to a sample of 100 women farmers in each district. The quantitative data in the other countries was either deduced from secondary data, or from the percentage of overall respondents who represented a certain position. The qualitative data was largely collected through semi-structured interviews, focus group discussions, and direct observation.

Country Baseline reports

Each country produced a Baseline study report, which in as much as possible, tried to adhere to a commonly agreed reporting format. These reports were presented at a regional forum in South Africa between 22 and 23 June 2009. Though the Baseline reports and studies were in different states of completion, the regional forum was necessary for purposes of identifying missing elements; reaching a consensus on the concepts of access, control, and ownership of land; as well as polishing the country level result areas and indicators, where necessary. A time frame for completion of the country reports was also set. The country reports are very rich in information concerning the grounded realities affecting women land rights in each country, supported by elaborate case studies.

This report

This report is a comparative analysis and consolidated report of all the country Baseline studies. All the three districts presented in the country reports from Malawi, South Africa and Zambia form part of this consolidated report. Mozambique’s report contained Baseline information for six districts, but for purposes of systematic analysis, this report has only focused on three districts. Out of these three, Manhica and Marracuene are the two districts closest to Maputo, and there is a significance presence of both the government as well as NGOs—compared to Maganja da Costa further up North. For reasons provided in the preceding parts, though the Baseline report from Zimbabwe did not have specific district profiles that were aligned to the Baseline guidelines, this report also mainly draws from the data of three districts. The list of all the districts analysed in this report is presented under Table 1 below.

Table 1: WOLAR project districts analysed in the report

Country	Districts
Malawi	Dowa, Machinga, Mzimba
Mozambique	Maganja da Costa, Manhica, Marracuene
South Africa	Eastern Cape, KwaZulu Natal, Northern Cape (Provinces)
Zambia	Chipata, Kaoma, Monze
Zimbabwe	Bubi, Makonde, Makoni

This report is divided into five Chapters to present: a collective and comparative analysis of laws and policies related to women's land rights in the region (Chapter 1); voices of women farmers relating to how they experience these laws and policies, their opinion about their lived realities—including the significance of land to them, and what they want regarding their access to, control over and ownership of land (Chapter 2); an analysis of springboards that are necessary for the promotion of women's land rights: particularly the current reality regarding access and quality of justice—including women farmers' awareness of their rights, availability of agricultural extension services and of sustainable farming inputs, availability of farming associations, and participation of women farmers in decision making structures (chapter 3); a scrutiny of key trends and conclusions (Chapter 4); and recommendations on what is needed to achieve the WOLAR project targets, as well as to generally improve women's land rights in the region.

Chapter 1 The legal and policy situation relating to women's land rights in southern africa

While the five WOLAR project countries—Malawi, Mozambique, South Africa, Zambia, and Zimbabwe—have achieved different legal and policy strides in addressing the issue of land, the Baseline findings show that women's land rights remain at the periphery of: a) law and policy making; and /or b) law and policy implementation. In countries like South Africa and Zimbabwe, legal and policy interventions on the land question have been undertaken as part of large scale land reform programmes, involving land restitution, redistribution, resettlement and sometimes tenure reform. These kinds of reforms are also happening in Malawi, but on a more reduced scale, and without legislative direction. **Annexure 2** provides a tabulated picture of the land related policies, laws, and programmes available in each of the five WOLAR project countries. This Chapter scrutinises how the legal and policy framework related to land in the five countries is responsive to barriers that women encounter in accessing, controlling and owning land, if at all. The analysis of policies is integrated with a discussion of land reform related programmes that are in place in some of the countries.

1.1 Land policies and programmes: how are they promoting and protecting women's rights?

Malawi kick started its land reform programme with the appointment of a Presidential Commission of Inquiry on land matters between 1999 and 2000. Pursuant to the Commission's recommendations, Malawi adopted a National Land Policy in 2002. The Policy seeks to ensure tenure security and equitable access to land in order to achieve sustainable use of land and land based resources. It seeks to formalise the land tenure system by including customary land as part of private land (leasehold and freehold), in respect of which people can obtain titles. The Policy provides for equal rights to land for men and women. However, this has been labelled as

a gender blind approach, because the policy erroneously assumes that men and women stand on an equal footing in the first place. It therefore does not analyse hurdles to women's land rights in both matrilineal and patrilineal lineage systems. A gender neutral policy cannot therefore achieve equal access to and control of land for men and women⁴ with different needs and social, cultural, legal and economic challenges. Thus the Land Policy has not managed to concretely protect women's land rights, except to ensure that they are represented in Land Committees when these are operationalised by a relevant law in future. In order to fully implement the policy, Malawi needs a new comprehensive land law, as the current land law no longer reflects the practical realities of Malawi's land management problems and opportunities.

Although Mozambique has no land policy, the Gender Policy of the Ministry of Agriculture (2005) alludes to the subject of land use and control by women. It notes that though small to medium scale agro-animal farmers use 97 per cent of the total arable land, women—who are the majority of the farmers—only control 25 per cent of that land. In South Africa since 1994, land reform has been viewed by every South African government as integral to bringing about a more equitable and just society and economy. This is because as early as 1913, the South African apartheid system systematically stripped Black South Africans of their rights to own, reside on and cultivate land. Post-Apartheid land reform policies have therefore focused on formalizing tenure rights, eradicating racially skewed patterns of property rights in land, and ensuring the productive use of redistributed land for commercial production. The 1997 White Paper on South African Land Policy was the first document to officially map out the ANC government's approach to land reform. It framed a land reform strategy with the three components of land restitution, land redistribution, and tenure reform. Though the White Paper on Land

⁴ WLSA Malawi, The National Land Policy and Gender: Position Paper, February 2001

Policy mentioned specific categories of intended beneficiaries—the poor, labour tenants, farm workers, women and emergent farmers—it contained no analysis of the distinctive obstacles confronting these groups in accessing and using land. South Africa has also had a series of land related programmes.

In 1997, the South African government introduced the Settlement/Land Acquisition Grant (SLAG). This provided for the availability of grants for purchasing land, enhancing tenure rights, or for investing in infrastructure, home improvement and farm capital. Following concerns regarding the effectiveness of this programme in fulfilling land reform objectives, the Department of Land Affairs' policies streamlined the focus, most notably in 1999, to increasing access to land for agricultural use. The Land Redistribution and Agricultural Development Programme (LRAD) introduced in 2001 provided a grant, in cash or kind, which matched the applicants' own contributions. The programme was focused on two components (i) transfer of agricultural land to distinct individuals and groups and (ii) the improvement of access to municipal and tribal land for grazing purposes. Based on criticisms about the fragmented approach of both SLAG and LRAD, the government responded with the introduction of the Land Acquisition and Redistribution Programme (LARP, 2008). While this programme maintained the emphasis on land for agricultural use, there was a narrowing of the land reform focus to improving the position of "new primary producers, farm dwellers, communal farmers, and new and existing Black agribusiness entrepreneurs from and in rural, peri-urban and urban areas." As the Baseline findings demonstrate, most women farmers in rural areas have hardly understood these policies; and implementers of the policies have not applied them with a special interest on women's needs. South Africa's

background to its land reform process compares with that of Zimbabwe, where land was also historically cast in black/white race relations.

In Zimbabwe, policy intervention was necessary in order to improve the livelihoods of marginalised social groups through the redistribution of land and resources. Zimbabwe has had a very long and bigger land reform process, which dates back to the 1980s. The most recent phase of Zimbabwe's land reform program, the Fast Track Land Reform Program (FTLRP), was launched in 2000 with the primary objective of accelerating both land acquisition and redistribution. It seeks to address the racially skewed land distribution pattern inherited at independence in 1980.⁹ The FTLRP has emerged as a watershed event in the history of Zimbabwe, because it characterised a departure from the government's policy of constitutional based reforms. While the government initially arrested and detained communal and other settlers who were illegally invading commercial farms, its position soon changed to legitimise the invasions—which were then regularised through the FTLRP. However, Rural District Councils that were assigned to select beneficiaries for land distribution have been accused of not being gender-sensitive. They were found to favour war veterans, ex-detainees and members of ruling party structures. The patriarchal nature of the institutions was shown to be putting women at a disadvantage, either from being selected for land allocation; or once selected, from actually being allocated the land. Farm workers, most of whom are women, were found to be excluded—because it was claimed that these were mostly migrant workers who were not entitled to citizenship rights. There have even been reports of sexual harassment and gender based violence against women to force them to retreat from redistribution lists. So while the FTLRP policy aimed

⁵ "Black" is used here to refer to South Africans that would have been classified as African, Coloured and Indian under Apartheid.

⁶ Land restitution, i.e. restoring ownership of land to persons who were dispossessed of it on racial grounds or providing them with just and equitable redress for their losses; Land redistribution, specifically, redistributing 30 per cent of white-owned commercial agricultural land by 2014 through the provision of grants which facilitate the acquisition and development of land by Black citizens; Tenure reform, i.e. formalizing informal tenure rights and preventing private individuals or public agencies from arbitrarily evicting occupiers of land. Tenure reform laws aim to make land available for settlement and farming in rural and communal areas by setting out criteria for legally recognising consensual long-term usage and/or rental rights to land where none existed before.

⁷ Lahiff, E., Land Reform in South Africa: A Status Report, at p. 34.

⁸ Department of Agriculture, Land Acquisition and Redistribution Programme, 2008, at p. 4

⁹ Zikhali, P., Fast Track Land Reform Programme and Agricultural Production in Zimbabwe, Environment for Development Discussion Paper Series, October 2008. Accessed at <http://rff.org/RFF/Documents/EfD-DP-08-30.pdf>

at benefitting the landless, most of whom are women, this has not happened.

In Zambia, when the Movement for Multi-Party Democracy Party took power in 1991, it embarked on a massive economic liberalization programme, which included a change of land policy and law in line with the programme. Formulating a land policy has been a slow process, and in 2006, the government finally released the Draft Land Management and Administration Policy. This draft policy proposes to address matters relating to land and gender through: the review of statutory and customary laws and practices that perpetuate gender based discrimination; the mainstreaming of gender in all institutions administering and managing land; the implementation of at least 30 percent land ownership for women; and the development of an advocacy and sensitization programme on gender.¹⁰ If the Policy is adopted with these provisions intact, it could help to address the concern raised under the National Gender Policy of 2000—that acquisition and ownership of land in Zambia continues to be a major hindrance to women’s participation in national development. Beyond a policy analysis, the position of women on the issue of land in the five countries can also be understood through an analysis of how related land laws are affecting women’s land rights.

1.2 Locating women’s land rights within national legal frameworks

All the five countries present the common feature that women’s land rights are still compromised by the existence of customary laws, operating alongside statutory law. While all customary laws are not inherently discriminatory, laws and practices governing customary land in Southern Africa have widely turned out to be biased against women. Therefore as a result of the dual land system, there has been a creation of mixed tenure systems that often disadvantage women, especially in owning land.¹¹ The legal system relevant to women’s land

rights in each country is discussed in turn, and where applicable, comparisons are made across the countries.

Malawi

The land related legal framework in Malawi reflects a tug of war between outdated statutory laws, discriminatory customary laws, and a democratic progressive Constitution and emerging laws that are meant to fulfil constitutional guarantees. In matters of land, Malawi still applies a 1965 Land Law. This law fails to guarantee women equal rights to land as men. This law is under review in order to bring it into conformity with the 2002 Malawi National Land Policy, which was developed to guide the country’s land reform programme. A draft Bill that was once released was critiqued for its complete failure to respond to women’s land rights challenges. Further, the review process has been stalled by Chiefs, who are contesting provisions that are seemingly taking away their responsibility of customary land administration. Malawi has no excuse for failing to advance women’s land rights because its 1994 Constitution proscribes discrimination on the basis of gender;¹² and guarantees women the right to hold property, either jointly or severally.¹³ These constitutional provisions are supported by the Prevention of Domestic Violence Act (Act No. 5 of 2006), which has the potential to promote women’s land access and control rights, where these are violated within a domestic relationship.

At the same time, the constitutional guarantees in Malawi are set back by an older 1967 Wills and Inheritance Act, which excludes customary land and crops growing on such land from the list of inheritable property. Yet, the bulk of the land in Malawi is customary. The current marriage laws are also not unified, and defy the Constitution—because parties to different marriage regimes (civil marriage, customary marriage, religious marriage, and marriages by repute and cohabitation) have different rights and responsibilities. As a consequence, the reality is that contrary to constitutional provisions, women who enter into marriages have no uniform and

¹⁰ The Republic of Zambia, Draft Land Administration and Management Policy, October 2006. Accessed at <http://www.ms.dk/graphics/zambia/papers/draftper cent20per cent20landper cent20policyper cent2cper cent20juneper cent202007.pdf>

¹¹ SARDC WIDSAA. Beyond Inequalities 2008: Women in Southern Africa, SARDC, Harare, 2008, p.8

¹² Section 20

¹³ Section 24 (1)

fair property rights. Both the Wills and Inheritance and the marriage laws have been reviewed, but the relevant Bills¹⁴ are yet to be passed by Parliament. Meanwhile, apart from the statutory bottlenecks, women's land rights continue to be inhibited by the patriarchal nature of customary law, which breeds negative customs and practices. In terms of customary land across both matrilineal and patrilineal systems of marriage, these harmful practices include the fact that women have few or no independent rights to land. This situation prevails despite a constitutional provision that invalidates all customary laws and practices that contradict constitutional provisions.¹⁵ Malawi's legal situation is both distinct and comparable to that of Mozambique.

Mozambique

Mozambique has taken the route of implementing reforms in legislation in order to improve land access and tenure security. By virtue of the 1975 Constitution, all land in Mozambique is held by the State. Over the years, the country has enacted different laws which have the combined effect of potentially promoting land rights for both men and women. Two significant laws are the Land Law of 1997 (Lei de Terras, Lei No.19/1997) and the 2004 Family Law. The Land Law provides for the Right of Land Use and Benefit title—Direito de Uso e Aproveitamento da Terra (DUAT). A land title through DUAT can be acquired from the State by corporate persons, men and women, as well as local communities.¹⁶ The law further allows individuals to apply for the DUAT if they have used a piece of land for at least ten years. On its part, the 2004 Family Law also addresses the issue of land rights by guaranteeing men and women equal rights with regards to ownership of property, and has the potential to impact directly on women's access and control of land.

For now, the Baseline findings reveal that the positive

statutory environment in Mozambique has not achieved practical equal land rights for women because of wide discrepancies in the positions that men and women occupy in the family; as well as constraints related to the effective dissemination and implementation of the laws. The customary inheritance and property management systems also perpetuate inequalities between men and women by giving men almost absolute control of land. Thus for most rural women, land use rights will only be protected if community land registration and customary land practices do not discriminate against women.¹⁷

South Africa

South Africa has embraced a post apartheid land reform path aimed at eradicating racially skewed patterns of property rights in land; and ensuring the productive use of redistributed land for commercial production. The broader focus on "the marginalised Black race" has translated into the invisibility of women's land concerns in land reform related legislation. The 1996 Constitution of South Africa requires the State to take reasonable legislative measures within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis.¹⁸ It also entitles a person or community whose tenure to land is legally insecure as a result of past racially discriminatory laws or practices to either a legally secure tenure or comparable redress to the extent provided by the law.¹⁹ And while the Constitution prohibits the State from discriminating on a variety of grounds (sex, marital status, gender, sexual orientation, pregnancy or culture), it does not impose an obligation on the State to actively promote gender equality in both the public and private spheres. This provision potentially obstructs women's land rights in the private sphere where conservative interpreters of culture have significant influence in deciding the extent to which women should be allowed to access, control or own land.

¹⁴ The Deceased Estates (Wills, Inheritance and Protection) Bill 2003; and The Marriage, Divorce and Family Relations Bill, 2006

¹⁵ Section 5

¹⁶ Land law, chapter 3, article 10

¹⁷ Land Reform Highlights in Southern Africa, Independent Land Newsletter, June 2004. Cited in SARDC WIDSAA, Beyond Inequalities 2008, supra note 1, p.9

¹⁸ Section 25 (5)

¹⁹ Section 25 (6)

South Africa has a variety of laws to aid the country's land reform process. In 1994, Parliament enacted the Land Rights Act, which was amended by the 2004 Restitution of Land Rights Amendment Act. The 1994 Act aims at restoring the property rights of persons and communities dispossessed of property as a result of racially discriminatory apartheid laws and practices. It established the Commission on Restitution of Land Rights and a Lands Claims Court for purposes of receiving and adjudicating restitution claims using a market based strategy. The 2004 Amendment Act expanded the scope of the Ministry of Land Affairs in land restitution matters. The Act does not explicitly mention women as a group deserving of special protection. At its broadest, the Act elaborates that legislation underpinning restitution is aimed at the "protection and advancement of persons, groups, or categories of persons disadvantaged by unfair discrimination in order to promote their full and equal enjoyment of rights in land."²⁰ This provision has not advanced the cause of women's land rights, largely because of gender blind implementation.

The 1996 Land Reform (Labour Tenants) Act and the 1997 Extension of Security of Tenure Act (ESTA) form part of the legal framework that governs land distribution and tenure reform in communal agricultural areas. These laws focus on protecting rural groups that live under insecure tenure arrangements due to racially discriminatory property and labour laws that existed prior to 1994. These laws are supported by the 2008 Provision of Land Assistance Amendment Act, which regulates the provision of financial assistance for the acquisition or improvement of land and tenure rights. And because of the lack of a gender focus, there is evidence that by February 2004, only about 11.9 per cent of the households that had benefited from law reform

were female headed.²¹ South Africa also has the 2004 Communal Land Rights Act (CLARA—operational in 2008), which combines customary land tenure practices and titling by vesting ownership of land in a large group that lives under the authority of a Traditional Council. The Act allows individual community members to own a secondary right to land.²² Land rights are administered by committees according to administrative powers conferred on a committee by the rules of the community.²³ While the Act specifically prohibits authorities from making decisions that discriminate against women, it nevertheless bestows authority on people and institutions that have historically held deeply conservative views regarding the place of women in controlling and holding property. Since women are already marginalised and discriminated against under customary law, strengthening traditional leaders and customary law risks negative consequences for women, especially widows, divorcees and unmarried women.²⁴ To be effective, this sort of legislative reform needs to be accompanied by gender knowledge enhancement programmes for traditional leaders and other implementers.

Zimbabwe

Like South Africa, Zimbabwe has also adopted a variety of laws to facilitate its land reform exercise(s). In the past 25 years, the country has aggressively pursued both constitutional and statutory based legislative reforms to support its land reform programme. However, women, particularly from rural areas, are still insignificant beneficiaries of the land reform exercise. After independence, the 1980 Zimbabwe Constitution stipulated that for a period of ten years, property could not be acquired compulsorily except under a law which provided for immediate and sufficient compensation.²⁵ When the period of ten years expired in 1990, Parliament

²⁰ Preamble to the Act

²¹ Ikdhahl, I., Hellum, A., Kaarhus, R., Benjaminsen, T.A., & Kameri-Mbote, P., "Human Rights, Formalisation and Women's Land Rights in Southern and Eastern Africa," Studies in Women's Law No.57, Institute of Women's Law, University of Oslo. Revised Version of Noragric Report No.26 published in June 2005, at p.62

²² Cousins, B., "CLARA not Yet in Operation: Court Hearing on 14 October 2008" in Umhlaba Wethu 6: A Bulletin Tracking Land Reform in South Africa. PLAAS, University of the Western Cape, 2008, at p.3

²³ Cousins, B., & Claassens, A., (2004). "Communal Land Rights and Democracy in Post-Apartheid South Africa". Paper presented at the Conference, The Politics of Socio-Economic Rights in South Africa: Ten Years After Apartheid. University of Oslo, p.65. Cited in Ikdhahl, I., Hellum, A., Kaarhus, R., Benjaminsen, T.A., & Kameri-Mbote, P., (2005), "Human Rights, Formalisation and Women's Land Rights in Southern and Eastern Africa," supra note 21

²⁴ SARDC WIDSAA, Beyond Inequalities 2008, supra note 11, at p.9

²⁵ Section 16

passed the 11th Amendment to the Constitution with the aim of accelerating land acquisition and redistribution.²⁶ The Amendment scrapped the need to pay compensation for land acquired in foreign currency. It provided for the payment of fair compensation within a reasonable time after the acquisition. Courts were prevented from deciding whether compensation was fair, but farm owners could contest the acquisitions in court. Pursuant to the 11th Amendment, in 1992, the government passed the Land Acquisition Act. This Act gave land owners considerable scope to challenge acquisitions, thus making it difficult for government to acquire the land that it needed.

In 2000, Parliament passed the 16th Amendment to the Constitution, which provided for the compulsory acquisition of land, with compensation. Then in 2004, Parliament enacted the Amendment of Land Acquisition Act, which made it invalid to offer another piece of land to replace land that the government intended to acquire. It also made it impossible to have a defence against land acquisition. In the same year, the Acquisition of Farm Equipment and Material Act was also enacted. Beyond providing for the acquisition of farm equipment and material, it also prohibited the destruction, damaging, selling or disposal of such equipment once identified for acquisition. The 17th Constitutional Amendment was effected in 2005, and provided that the former colonial power would pay compensation. It also overrode the jurisdiction of courts to handle cases challenging land acquisition. In 2006, the Gazetted Land (Consequential Provisions) Act was enacted to make it an offence to hold, use, or occupy gazetted land without lawful authority. Amidst this legislative maze purportedly aimed at achieving social justice, women's access to and control over land still remains inadequately addressed. There are wide allegations that political appeasement dominated other considerations, including broader interests of the landless, who are mostly women. In examining Zimbabwe's legislative reforms, it is also

important to identify where customary/communal land is located in the whole land reform process.

The Traditional Leaders Act (1998) of Zimbabwe sets out the duties of Chiefs, among other issues. A Chief is given responsibility for promoting and upholding cultural values among members of the community under his/her jurisdiction.²⁷ For administrative purposes, rural areas in Zimbabwe fall under the District Councils. The Rural District Councils Act (1988) gives legal power to Rural Councils to administer the affairs of rural areas. The Chief allocates land to members of his/her community, but only in consultation with the Rural District Council, as provided for under the Traditional Leaders Act.²⁸ And communal land is governed by the Communal Land Act of 1982, as amended in 1985. The Rural District Council was given powers to prepare a land use plan for each village, and issue a settlement permit to the head of household in each house in the village. This legal position meant that unmarried women, widows, and girls heading [child] households were legally allowed to have permits in their own name.

However, the position of Zimbabwean divorced and separated women remains legally unaddressed. As for married women, the Act provides that each settlement permit should bear the names of both spouses. Despite these warm provisions, the Baseline findings show that women are still marginalised in their enjoyment of customary land rights. It also does not help that the Constitution of Zimbabwe gives precedence to customary law if it comes into conflict with gender equality principles in the field of marriage and inheritance.²⁹

Zambia

The dual land system also appears in Zambia, where customary land is administered under customary law, while government administers the leasehold tenure in State land. By a Lands Act of 1995, people in Zambia can only have user rights to land through a leasehold tenure of 99 years. Comparatively, women have not

²⁶ This Act repealed a 1985 Land Acquisition Act, which advanced the principle of willing buyer- willing seller. The right of first refusal was given to the State.

²⁷ Section 5 (b, d, and q)

²⁸ Claude G. Mararike, *Revival of Indigenous Food Security Strategies at the Village Level: The Human Factor Implications Zambia* (2001), at p.56

²⁹ Section 23 (3)

quite benefited from statutory tenure, as it is the men who mostly hold title deeds. Other statutory laws that complement the Land Law in respect of women's land rights are the Succession Act of 1989 and the Matrimonial Causes Act of 1973. The Succession Act supersedes customary law, and confers inheritance property rights for spouses (20 per cent), children (50 per cent), parents (20 per cent), and eligible dependants under 18 years (10 per cent). The fact that this law distinguishes property rights of spouses, including women, from the rights of children is quite progressive, though the fairness of the spouse's allocated share is debatable. The Matrimonial Causes Act entitles parties who are married under the Act to an equal share of property upon divorce. This limitation in the applicability of the Act implies that all women who are not married under the Act cannot enjoy the same rights to property upon divorce. This situation is analogous to that of Malawi, where a lack of uniform marriage laws undermines the property interests of most women.

Zambia addresses the challenges surrounding customary tenure in a unique way. The 1995 Act allows the State to convert customary tenure to a 99 years leasehold tenure if an application is made to, and approved by a Chief. To achieve this, survey requirements have to be fully fulfilled; and the Baseline findings show that applicants are required to bear logistical costs to enable State officials to conduct the exercise. The lack of financial resources by many women could obstruct them from applying for customary land conversion. Thus for the majority of women who still rely on customary land, they have to bear with patriarchal traditional land administration systems that result in males dominating the access, control and ownership of land. And despite constitutional guarantees of gender equality, some local courts continue to uphold customs that discriminate against women in matters of inheritance, divorce, marriage or compensation of property. Women are usually considered subordinate to, or the property of men and their families. And contrary to statutory provisions under the Succession Act, most widows are not given their rightful share of inheritance. Instead, most property, including land is given to the widows' in-laws. Like parts of Malawi and Mozambique, the single situation when a man cannot take land upon death relates to matrilineal and matrilocal marriages. Because the man lives in his wife's village and uses

land belonging to her clan, he cannot have any right of claim to the land. But as the experiences of women in the Baseline findings reveal, during the subsistence of the marriage, even matrilineality and matrilocality do not guarantee women unequivocal rights to control land.

1.3 Conclusion

The prevailing legal and policy environment in the five countries is critical to whether or not the WOLAR project could achieve the adequate promotion of women's land rights. Not only are women's land rights impacted by land laws, but also by other related laws that are applied to challenges that women commonly face—marriage, divorce, inheritance, domestic violence etc. Action is therefore necessary to bring to the limelight how the State is perpetuating minimal enjoyment of land rights by women through poor legal and policy formulation and/or implementation. In countries like Malawi where land law reviews are going on, the WOLAR project provides an opportunity for women to influence the reviews in their favour. The legal and policy environment in the five countries is also delicate due to the existence of the customary land administration system, which usually applies rules and customs that are in collision with constitutional principles of equality. Achieving the transformation of the delivery of customary justice (or indeed all other systems) will take more than civil society's "preaching" to those who hold the keys. It may also take the voices of women farmers themselves—so that feelings and opinions on how the violation or the promotion of their land rights is impacting on their lives are conveyed in the women's own words. This is what Chapter 2 is all about.

Chapter 2 Women farmers speak out: Which land rights are being enjoyed or not?

An understanding of the state of women's land rights in Malawi, Mozambique, South Africa, Zambia and Zimbabwe can not be fully accomplished without hearing rural women's voices concerning how the different laws and policies translate into reality in their lives. . In particular, women farmers speak about: the significance of land in their lives; how the value they attach to land matches or mismatches the gains they derive from the land; and the conditions that enable or disable the enjoyment of their right to access, control, and own land within their cultural settings. The women's voices are also corroborated by other players that influence the extent to which women enjoy their land rights, particularly Chiefs. By specifying exactly what they want in order to enjoy their rights in the conclusion, women hope that various players can support the WOLAR project in taking action. This is necessary because as **Figure 2** demonstrates, women's land rights matter for development.

Through a glimpse of their personal experiences, the important message that most women are sending to the WOLAR project is that land is an invaluable priceless resource to them, and they would like to have the indisputable right to access and control this resource. While many women recognise land "ownership" as important, they are also conscious of rigid cultural arrangements within which discriminatory rules and systems are embedded. Thus while women may be entitled to own land that is governed by statute, the reality in respect of customary land is different. This situation makes women aspire for land control as the best possible route of attaining their land rights in the foreseeable future. It should be noted that the term 'land ownership' is being used cautiously and loosely, given the reality that in most countries, land is either owned by the State or the President; and that customary land is usually communal land, which cannot be technically "owned" or alienated by any individual. The entitlements that most people seem to have towards land are therefore perpetual or long term usufruct rights.

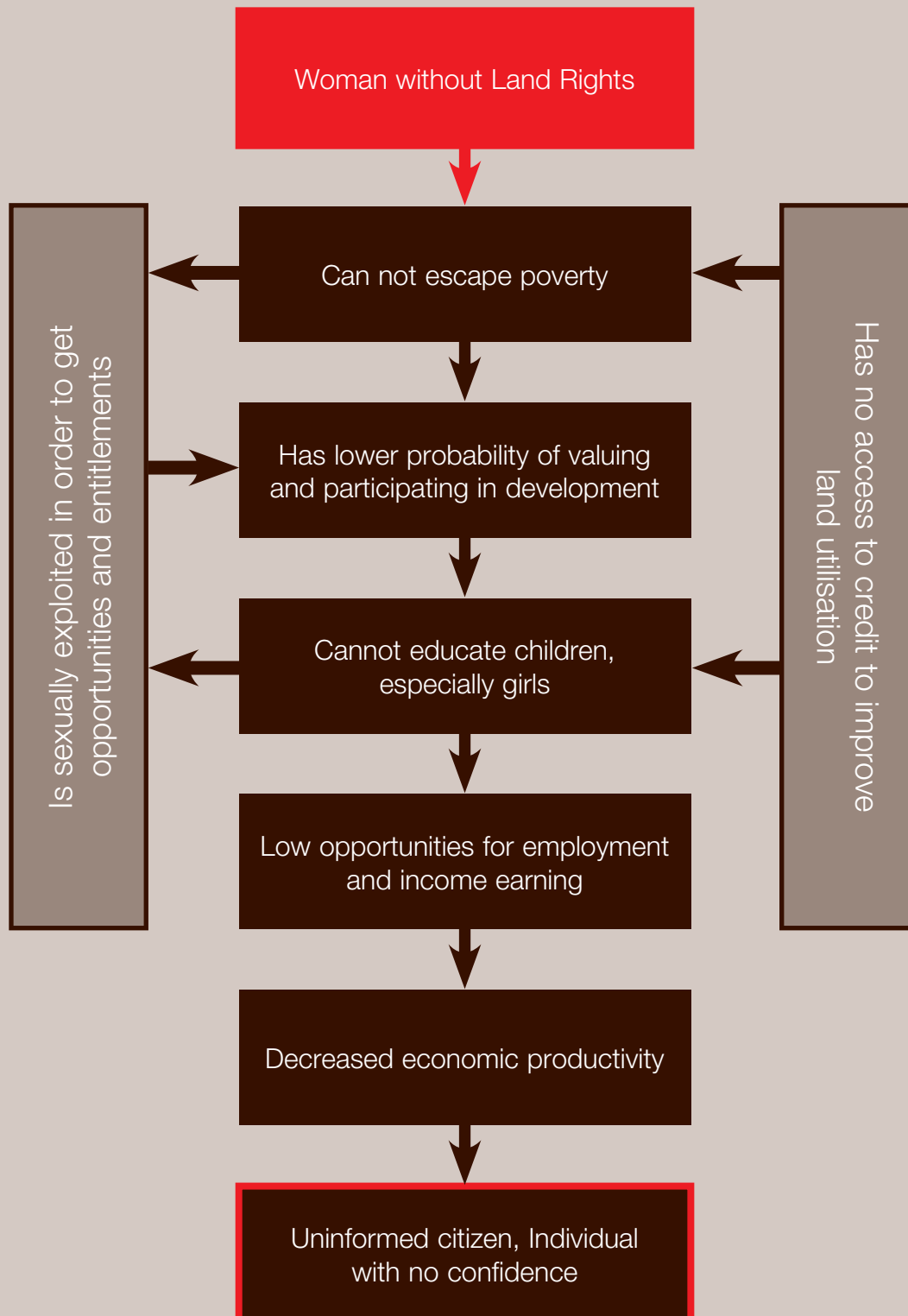
2.1 Significance of land to women

For us, land is very valuable. It is a source of income, because we grow crops or farm livestock. We can use the land in order to educate our children and to build houses... [But] a lot of things have to be considered for us to earn money from the land. If we have access to water to grow crops and produce goods for sale, then we would also need a viable avenue for selling our goods...³⁰

This loaded statement represents sentiments of most women across the five countries—that while land is clearly significant in their lives, they also realise that access, control or ownership of land is not an end in itself. Land productivity to transform women's lives is the ultimate goal, and its attainment requires multi-sectoral cooperation. Women in the Baseline studies expressed the significance of land in various ways.

³⁰ Women Farmers in Eastern Cape, Ndlambe Village

Figure 2: Why women's land rights matter for development



Adapted from Kenyan Report on the Commission of Inquiry on the education sector, 1999

In Malawi, though women in the patrilineal Mzimba district have no land rights, they place a high value on land as a resource, and they referred to it as “their wealth.” In matrilineal Machinga district alone, about 65 per cent of women depend on land for food production. And in Mozambique, women generally viewed land as having a very important meaning to them because it is the main source of survival for the community. Women in Manhica province well elaborated this opinion by adding that *“land provides food for use, as well as other produces for commercial farming, thereby sustaining livelihoods.”* Women's outlook in South Africa, particularly Eastern Cape, revealed generational differences on how women value land. Older women labelled land a “gold mine” because it represents an opportunity to generate income. However, younger women perceived land as unrewarding and of little value, and a resource that demands a lot of intensive and hard work. The view expressed by older women seemed to be the popular one, because even women in KwaZulu Natal felt that:

Land is an asset which presents opportunities. Land is a source of food security—if we had land, we would not need to buy anything. Land is also important for generating income. With land, we would be able to keep livestock, which is like a bank—rural people use livestock to educate their children. Livestock is also an important asset for cultural celebrations. With land, we would also have a place to bury our loved ones without having to pay for a burial place elsewhere.

These thoughts about the high value of land were also shared by women in the Northern Cape, who not only saw land as very important, but also as something they are connected to. Thus they poetically described land as *“our nature—sometimes we have no jobs, but there is always land on which to do something. Even without a fixed salary, we can put food on our families' tables.”* Zambia was no exception, and all women shared the view that land was very critical to their livelihoods. Attesting to this view was the fact that all women respondents in Kaoma district depended on agricultural production for their livelihood. Land therefore clearly serves several significant functions for women. However, the Baseline findings show that it is necessary to distinguish food production as an actual function

that land is currently serving for women; and income generation, which is a hoped-for or potential function that is yet to materialise for most women.

2.2 Significance of land versus under utilisation of land for income generation

Though land is irrefutably significant to most women, their low levels of land utilisation for income generation are worrying. In Machinga district in Malawi, the number of women who utilised land for generating income only averaged 5 per cent. This low land utilisation to generate income was found to be directly linked to excessively low literacy rates—with 58 per cent of women completely illiterate, and 35 per cent with some sort of primary education. Because of illiteracy, most women were not keen to adopt, or could not comprehend new agricultural technologies. Illiteracy also resulted in low self esteem, which inhibited women from demanding extension services and accessing credit. The challenge of lack of resources was also found to affect women farmers across the five countries.

In South Africa, most women farmers were unemployed and depended on social grants. They therefore could not fully utilise land due to no, or limited resources. For instance in KwaZulu Natal, though some women had acquired 600 hectares of land, they had only managed to use 25 per cent of this land over a five year period due to lack of access to credit. In Kaoma district in Zambia, women farmers equally expressed the wish that: *“we desire to access credit, so that we can expand our fields, which are currently not fully utilised.”* The story of a woman farmer in Northern Cape, South Africa (**Box 1**), who has won a Farmer of the Year Award clearly demonstrates the linkage between a knowledgeable woman farmer, the availability of adequate financial resources, and high land productivity.

Box 1: Elize, winner of the female farmer award (an initiative of the department of agriculture)

My farm of 8.832 hectares is located in a town 12km out of Keimoes in the Northern Cape. I acquired the land from the Department of Agriculture for R2 000 per hectare. I farm sultanas and recently started producing raisins. My products are exported. Being busy on the land gives me great pleasure and adds value to my life. For me, the importance is about having farming in your genes – it is only when you have the passion and understanding of working with nature that you will be successful. I would like to see more women have access to land so that they can make a contribution to their households, their families and their communities. However, it is quite difficult to access land in the area. Commercial farmers are asking a lot of money for their land so for upcoming farmers it is quite difficult to access. I know of some people who are still waiting for a response from the Department of Agriculture in terms of their request to access land. They have applied at the same time that I applied for the land, yet they have not heard anything yet. Too many women think that they have to access land through men. Women have to believe that they can do things for themselves. It is difficult but it is important. Often men look at me very sceptically when they learn that I am a farmer in my own right, but I don't care what they think, I love working on the land.

When you are a farmer, you need to understand the different sides to agriculture. *It is important that women are trained and educated about what farming entails. Sometimes women start something but then without the necessary information, their projects do not succeed.* Government can definitely play a role in making land more accessible for women. They have the money and there are women waiting for an opportunity like this. A lot of women in the area were raised by farmers and have a lot of information about farming, but they need an opportunity to prove themselves. I am a proud farmer, secretary of the local land committee and involved in sharing information in my community. As a community, we can live a simple life and live from the earth. We need to be aware of the laws and policies that affect us as women farmers and we need support. I used the money won—R50,000 as Top Producer, and R50,000 as National Female Farmer of the Year in 2008—exclusively for my farming business. I bought machinery that would help me to increase the production. I hope more women can have the opportunity to win the award so that their families and communities can benefit.

South African women farmers reported that they are sometimes unable to effectively utilise land because they are allocated land that is too far away from their residential bases. Women therefore remarked that *“farming is difficult for women not only because they struggle to access land, but also because once they access it, it is located far from where they live. Transport is therefore expensive (thus unaffordable), and visits are infrequent.”* In Zimbabwe, just as in Zambia, there seemed to be a gender division on the farming domains of men and women. A field was usually divided into two—one portion for women to grow small grains for home consumption, and the other portion for men to grow cash crops. Though women were found to be responsible for selling surplus food under their domain, usually this food was minimal, as most households allocated substantial land to cash crops compared to food

crops. Thus though about 53 per cent of households got surplus food, women still did not generate sound income from their farming activities, and this reinforced their subordinate status.

Another dynamic present in Zambia and Malawi is a concern expressed by women farmers that the residential implications of marriage systems also contribute to land under utilisation. For instance, in Malawi, women in Machinga district, where marriages are matrilineal, mentioned that sometimes, women farmers are unable to improve farming because a husband may refuse to use farming proceeds to reinvest in farming, just because this is not his natal home, and he is not inclined towards developing it. And sometimes, he may even order the wife to leave the land idle for a whole farming

season. And Chief Ngokwe observed that: *"because of the matrilineal system, some men do not even participate in agricultural activities—they say they do not belong here. As a result, there is reduced food production, and women cannot even sell any surplus. The behaviour also overburdens women and they can not use the land productively."* In Chipata district in Zambia, a woman in a patrilineal, and thus virilocal marriage, confessed that *"I am less inclined to invest in soil fertility technologies like planting of agro forestry trees. After all, I can leave all this land in the event of a divorce."* The WOLAR project therefore presents an opportunity to help women in the region to identify strategic steps that would ensure that the significant value that women attach to land matches the dividends that the land produces for them. To achieve this, the Baseline studies conducted in the five countries indicated that there is also need to fully understand, and make necessary interventions, regarding how women are accessing, owning, and controlling land in various project sites.

2.3 The real issues affecting women's access, control and ownership of land

The Baseline studies in the five countries commonly demonstrate that different rules and norms determine whether women will access, control and own land within their respective communities. This part discusses issues related to women's access, control and ownership of land within the context of prevailing socio-cultural backgrounds in the districts represented in this report—which see Malawi and Zambia having elements of matrilineal societies; while all the five countries are largely patrilineal. In the matrilineal systems, descent is reckoned through the female line. Villages are traditionally made up of people tracing descent from a common female ancestor. Marriages sometimes usually follow the uxorilocal custom, whereby men leave their

own villages at marriage to live in those of their wives. A man acquires access to land through his wife by residing in her home and tilling her land.³¹ For purposes of the Baseline studies, this is true of the district of Machinga in Malawi. However, the matrilineal districts of Dowa in Malawi, and the Chewa part of Chipata district in Zambia practice a different system, whereby a man takes his wife to his home village.³² The only symbol of matrilineality remains the fact that children of a marriage are deemed to belong to the woman, and are under the "control" of the woman's brother.

In patrilineal social systems, descent is reckoned through the male line, and a man's legitimate heir is his eldest son. Marriages follow a virilocal custom, whereby the man's village is the matrimonial home.³³ The husband has the overall authority over the family.³⁴ A marriage is legitimized by *lobola*, which is the transfer of wealth, traditionally cattle, to the bride's family.³⁵ *Lobola* symbolizes the physical transfer of the woman from her people to her husband's people, and the transfer of her reproductive rights and labor.³⁶ How women will access, control and own land, if at all, is therefore usually determined by the different cultural organization, particularly their inheritance patterns. Therefore, women in different contexts differed in their views on whether they are entitled to access, control, and own land. As Chapter 1 has demonstrated, cultural dictates usually clash with constitutional and statutory law, but they nevertheless continue to reign. The scrutiny of the different types of normative and cultural ordering that is impacting on women's access, control, and ownership of land is therefore necessary if the WOLAR project is to positively strengthen dynamics of land utilisation and control in favour of women.

³¹ Paul Kishindo, Family Planning and the Malawian Male, *Nordic Journal of African Studies* 4 (1) (1995) at 26-34.

³² Among the Chewa's in Chipata, men are expected to live the first farming season of their marriage at the women's village, and they clear some land. After a year or so, the couple can move to the husband's village.

³³ Paul Kishindo, Family Planning and the Malawian Male, *supra* note 30.

³⁴ Maria Saur, Linda Semu and Stella Hauya Ndau, 'Nkhanza' Listening to People's Voices. A Baseline Study of Gender Based Violence "Nkhanza" in Three Districts in Malawi (2003), at 29.

³⁵ Kishindo, *supra* note 2, at 26.

³⁶ Seodi White, Dorothy Kamanga, Tinyade Kachika, Asiyati Chiweza and Flossie Chidyanga, *D'ispossessing the Widow: Gender Based Violence in Malawi* (2002), at 53.

2.3.1 Women's access to land: is the environment permissive or obstructive?

The Baseline findings showed that sometimes, women could not clearly distinguish the concepts of *access* and *ownership*. However, most women did not view *access* as synonymous with ownership of land. The women spoke about *access* as their ability to utilise the land for their own benefit and that of their families. But where some women undoubtedly used the word *access* to mean *ownership*, their experiences are accordingly captured under the section on "Women and Land Ownership of Land" (part 2.3.2). Women's experiences in all the five countries confirm that a majority of them are able to directly or indirectly access land, though under varied traditional conditions—most of which are oppressive. In Malawi, all respondent women farmers in Machinga district confirmed that due to matrilocal marriages, they are all able to access land. Together with their husbands, they use land that belongs to the wife's clan. The situation is different in matrilineal Dowa District, where only 70 per cent of women felt they were entitled to access land. This is because Dowa's system of marriage is virilocal, and women indirectly access land through their husbands. A woman who returns to her natal home can sometimes access land that belongs to her clan. In the patrilineal district of Mzimba, where land is exclusively owned by males, 21.3 per cent of women farmers felt that they did not know if they were entitled to even just access land. The following feelings illustrate the impact of lack of women's access to land on development projects:

Lack of access to land by women could hamper the success of projects aimed at promoting the livelihoods of women farmers. For instance, an association gave women farmers 10 kilograms of soya seed for multiplication. However, since by custom women access land indirectly through their husbands, the effective use of such input could not be guaranteed, as women's access to land for the project depended on the good will of their husbands or Chiefs.³⁷

In Mozambique, women perform 90 per cent of

agricultural activities. Men usually engage in remunerated labour that is not agriculture related, or they migrate to work in the mines in South Africa. Women therefore clearly have access to land. However, this access is indirect in the patrilineal sites covered in this report, because women either access land through their husbands or their male family members. If a woman gets divorced, she loses her right to access and use the land, and returns to her natal home where her clan can provide her farming land. She can also indirectly access land through her children. Thus in Marracuene, women viewed children as a very important asset for them to gain access to property, including land. Upon the death of a husband, a younger widow who remarries is expected to leave her deceased husband's house, but retain access to his land. But an older widow is still entitled to use the land as well as other property. This seems to be an exceptional customary arrangement compared to most of the countries, where widowhood automatically implies loss of access to a deceased husband's land. In patrilineal Mozambique, a more direct access to land that respondent women farmers had was when they were a member of a farmers' association—the norm is for the association to use one portion of the land in common, and reserve another portion for individual farming.

In Zambia, land is presently acquired through inheritance, commonly through the male lineage. More specifically, in Monze district, land is exclusively passed through male siblings; and females are expected to leave their natal home and use their husbands' land. In Kaoma district, though a female can inherit her father's estate, she can not inherit her husband's. In the *Chewa* part of Chipata, married women access land through their husbands, single ones through their parents. And because women in Zambia are generally allowed to use land belonging to their father, male relative, or husband, they all claimed to have equal access to land as men. In Zimbabwe, women also access land through their husbands. But if a woman is divorced and returns to her natal home, the customary rules on whether or not she can access land in her own right vary.

Women farmers' views on access to land in South

³⁷ Coalition of Women Farmers, Dowa District in Malawi

Africa were influenced by a mix of traditional patterns and the implications of the historically racially skewed land allocation patterns. While women in Eastern Cape (Pokoli and Bathrust) asserted that they were entitled to access land, women in KwaZulu Natal distinguished mere aspirations from reality. They mentioned that women were denied access to land upon the death of their husbands, a situation that is comparable to that of most women farmers who are in virilocal marriages in Malawi, Zambia, and Zimbabwe. Older women in the province particularly protested that *“we are frustrated that women can only access land through their fathers and husbands, and that they are largely powerless within their communities—particularly when their husbands die.”* On the other hand, unlike in other countries, the women in South Africa pointed to the historically grounded practice whereby most of them and their families [would] work on a commercial farm, where they would also be given a piece of land for their own use. Today, women are increasingly losing access to this land through evictions when their husbands die, as the following story from a woman in KwaZulu Natal attests:

My husband, myself and our seven children lived on a farm where I worked as a domestic worker for twenty two years, and where my husband was a farm worker. When he died, I and the children were evicted from the farm. My children and I are now a displaced and separated family living in the Danhauser Local District in KwaZulu Natal. We received no support from the farmer on whose farm we have lived for twenty years; nor have we received support from government since our eviction. None of them have provided us with any assistance nor provided us with alternative accommodation... My older daughter and I now work for a government led project which provides jobs for women that entail cutting grass on the sides of the road. We earn between R430 – R450 per month and use this money to pay for food for the family. The work is far from where I live and each morning I travel on foot for about three hours from my house where I am staying to where I work.

Women explained that even though a woman may demonstrate her ability to farm, farmers do not give the woman a chance if she does not have a man. The

various patterns on how women are accessing land in the five Southern African countries therefore reveal that many women are using land, whether or not their environment allows them to “own” such land. This reality prompts an analysis of how traditional and statutory rules are operating to allow or disallow women from actually owning land.

2.3.2 Women and land ownership

The caveat presented in the introductory part of this Chapter that the term “land ownership” is being used loosely is reiterated. Thus in the context of the Baseline findings, land ownership does not only relate to the holding of a title deed, but it also has everything to do with the traditional based allocation of the land that is commonly under the custody of traditional leaders. At custom, people in the five countries under study do not necessarily have to hold a title deed for them to be regarded as land holders/land users. In fact, in Zambia, most women farmers and the community in Monze district perceived titled deeds not as signifying security of tenure for protection of the vulnerable, but as instruments of exclusion. The discussion under this part takes cognisance of the different dichotomies of land ownership, and examines the extent to which women are owning land either through customary or statutory avenues.

How are customary prescriptions addressing women's land ownership needs?

The considerations that most customary systems seem to take into account in allocating land to women in their own right, if at all, depend on the status of the women—whether or not they are married, divorced/separated from their husband, widowed, and (sometimes) HIV positive. Before these are discussed in turn, the general trend seems to be that in Malawi, women in the patrilineal district of Mzimba can generally not be allocated land in their own right; and the same view obtains in patrilineal parts of Mozambique. But the environment is more permissive in Malawi's Machinga district, where because of matrilineality and matrilocality, Chiefs can allocate land to women in their own right—about 65 per cent of women had land. However, women still face tenure insecurity because the Baseline study showed that women's land is often being confiscated by brothers and husbands, and Chiefs when parents die. In Chipata district in Zambia, 10 per cent of women, particularly widows, were found to own land in

their own right. And more positively, in Zambia's Kaoma district, women farmers reported that *"if any person has a little land compared to a household size, then the village headman can allocate more land to that person, regardless of gender."*

On the question whether a woman should be allocated land in her name, one male and one female Chief in Monze district were in disbelief: *"how can you give land to a married woman? She is supposed to get land through her husband; otherwise she must be suggesting that she is planning a divorce."* Two Chiefs in Zimbabwe differed on their views. A discriminatory view was expressed by the Chief in Makoni district, who felt that a single woman with children, divorcees or widows can be allocated land in their names but not married women. However, the Chief in Bubi district felt that *"it is appropriate for women to be allocated land in their names because they are care givers, and will always look after children in the event of a divorce or death of a spouse."* These two contradicting positions prove that although the Traditional Leaders Act in Zimbabwe clearly provides for procedures that should be followed in land allocation, the opinion of traditional leaders will likely influence the decisions that they make in allocating land. Thus the more sensitised a Chief is on rights based approaches and appropriate legal procedures, the better it will be for women farmers.

Married women and land ownership

there was also variance in the way the WOLAR project sites are treating the issue of married women's

ownership of land. While exact data on land ownership by married women was scanty, the Baseline study in Zambia showed that in Kaoma district, about 20 per cent of married women were found to own land in their own right. In South Africa, it was found that while older women seemed to be seeking ownership of land in their own right, married younger women seemed to take the attitude that the responsibility to seek land that is available for allocation belonged to their husbands. This attitude was also manifested by women in Monze district in Zambia, who said that: *"because land belongs to men, it is the men's duty to know about relevant acquisition processes and acquire the land."* In fact, most women seemed to request for land only if there was no man in their lives. However, the mentality of women in Monze should be distinguished from those in Kaoma, where there was reported to be a higher proportion of women that was applying for land compared to men. In Zimbabwe, all married female respondents in Chief Makoni's area revealed that land was actually registered in the names of their husbands, because they were the ones who processed all the paperwork.

Divorced and widowed women and land ownership

in Malawi, divorced women from virilocal marriages return to their natal homes, where they may use land through their male members of the family (patrilineal Mzimba), or may be allocated a piece of land by the Chief or their clan members (Dowa district). Unlike in Mozambique, most widows are chased away and the story in **Box 2** illustrates the situation of one widow.

Box 2: Rhoda's self sufficient life shattered upon widowhood

I got married in 1994, and though *lobola* was not paid, the family went on very well and we had 4 children. We had five hectares of land and four plots of *dimba* gardens (riverine) which my husband had inherited from his parents. We were strong farmers, and were regarded as a very rich family. 'We could harvest up to 1000 bags (50 kilograms each) of maize in normal cropping and 100 bags (50 kilograms each) from *dimba* cultivation and my in-laws were jealous. Out of farming we built a four bedroom house, had two bulls and three cows, 12 goats and 34 chickens'. Unfortunately, my husband died in 2006. Soon after his death, I started encountering relation-problems with my in-laws, as well as lack of support. . . . After two years, when the first rains came, I was shocked to see my brother-in-law planting the field I was using. When I queried him, I was told that I did not come with a piece of land to that village. I sought traditional legal assistance from the village head and group village head, but I was told that since *lobola* was not paid, I and my 4 children did not belong to that village. After this resolution, I was finally chased out of the village leaving behind all the property.

A widowed woman in Malawi's Dowa district also explained the resistance that returning women often meet from their own clansmen when they are chased away, and are allocated land:

After my husband died and I returned to my natal village, I immediately started farming on the piece of land that my mother gave me. Problems started when I started growing crops on this piece of land—the relatives to my grand mother came and started cultivating on the same piece of land. These relatives then went to the local Chiefs so that the Chiefs should force me to stop cultivating on this piece of land. They argued that since I had stayed out of the village for a long period of time, I didn't deserve an opportunity to own land. The Chief largely ruled in their favour, and proposed that I should only be given a small portion of the land to use . . . To my surprise, the relations continued cultivating even on my small side of land because they said that they did not want me to have the land...

This experience is similar to that of women farmers in Monze, Zambia, where it was explained that: *“upon a widow's return, relatives will pretend to allow her to continue using the land, but they will frustrate her by starting to use part of the land for cultivation or turn the land into other uses which can unsettle the widow. For*

example one field was turned into a graveyard just to frustrate a widow.” In Zimbabwe, it was noted that even though the land may belong to a man, some Chiefs are able to objectively decide on who gets land upon divorce. But echoing the experience of widows in Dowa district, it was quickly observed that *“even if a Chief makes a ruling in favour of a woman, her in-laws can terrorise her until she leaves the land.”* In the allocation of land, a Chief in Makoni district in Zimbabwe only considers widows and divorcees who have children, not those without.

However, the Chief in Bubi district disclosed a progressive practice that if a husband dies, the woman is allowed to change land ownership into her name. In fact, the Baseline study found that 63 per cent of the respondents who were widows in Bubi district had transferred land into their names after the deaths of their husbands. And upon returning home, divorced women in the district were allowed to apply for land, and normal procedures of land allocation were followed. In patrilineal Mozambique, the situation for widows was noted to be generally better than for married women. Widowhood did not automatically imply the loss of access to a deceased husband's land. Though this does not symbolise ownership of the land either, the widow is guaranteed availability of her husband's land for use. However, a remarriage was reported to occasionally trigger property dispossession, as experiences by a widow, as the story in **Box 3** demonstrates.

Box 3: Widow dispossessed of farm animals upon remarriage

I had three children with my husband Luciano. Luciano got sick for three years, and in that time I attended to him, attended to the crops to ensure that we had food—and my in-laws never helped me. About one week before his death, I took him to his mother's house because he had gotten worse. After his death, I took care of the whole ceremony, including the tombstone. In our tradition, though a widow is supposed to be freed after the tombstone erection, my in-laws did not free me. They wanted me to marry Luciano's uncle, but I refused. Then I got married to another my current husband, and when Luciano's family heard this, they went to complain to the community leaders. We used to breed pigs with Luciano, and some were at his uncle's house. He refused to release them, and even took all the property and the door to the house in which we had lived. They did not take my crops, because they knew that I had done all the farming when Luciano was ill, so they were ashamed.

The prevalence of women who are dispossessed of land and land related property upon divorce or the death of their husbands provides justification for the WOLAR project to agitate for the promotion of all women's land rights. This is because there is evidence that though the women's families can give them a share of land, this is usually a source of diminished land rights for women as uncovered by the experience of a woman in Chipata district in Zambia. She had three other sisters, and all of them returned home due to divorce or death. Their parents shared with each one of the daughters their own portion of land, and she observed that: *"the land is getting smaller and our children may have little to share. Currently I just grow enough crops to feed my family, and have no surplus to sell."* The difficult experiences by widows therefore call for urgent action, particularly in the light of hard truth that "women's tenure security has been dramatically exacerbated by the HIV and AIDS epidemic as increasing numbers of women find themselves widowed at an early age, but are prevented by custom from inheriting land..."³⁸

Unmarried women and land ownership

most women get allocated land because they are linked to men (their husbands). Therefore, unmarried women tend to be worse off. The Baseline study in Monze district in Zambia discovered that Chiefs or families did not allocate land to young single women—because they were considered to have inadequate resources to enable them to work on the land productively. They were therefore expected to be dependants who would work on family fields. They were also seen as transient residents, as they would get married some day. Older women could be allocated a portion on a family plot, usually under the control of a male relative. The situation in Malawi shows that the problem is lack of confidence in the abilities of unmarried women to manage large parcels of land. So though the widow who was chased away (story in Box 2) was able to be allocated land at her natal home by her uncle, she lamented that: *"I have been given only one hectare on poor sandy soils such that I can hardly produce five (5) bags of maize. When I ask for more and better pieces of land, I am told that I do not have a husband (and my uncle is not sure whether I will not be*

married again) such that I do not need a lot of land. . . ."

HIV positive women and land ownership

The Baseline study in South Africa's KwaZulu Natal found that although the 2004 Communal Land Rights Act prohibits traditional councils from discriminating against women in land allocation, the Act is poorly implemented. As a result, many traditional leaders still do not consider women as having the right to own land. And though women can sometimes be allocated land, women who are HIV positive, or who are suspected to be, have been known to be evicted from the land by Chiefs.

Amidst all the customary laws, practices, attitudes, there are many obstacles and few opportunities for women to "own" land. Hence it is also helpful to look at how women are taking advantage of statutory laws that prescribe clear procedures for allocation of rights to land— whether this is customary or otherwise.

Do women own land through the statutory door?

Chapter 1 has illustrated how in Mozambique, Zambia and South Africa, women can be allocated customary land through the statutory door. In South Africa, the country's land reform process also offers women a renewed opportunity to own land belonging to other categories. The question therefore is: have these instruments opened new doors for the women who are in pursuit of increased land rights? In Mozambique, though the land law allows individuals to apply for land use title if they have used a piece of land for at least ten years, there were mixed levels of knowledge of this law by women farmers. For example, in Marracuene and Maganja da Costa, most women had basic knowledge on the fact that land is state property and that they could use the land. However, not all women had knowledge that the law allows a person to acquire a user title to land after a ten year period of use. The situation was different in Manhiça, where many farmers associations had benefited from training programmes by ActionAid and UCAM. Many women possessed the knowledge regarding the application of land user title after ten years, but also that if the land is kept idle, the State could repossess it. However, the exact number of women that are translating their knowledge into action was not

³⁸ Action Aid, Women's Land Rights Policy Brief, supra at 1.

known— giving space for the WOLAR project to make necessary interventions in this area.

In South Africa, where there is a set of laws aimed at achieving land redistribution, women farmers complained that there has not been much awareness raising regarding policy, legislation, and land use. Women in KwaZulu Natal felt that the only women that were knowledgeable seemed to be those that were involved in organisations or structures which deal with women's land rights. In the Northern Cape, women farmers indicated that while they had the bare knowledge that a lot of laws and policies governing land and agriculture existed, they were not aware of the details of such instruments. Women in the Eastern Cape were quick to point to the limitations of the country's land reform process by noting that: *"the procedures that are required in order to access land are so complex and inaccessible. In fact, these procedures are more suited for wealthier women, particularly those involved in black economic empowerment ventures."* This concern prompts the WOLAR project to examine how administrative bottlenecks could be effectively addressed to ensure that even rural and poor women are able to equitably own land that is meant for redistribution in South Africa. In KwaZulu Natal, women seemed to know about the existence of the 2004 Communal Land Rights Act, and the fact that it entitles women to participate in Traditional Councils that were constituted to implement the Act. However, they critiqued the fact that Chiefs usually selected the type of women to participate. Once selected, the women in the councils were not even informed of their role; were unfamiliar with procedures and the manner in which meetings were done; and mostly lacked knowledge of the issues raised at the meetings. Women felt that Traditional Councils were completely dismissive of women's needs. Some women in KwaZulu Natal were still able to get land allocations through Communal Property Associations and Land Trusts—that were established to administer communally owned farms. The women farmers that have succeeded through these structures were found to have done so because the associations are managed by fellow women (because men have migrated for work); or because they had paid the required leasing fee of ZAR300—3000; or because they had granted sexual favours to men managing the structures.

In Zambia, although the law allows people to convert customary tenure to a 99 year leasehold tenure, women farmers seemed to be hardly aware of this law; and Chiefs also seemed to either be not very conversant, or reluctant to apply such a law. In both Monze and Chipata districts, while everyone seemed to be familiar with how to acquire customary tenure, none of the women farmers interviewed knew of the statutory opportunity to convert customary land to a leasehold tenure. In Monze, only 2 per cent of male interviewees expressed this awareness. Even the District Council confirmed that conversions of large scale farm land from customary to statutory tenure were very rare—the last exercise had been carried out in 2000. Even conversions by individuals were few, and in 2008 only three conversions had been made (one for a woman and two for men). Senior officers at the Council did not possess full knowledge on the land conversion process, with some erroneously asserting that *"it is not possible to give a joint title deed for a husband and wife. Only one name is allowed to appear."* Negligible sensitisation therefore seems to have taken place in the district since the Lands Act was passed in 1995. In Kaoma district in Zambia, only 10 per cent of the respondents were aware of the procedure for converting traditional land to a leasehold tenure land as provided under the Land Act. The Baseline study also discovered that the Barotse Royal Establishment in the district discourages its subjects from obtaining title deeds as provided for in the 1995 Land Act. Rather, the Royal Establishment issues a certificate of ownership to "the family", thus assuring it of utilizing the piece of land in perpetuity without interference. Though this is a direct collision between statutory rights and cultural prescriptions, all respondents felt secure in utilizing land under the current traditional arrangement, because cases of land repossession by the Chief were extremely rare.

The Baseline findings lead to the conclusion that the availability of statutory laws which might have expanded opportunities for women to own land—in both customary and private contexts—in Mozambique, Zambia and South Africa has not been fully exploited. Therefore the WOLAR project could ensure that where practicable, these laws get translated into reality, and are not just elitist and/or on paper. Increasing women's awareness and encouraging them to utilise these laws in order to safeguard the security of their land tenure would be one concrete way

of shaping and solidifying women's land rights. However, this observation is made with the full understanding that ownership of land, or indeed access to land, does not automatically imply women's control of land. The next analysis therefore examines the Baseline findings regarding the extent to which women in the WOLAR project sites across the region are in control of land.

2.3.3 Control of land by women: who is making decisions?

The Baseline studies in the five countries showed that most women farmers are not able to make decisions on the use of land, mainly because of: power dynamics at household level; traditions that give preference to men in land allocation and inheritance; disparities in access to farming resources by men and women; and Chiefs who meddle in women's control of land. This is why even in Machinga district in Malawi, where a man uses his wife's land (by virtue of matrilocality), just 71 per cent of women farmers felt they were in control of their land, while 20 per cent were not sure. However, women recognised a difference between a feeling of mere entitlement and lived reality, because they generally felt that *"the head of household phenomenon gives a lot of men the leverage to behave as "owners" of the land and use it to their best judgment without consulting their wives."* And even where husbands did not control the land, women mentioned that it was sometimes male heads of clan who controlled this land. Only 28 per cent of women in Dowa district felt in control of land and make decisions over land. They explained that *"where land is concerned, it is the husbands, brothers and male relations who are in total control. They dominate the selling of agricultural produce; and most of them even take over the control of finances or businesses when women have accessed credit."* Women's control over land in patrilineal Mzimba is only exercised in the absence of males. This was confirmed by the fact that widows were able to have control over land, compared to those women whose male spouses were still alive.

In Mozambique, women in Marracuene stated that about 70 per cent of men are responsible for making decisions over land within families—though it was women who played a major role of growing crops on the land. Women critiqued this situation by saying: *"this does not make sense, because it is us women*

who intimately know the land, work on it everyday. And surely we should have the capacity to make decisions on what to grow, when to grow, what to sell, and what to keep." Encouragingly, women, especially those who had benefitted from REFLECT (Regenerated Freirean Literacy through Empowering Community Technique) adult literacy programmes that have been run by ActionAid, were already showing abilities to participate in decision making and influence their husbands on what to grow on the land. Even women in Mahniça boasted of gradual changes in family dynamics, with women claiming to now have a larger role in engaging their partners in dialogue and consensus building on issues relating to farming. However, women in Maganja da Costa showed that culture is still heavily influencing their thinking. Though they would like to gain more control over decision making, women seemed to be resigned to the cultural order—*"the tradition that a man is in control and has to make family decisions has been around for a long, long time. It will not be easily reversed. However, it would be good to see the situation change, since women are the key players in farming compared to men."* The story of a Mozambican successful female farmer in **Box 4** demonstrates the heights that women farmers can achieve when they have control of land and the support of their spouse.

In South Africa's Eastern Cape, women in Pokoli and Bathrust felt they were entitled to control land; but women in KwaZulu Natal felt that they were denied the control of land by cultural expectations that require women to defer to men's decisions in land matters. In Northern Cape, women expressed frustration about the challenges they have in controlling land due to overly meddling Chiefs, and explained: *"even if you want to start something in your backyard, you have to ask permission from the Chief—and he will ask 'where are the men?'"* They therefore considered it as sad that when a woman farmer showed an initiative to start something, the ultimate decision was made by Chiefs. In Zambia, women expressed diverse opinions on their level of control of land. In Kaoma district, 80 per cent of the women farmers claimed to have control over how to use both land and the income it produces. The presence of this high number of women who are controlling land could be attributed to the prevailing environment that does not discriminate against women in land allocation

Box 4: Control of land and a supportive husband making a difference for Amélia Victorino

I am a farmer, married and have a nine year-old daughter. I inherited a big and fertile plot of land from my parents. I grow butter beans (one hectare), corn (two hectares), and cassava (three hectares). I have not yet sold our harvest of corn and cassava, because my husband and I decided to wait for market prices to improve—and we expect good returns this year. The butter beans haven't grown so well, so the income may actually be low this year. I make decisions regarding the sale of produce, and what to do with the money. Usually I discuss the issues with my husband, and agree on a decision. But when he is not around, I am free to continue working on the farm, and make decisions. For example, I recently made some decisions regarding the sale of corn and the growing of peanuts. As soon as he returned, I briefed him on the situation and he didn't have any problems with my decisions. In April of 2007 I received training on agriculture, and soon afterwards, I received seeds for growing butter beans, carrots, lettuce, and cabbage. I produced enough vegetables for my family's consumption, and there was some surplus which I sold. From 2007 to date, new successes have enhanced my living standards. My family has animals (cattle) for the first time in our lives. I have reduced my personal labour input because I am able to recruit people to support me with labour. Because I have the help of the animals in cultivation, I have increased my production area in a short time. I have also acquired new knowledge (use of animals, breeding oxen, and how to manage them). I tell you, my husband supports me a lot.

and inheritance. However, the women could also have been referring to the control of their small fields. In fact, the remaining 20 per cent of women farmers clearly asserted that while they had control over their fields,³⁹ their husbands controlled all activities relating to the main family field—mainly for cash crops. A fact to note is that findings in both Kaoma and Monze showed that the women's fields were given low priority and were attended to after the crops in the main field. For example if oxen for ploughing or farm inputs were needed in both the small field and the main field, it was the main fields controlled by men, which were given priority. Thus women could not claim control over a large portion of land because of limited access to resources. The women who seemed to have absolute control over land in Chipata district were single women who owned land in their own right.

In Zimbabwe, women farmers raised the issue of disparities in resources that are owned by men and women as contributing to low levels of women's land control. The Baseline study found that only 2 per cent of households owned tractors, and these were regarded as

belonging to the males. About 68 per cent of men had ox-drawn ploughs, compared to 32 per cent of women who owned ploughs in their own right. These disparities in the ownership of resources and assets used on the farm have implications on user rights, as well as the control rights that women may claim. Thus women end up with limited influence on how the land and its produce should be utilised.

³⁹ Married women are given a portion of the family field (less than 20 per cent of the total field) to cultivate food crops for home consumption. All women have control over what they plant on their small fields as well as the proceeds.

2.4 Conclusion: what women want in a nutshell

From all the experiences that women have shared in this Chapter, **Figure 3** represents the outcomes that they are hoping for.

Figure 3: Women farmers' wish list for the attainment of their land rights

Material and technical resources to make the land productive

- Access to credit.
- Viable outlets for selling procedures.
- Literacy skills in order to get credit and interact at the market place.
- Access to water to enable women to have food for both consumption and sale.
- Special grants for women to enable them to buy land.
- Start up capital when women have been allocated land in remote areas.
- Farm inputs allocated directly to women to enhance their land control.
- Skills building to allow women to join and actively participate in decision making structures and forums.
- NGOs that support women farmers to influence relevant policy and law review processes.

Access and control over land

- Laws and policies that coherently address how women should attain land access and control in their own right.
- Sound knowledge of laws, policies and procedures that could improve women's land rights.
- Cultural systems that ensure that women will have control of proceeds if they invest their full energies in the land, particularly in patrilineal areas.
- Cultural systems that allow women equitable control of land, and the capacity to make joint or independent decisions regarding investments or reinvestments in farming, and the recruitment of additional labour where necessary.

Access and control over land (Support by Chiefs, spouses and families)

- To be allocated land in their own right, even when they are married or HIV positive.
- Not to have their land grabbed by chiefs, husbands, or male relatives including when they are widowed or have lost parents.
- To be given the opportunity to use and have full control of land without disturbances and harassment from blood relatives upon returning to their natal villages.
- To be recognised as farmers in their own right and not to be evicted from commercial farms where they earn their livelihood upon the deaths of their husbands.

As **Figure 3** demonstrates, women have a substantial wish list regarding the promotion of their land rights. Being the primary users of land, women would want the land to generate sustainable income for them. For this to materialise, women wish for credit facilities that are available in their communities, and that are accessible to all without sexual, or other forms of exploitation. But women also realise that they can not access credit without any or adequate literacy skills. They also need literacy skills to enable them to market their produces independently—which also implies that viable markets have to be present. Women farmers also realise that nature alone is not enough for sustainable agriculture, and they need irrigation facilities to be made available so that they can multiply their yields and have extra for sale. Women farmers also point to the need for a cultural environment that assures them control of land, because without this, they are sometimes unwilling to invest their maximum labour when they use their spouses' land. Conversely, women realise that land productivity in

matrilocal settings is frustrated when husbands do not want to invest in their land, and make counter productive decisions to assert their status as heads of households. In this respect, women are wishing for a transformed cultural environment that could allow them to make independent or joint decisions regarding land investments and reinvestments—including the ability to hire labour and equipment so that their farming is productive.

Women also require other forms of material and technical resources in the form of special grants to enable them to acquire land that is available for redistribution or resettlement. Where this land is in remote areas, as has been seen in the case of South Africa, women are desperate for seed grants that can meet their initial needs (that is, transport), so that they can propel their farms forward. Women also need to be directly allocated farm inputs, because this makes a difference in the levels of their control of land, as the experience of a Zimbabwean woman in **Box 5** demonstrates.

Box 5: Abshell makes farming decisions for the first time ever

Abshell is a married woman aged 42 with four children. She is one of the women beneficiaries under the women's land rights project begun in 2008. After she received some assistance with seeds that were meant to complement training in effective land utilisation, she expressed her joy: *"although the season was a difficult one, I feel empowered from receiving farming assistance in my own name. It inspired me to work very hard on the farm and also made the family, particularly my husband, more supportive.* Abshell stresses that she felt empowered as a woman to access inputs in her own name. She said that inspired her to put extra effort on her fields to prove that when women get the resources they can do it. She said: *"all along I used to work with my husband in our fields but I did not have as much control or say on what to plant, where to plant it, how much to sell and to keep and how to spend the money because I was not the one bringing inputs [seeds, fertiliser and land]. This year is a different year for me, as I am now also making decisions for my family on how to use the proceeds from my fields and have already selected seeds for the next season."* She went on to say that although her husband was more supportive than others in her village, **she was for the first time in her life consciously making decisions as the owner of the inputs.**

Further, all rural women need comprehensive knowledge of all the laws, policies, and systems that can help them to realise their land rights. This would build women's confidence to claim their rights, and therefore address the concerns raised by Chief Charumbira in Zimbabwe that *"Women should be more assertive in claiming land... In most cases, women close themselves in rooms and address themselves as women, hence they never influence change... Usually knowledge building focuses on elite rural women who are already empowered, and therefore the goal of empowering grassroots women is rarely achieved."* Having acquired the necessary knowledge, women actually need the support to translate the knowledge into action. As one woman in KwaZulu Natal pointed out: *"even while local land committees do exist and we have turned to them for support, like when I was evicted, they do little else than give information. My children and I, as well as other women, need more than information—we need practical support in order to access and control land."* Most importantly, in their quest for full land rights, women are desperate for the support of traditional leaders, their spouses, and their communities. In particular, women wish for the scraping of traditions that refuse to allocate land to them in their own right, especially when they are married. It is therefore high time that Chiefs critically scrutinised their own behaviours and responses within the context of the observation of Chief Charumbira of Zimbabwe that *"there are some Chiefs who deny women land simply because of selfishness, not culture."* In matrilineal areas, women farmers also wish Chiefs (as well as husbands and male relatives) could stop increasing their land insecurity by taking away their land, especially when their parents die. And one woman in Machinga district in Malawi shared her exasperation by reasoning that:

[w]hen my husband chased me, I knew this was a violation of my rights. Now, the Chief is perpetuating this same violation because he seems to have now grown an interest in my very small piece of land. He is giving me so much pressure, that I am now at a loss as to where to take my complaint, since this is the very same Chief who helped me when I complained to him after my husband chased me away. (Own emphasis).

Women who have returned to their natal homes upon divorce or the deaths of their spouses also want concrete protection of their rights, so that once they are allocated land, they are not harassed and pushed out of their land by their own blood relatives—just because they are now viewed as "second degree aliens." Women farmers, particularly in South Africa, are also hoping that they can be recognised as farmers in their own right, so that commercial farmers for whom they have worked for lengthy periods (and in the process accessed some land for farming) do not evict them and their children upon the deaths of their husbands. And finally, most women farmers are loudly wishing for a change of attitudes amongst some Chiefs who evict women who are HIV positive, or are suspected to be, from their allocated land. This is likely to be a bigger problem affecting many women farmers than surfaced during the Baselines, as the whole sub region is the epicentre of HIV and AIDS. Coherent interventions are therefore critical.

For this wish list to be realized, there are several policy, legal and programmatic milestones that would need to be gained. These are analysed next in Chapter 3.

Chapter 3 Potential springboards to the realisation of women's land rights: the current status

The Baseline findings demonstrate that to be successful, the WOLAR project should view women's land rights in Southern Africa as a jigsaw puzzle with the following legal, policy and/or programmatic pieces that ought to fall into place at both district and community levels: accessible and quality justice; adequate and available agricultural extension services; innovative and available sustainable farming services; operational and inclusive farming associations; and decision making structures in which women farmers are both represented and able to participate—whether they directly or indirectly deal with women's land rights. The experiences in the five Southern African countries of Malawi, Mozambique, South Africa, Zambia, and Zimbabwe generally show that the lack of coherent attainment of these policy and programmatic aspirations in all countries far outweighs the progress that some countries are making in several areas—thus leaving the land rights for most women farmers unsatisfied.

3.1 Accessibility and quality of justice

For women farmers in the five countries, the realisation of their land rights can not be isolated from their grounded realities in terms of their knowledge levels of land and related laws that can help them to claim their rights; the accessibility and quality of the response they obtain from Chiefs and courts over land related matters, and the existence of accessible players that are supporting legal knowledge building amongst women, as well as their communities.

3.1.1 How much knowledge of land laws and other relevant laws do women have?

The level of women's knowledge of land laws and other laws that protect them has implications on whether or not they will seek to claim and defend their rights, as the example from Mozambique in **Box 4** demonstrates.

We had already participated in a training on land law, and we knew that land is not bought—the only thing that can be bought is what was on the land. There was not even a coconut tree when we got the land, which meant we should not pay anything. We sent documents to the Agriculture office so that we could get a user title, and followed all the procedures that they required. Now we have the land.

But unlike these women, in Malawi, women generally have no or low knowledge of land laws. In Dowa district, 84 per cent of women had no knowledge of land laws and policies. In Mzimba district, 72.2 per cent of women farmers did not have this knowledge. However, it was also discovered that for the 27.4 per cent of women who claimed to know their land rights, they were only referring to traditional land laws and not statutory ones. Despite the relevance of traditional laws in women's lives, this situation showed that statutory laws are yet to be taken to grassroots women farmers. Indeed, many women farmers acknowledged that they were looking for an opportunity to be empowered to control various aspects of their lives. In Mozambique, particularly Marracuene and

Box 6: Women farmers who refused to be made to unlawfully pay for land

Our farmers association was legalised in 2006, and we are 24 women and 2 men. The president is a woman. In the same year, an influential gentleman from the area (Malinde) wrote us a letter claiming that we were using his land which had previously belonged to his grandmother, and that we should leave. By this time, we had worked very hard and struggled to clear the land, and we were getting ready to start using it. We presented the matter to the Agriculture office, and the director came to mediate over the conflict. He went to speak with the gentleman, who demanded payment for the land.

Manhiça, it was reported that women were not usually coming forward to seek legal assistance in land matters because most of them still did not know the practical steps of claiming those rights. This is despite evidence that generally in Manhiça, programmes that allow women to have land law knowledge and where to direct land related complaints exist. And as the discussion under 3.1.4 demonstrates, significant education efforts of farmers associations (dominated by women) in both districts have taken place. This could be because awareness raising has not yet been translated into action.

But also, the WOLAR project in Mozambique needs to re-examine whether the current knowledge building strategies targeting women's associations have excluded a large portion of women farmers. This observation could be valid, given the concern expressed by women farmers in Maganja da Costa that "*popularisation of land laws by ORAM (Rural Association for Mutual Support) has focused on local administrators and some [farmers] associations, generally leaving women with weak knowledge of land laws and related rights.*" And as observed in Chapter 2, all the respondent women farmers in Zambia were not aware of the existence of laws allowing the conversion of customary land to a 99 year leasehold tenure. Even in Zimbabwe, all respondents claimed to be ignorant of the legislation that is used in land allocation for the various resettlement schemes that exist in the country. In fact, the country Baseline found that this low knowledge, combined with low literacy rates, constrained women from applying and registering land—thereby leaving men to take on this task and most registered the land in their own [men's] names. It is therefore clear that without the right knowledge of their rights and avenues for claiming those rights, women will not make use of available justice mechanisms to claim their land rights. For the few women who were reported to have taken their steps, most of their claims were not well received by the customary justice system.

3.1.2 Are chiefs adjudicating over land matters to the satisfaction of women?

In all the five countries, traditional leaders emerged as the first justice suppliers that were usually contacted by community members on land related disputes. For

the women farmers in Malawi who seemed to have no concrete legal assistance in pursuit of their land rights, Chiefs were the most accessible. About 89.2 per cent of women in Mzimba district alone were found to depend on traditional leadership for their land related claims. However, Chiefs were known to deliver poor quality of justice in cases involving women and land. In Machinga district, women complained that Chiefs lacked objectivity and transparency in resolving land issues related to women. In Mzimba district, only 7.3 per cent of women who had gone to a Chief on a land related claim had a judgment in their favour. In Dowa district, while only 23 per cent of women had their cases resolved by a Chief, only 3.4 per cent of them received a judgment in their favour. The women who got unsatisfactory judgments from Chiefs did not even attempt to seek help from the Magistrate because under the prevailing atmosphere, they feared such a step could be interpreted as lack of respect for a Chief, and they could even be chased away from their village. The WOLAR project therefore needs to build a culture where women's search for justice from any fora should be viewed as a right, and even as one of the necessary checks and balances to prevent abuse of power by justice administrators in a democratic society.

In Mozambique, it was also reported that most land complaints are made to traditional leaders, but the Baseline data does not indicate exactly how such complaints are dealt with. In South Africa, it was established that tribal authorities had formal structures and that they also dealt with land disputes. However, Traditional Authorities were usually reported to take views of men into account than those of women, thus stripping women of their land rights. An example was given in Northern Cape where a traditional leader evicted a woman from the land where she had lived for many years—because her step sons wanted to access the land following the death of her spouse (their father).

In Zambia, the Monze District Alliance has trained some traditional leaders in the district. As Chapter 2 has noted, the Baseline study found evidence that some of those Chiefs are beginning to embrace equitable systems of land distribution that depart from rigid and discriminatory customary laws; and align more to statutory law.⁴⁰ A case

⁴⁰ The Intestate Act of 1989

Box 7: Progressive land resolution by Chief Ufwenuka, Zambia

Charles, who lives in Chief Ufwenuka area, is aged 28, is married and has two children. His father died early in 2008, leaving behind a widow and 16 dependants—who are all kept by Charles. After the death of Charles' father, Village Headman Hamakalu grabbed the only piece of land that Charles expected to use with the rest of the family. He was informed about the Monze District Land Alliance (MDLA) and how it operates. Though MDLA tried to mediate in the matter between Charles and the Headman, they failed. MDLA then referred the matter to Chief Ufwenuka. The Chief advised the perpetrator (the headman) that the land must be used by the widow, orphans and the dependants. The Chief advised the headman never to dare grab land again.

example was given where a Chief recognised widows, orphans and dependants as owners of land, when custom would have required that the land should only be allocated to a male child or relative. Though the case was instituted by a man, it is explained in **Box 7** below because of the outcome that was favourable to a widow as well.

In Zimbabwe, Chiefs displayed different levels of understanding of the land related legislation that they are supposed to apply. In Makoni district, the respondent Chief and headman were not quite sure about the legislation that governs land allocation. In contrast, a headman in Bubi District was articulate about the Traditional Leaders Act and its relevant procedures on land allocation. The country Baseline study also reported a few cases where Chiefs in Zimbabwe had taken favourable decisions towards widows. In one case, after a husband's death, the village headman allocated land to the deceased man's male relation from another family. When the wife and six children appealed to the Chief, he ruled that *"the village headman was wrong in allocating the land the way he did, because the widow and children had the right to the land."* Thus the two cases from Zimbabwe and Zambia are displaying the trend that lower tiers of traditional leadership (head men) seem to be more likely to maintain patriarchal values, while the Chiefs themselves seem to possess contemporary legal and rights knowledge. This could be because knowledge enhancement programmes may have not really focused on the village headmen. Where capacity building in women's land rights for traditional leadership is planned, the WOLAR project therefore has the task of ensuring that all tiers of traditional leadership are a part of the

grounded change that is being hoped for.

3.1.3 The role that formal courts are playing in women's land related claims

With the exception of Malawi and Mozambique, the Baseline findings in the other countries did not show the exact role that the judiciary is playing in promoting or protecting women's land rights. In Malawi, the findings show that Magistrate courts, which are present in every district (as opposed to the High Court⁴¹) have no jurisdiction over land matters. This could be one contributing factor to the position that in all the WOLAR project sites, no woman had ever approached a Magistrate for a land related problem. However, Magistrates' courts can deal with issues that are viewed as indirectly related to land, i.e. if a woman wants to use an Act like the Prevention of Domestic Violence Act to claim for the proceeds of her labour; or if she wants a share of crops upon divorce. The other challenge is that courts are inaccessible to women within the WOLAR project areas because Magistrates' courts do not run circuit courts in remote parts of the districts. This demonstrates lack of political will to take formal justice to the masses.

In Mozambique, the Baseline findings showed that the Marracuene District Court had been receiving some cases of land conflicts, mainly related to the sale land, which is prohibited by law. The District Chief Public Prosecutor mentioned that Marracuene suffers a lot of land pressure—that result in conflicts handled by the court— because of its proximity to Maputo. However, land conflicts are only sent to court if they are not resolved at local level.

⁴¹ Which has jurisdiction over land matters and is present in just the four major cities of Blantyre, Zomba, Lilongwe and Mzuzu

3.1.4 Presence of ngos that are legally supporting women's land rights

Baseline study findings in Malawi showed that at the time of the study, all the WOLAR project sites in the three districts had no NGOs that were specifically supporting the legal advancement of women's land rights. In Mozambique, the Association of Vulnerable Women in the Sugar Industry (AMUDEIA) had repackaged the land law and other legislation that affect women, and distributed these to women in Marracuene and Manhiça. However, this information had not filtered down to all community members because of mobility challenges faced by the Association. ActionAid and UCAM had also trained community leaders and peasants' associations on land laws in order to improve their management of land related conflicts. In Marracuene, ActionAid was also supporting two paralegals that were trained by the Juridical and Judiciary Training Centre (CFJJ)—to help farmers in resolving land related disputes, as well as to popularise the land law. As of June 2007, ActionAid had also partnered with ORAM to train 26 paralegals in Manhiça on legal rights and related duties, as well as the resolution of conflicts at community level. And in the same district, members of local consulting councils⁴² had taken up the task of popularising land laws at community meetings. In particular, female members on these boards were holding weekly women's meetings—where women could discuss issues of their interest, including land rights, family relations and HIV and AIDS.

In South Africa, the findings in KwaZulu Natal showed that although there were a few organisations that were working with women in remote areas, they did not address land issues. The only exceptions were the Legal Resources Centre and the Association for Rural Advancement (AFRA). The Legal Resources Centre was providing legal assistance to women for their land claims and tenure issues. Similarly, AFRA was providing legal assistance to advance land rights. At the time of the study, AFRA was also in the process of doing a test case litigation to challenge section 8 of the 1997 Extension of Security of Tenure Act (ESTA), which provides that a surviving spouse shall be given notice [of

eviction] following the death of a partner. According to AFRA, this provision was harming women more, because most men who lost their wives were allowed to stay on the farm, and women and their children were the ones that were commonly evicted.

In the Northern Cape, the Association for Community and Rural Advancement (ANCRA) and the (South African National NGO Coalition (SANGOCO) were identified as key organisations that were informing women of their land rights and relevant laws that impact on women. In Zambia, only Kaoma District had no organisations that were providing legal assistance to women in land matters in the district. In Monze district, The Monze District Land Alliance⁴³ (MDLA) was noted as the most prominent organization that had been providing support to women in resolving their land rights. As seen under 3.1.2, it has had some successes; and it could be a strategic partner for the WOLAR project. The Law and Development Agency (LADA) also runs legal clinics for women, and has been training various organisations within the district on legal matters, including those pertaining to land. In Chipata, the Chipata District Land Alliance was helping to resolve land related disputes. The WOLAR project therefore needs to take advantage of the strong presence of NGOs in some areas and ensure that these are giving a specific service on women's land rights, because this does not usually appear to be the case.

3.2 Availability of agricultural extension services and sustainable farming inputs

In all the five countries, a more systematic approach is needed to involve women farmers in agricultural development approaches, otherwise women will remain uneducated, poor and disadvantaged. Only the Baseline findings in Malawi, Zambia, and Zimbabwe provided information relating to the availability of extension services. In all the three countries, there was lack of sex disaggregated data to show how women farmers were benefiting from available extension services. Malawi appeared to be the only country with a special programme by the Ministry of Agriculture that advocated for the empowerment of women farmers by rendering

⁴² These councils are set up at community level in order to defend the rights of community members.

⁴³ The alliance comprises nine organizations, including ZAYODE, REDCROSS, LUSHOMO Club, Anti-Voter Apathy, Youth Arise, LADA, District Women Association, NOCAD and People Action Forum.

extension support to women's farming clubs—the Agri-Gender Roles Extension Service System (AGRESS). However, without concrete evidence on how women farmers had benefited so far, it was difficult to ascertain the programme's strength and scope. And out of the women farmers interviewed, those who seemed to be benefiting more from extension services were those women that were leading the newly founded Coalition of Women Farmers (COWFA). For instance, in Machinga, while all the leaders of COWFA claimed to be receiving adequate extension support, only 34 per cent of the women farmers on the ground were getting the support. This demonstrates a correlation between a) knowledge possession and the ability to demand services; or b) leadership positions in a women farmers association and the success in demanding services. The baseline study showed that the government is unable to supply the required numbers of extension workers. For example in Dowa district, an extension worker was serving 1800 farmers against the recommended ratio of 1:985. This situation is making it difficult to demand special extension services for women farmers. With the low availability of extension workers, the government is also not able to provide consistent and regular services to farmers on the ground. At the time of the Baseline, the Ministry of Agriculture had agricultural programmes aimed at distributing treadle pumps and related equipment; as well as providing farmers with subsidised fertiliser and seeds. The District Agricultural Development Officer (DADO) in Machinga claimed that the government had introduced new softer treadle pumps ("money makers") to replace the previous labour intensive ones—in a quest to specifically address challenges that women were having with the original treadle pumps. However, these treadle pumps were only distributed to groups/clubs of women farmers, and not individual farmers. The majority of women farmers also did not indicate awareness of farming inputs targeting them.

In Mozambique, the district of Marracuene was supported by the Marracuene Union of Agricultural Cooperatives (UCAM), which was implementing activities aimed at increasing food production for both family consumption and marketing. The District Services of Economic Activities (SDAE) also supported similar

activities in both Marracuene and Manhiça. UCAM had also trained women farmers in the effective management of finances in order to improve the productivity of agricultural activities. This is an important skill, which COWFA in Malawi has also recognised as a prerequisite to the realisation of women's land rights—including skills in coalition building, advocacy and lobbying, proposal writing and fundraising. In Mozambique, the District Union of Farmers in Manhiça already seemed to be imparting the other skills to various farming associations. In South Africa, women farmers in both the Eastern Cape and KwaZulu Natal mentioned that although the Departments of Land Affairs and Agriculture were relevant to farmers, the government policy which says that agricultural support for emerging farmers can only be offered if an applicant verified ownership of the land, defied the reality facing most women farmers. Women rarely own land as the baseline study showed; and most of them are farming on pieces of land in commercial farms (where they live and work), which they do not own. The implication is that they are not able to benefit from government support. In KwaZulu Natal, women farmers felt that officials degraded rural women because they were poor. Therefore, women were reluctant to engage these officials. The women could not mention any farming services that they know of. In the Northern Cape, the few women who were able to name available farming services were those that had won the Department of Agriculture's Female Farmer Award, otherwise the rest had no idea. However, women in South Africa were very clear on what they needed for farming services to be relevant:

In order to overcome women's obstacles to farming, services need to be brought closer to women through the establishment of local service centres. Government officials need to work in close consultation with communities in order to ensure that feasible and relevant services are provided to women farmers. Government officials should take up an on going role of providing information and education on farming to communities. They should also help women with creating a market place which is viable and productive.⁴⁴

⁴⁴ Women from Eastern Cape

And women farmers in the Northern Cape added their voices stating that: *“sometimes we have to look for a borehole, and some of us only have water when the wind blows. It is therefore very difficult to farm productively if we only have to depend on nature.”* As Chapter 2 has demonstrated, these views could represent those of all women farmers in the rest of the region as well. In Zambia, government’s extension services coverage was also found to be low. For instance, in Monze district, one extension worker served 20,150 farmers, against the recommended ratio of 1:650. This was a good example of how women farmers are grossly underserved. The Department of Agriculture coordinates sustainable farming practices like green manure, crop rotation, zero tillage, and permanent planting stations. The Department is supported by the Conservation Farming Unit under the Zambia Farmers’ Union, Keeper Zambia Foundation and the Programme Against Malnutrition Food Security Project which promotes both conservation farming and food processing and utilization. Though the country Baseline findings recognised that programmes targeted women because they are the producers of food, there was no data to demonstrate the extent to which women farmers had practically benefited.

In Zimbabwe, Makonde district had an extension worker/farmer ratio of 1:1000. The figures from Zimbabwe indicate that 59 per cent of women farmers had access to extension services; 32 per cent lacked access; and 9 per cent did not provide a response. Most of the women farmers who had access were married in monogamous unions. This raised the presumption that married women had access to extension services through their husbands, and not necessarily as independent farmers. Agricultural Research and Extension (AREX), the official arm of the Zimbabwean government’s ministry of Agriculture, was mentioned as leading in the provision of effective and efficient extension services in Zimbabwe. However, the AREX/farmer ratio was affected by the harsh economic environment in the agriculture sector, thereby threatening the quality of services on the ground.⁴⁵ AREX was also reported to be providing farmers with free training

courses in different areas of agriculture. However, there were no trainings particularly targeting women farmers. Overall, many women farmers were not attending the available trainings, thereby giving male farmers more opportunities. Most women who attended turned out to be widows, and this was attributed to the absence of a male head of household to influence and control their decisions. Long distances to attend the trainings, and the competing reproductive and productive roles of women were also some challenges that generally prevented women from attending the trainings.

To deal with the problem of shortages of extension staff, a proposal was made in Malawi that private actors like AAI, through the WOLAR project, could support the agricultural office with the training of “lead farmers” that could provide support in specific project areas. “Lead farmers” were defined as village-level farmers appointed by fellow farmers that the office was training in agricultural modern technologies. But due to resource constraints, the office was not able to supply every village in need. The “lead farmers” returned to their village after the training to offer day to day support to other farmers. But then, for grassroots women farmers to be involved in such programmes, literacy is essential—and currently many of them do not seem to possess this skill.

3.3 Availability of farming associations

Farmers’ associations that exclusively focus on women farmers were found to be rare, with only Malawi and Zimbabwe having the Coalition of Women Farmers and the Zimbabwe Women Farmers Association respectively. In Malawi, COWFA is a new national women farmers association, which is still going through the process of establishing grassroots structures. In Machinga district, it was found to be the only women farmers association that exists. However, the Baseline findings demonstrated that COWFA was not yet well established and organised as a women farmers’ advocacy movement. It still needed strengthening to have systems and structures that could attract membership. At the time of the Baseline, this was not the case—because it was found that although 79 per cent of women farmers knew about COWFA’s existence, only 13 per cent were members. This was primarily because the added value of being a COWFA member

⁴⁵ AREX/Farmer ratio: Makoni had 1:500; Makonde had 1:1000

was yet to be appreciated by women farmers. In Mzimba district, the two prominent associations were Khosolo Foundation for Development (KHOFODE) and Edingeni COMSIP Cooperative Limited. Women's membership in KHOFODE was 14 per cent; while Edingeni COMSIP had an all female membership. However neither association was dealing with land rights issues, but only focused on the production activities of the members in order to raise their income. Nationally, there also exist the Farmers Union of Malawi (FUM) and the National Smallholder Farmers Association of Malawi (NASFAM)—which are associations for both men and women farmers. The Baseline data however did not indicate the number of women farmers that were participating in these associations at the time of the study.

In Mozambique, the WOLAR project site in Manhiça had six associations at the time of the Baseline study. In Marracuene, data from SDAE showed that in 2006, out of 4305 members who formed 38 associations, a total of 3,541 were women. Mozambique's findings clearly showed that since women did most of the farming, they also took an active interest to progress their farming through joining farming associations. Consequently, although most associations acknowledged that they had not had particular support or projects for women farmers, it was the women who had inevitably benefited from trainings and other interventions targeting the associations. However, this may still not be enough, because as the low levels of information on rights and the struggles of women showed, the associations are not focusing on structural issues that affect women's farming—like land rights, inheritance, and family laws, among others. In South Africa, some women farmers in the Eastern Cape noted that although farming associations existed in all towns, not all of them were aware of the existence of these associations. For those who were aware, they expressed the usual concern that such associations either did not discuss women's land issues; or women's participation was not adequate in order to persuasively push such issues. Also, the women noted that participation of women in farming associations could be low because *"government officials, who are themselves farmers, use these associations just to achieve their interests."* There was no information on the availability of farming associations in the WOLAR sites in KwaZulu Natal and the Northern Cape.

At the time of the Baseline in Zambia, Kaoma district had a local farmers' association that had 18 women out of 30 members. However, the association was not involved in land rights advocacy, let alone women's land rights. The Monze Farmers' association in Monze district claimed to promote gender equity because its executive positions were held by six women and four men. However, it was not clear as to whether it had any specific programmes targeting women farmers. Chipata district had a district farmers association with membership in excess of 3000. About 61 per cent of these were women. This association is unique, because at the time of the Baseline, it had a policy of ensuring that at least half (50 per cent) of the participants in all programmes were women. The association was found to be implementing a project on women and land, and the experiences gained from this project could be beneficial to the WOLAR project. There also existed the Conservation Farming Unit (CFU), which supported over 700 contract farmers in the district in order to improve yields.

In Zimbabwe, the overall situation showed that at the time of the Baseline study, 47 per cent of women farmers belonged to a farming association, while 34 per cent did not. Those who belonged to an association were affiliated to the Zimbabwe Farmers Union and/or the Women Farmers Association. The majority of women who were affiliated to one or both organisations were married in monogamous unions. Although the study made the presumption that the women could be proxy members through their husbands, the fact that they would also belong to an exclusively women's farmers association gives promise for their interest in getting empowered in their own right. However, the extent to which the associations had embraced a women's land rights agenda, if at all, was not examined. Beyond examining the existence of farming associations, it is also crucial to analyse the extent to which women farmers are represented and participating in district level and community level structures.

3.5 Participation of women in key decision making structures

The meaningful participation of women farmers in district and community level governance structures could ensure that women's land rights are consistently kept alive in local policies and decisions. The current situation is that not

only are women farmers negligibly participating in decision making, but even women generally are usually left out. This discussion is approached in two parts—participation of women in district level policy structures and then participation in other structures and public forums.

Women's participation in district level policy structures

In Malawi, COWFA was not represented in any of the key district level structures—the District Executive Committee, the District Stakeholders Panel, or the Area Stakeholder Panel.⁴⁶ Malawi has not held local government elections from many years, hence it was noted that there are no Councillors currently sitting in the District Assemblies. The WOLAR project provides immense space for strengthening COWFA so that it could participate in all these structures. In particular, women in Dowa district felt that *“COWFA should be represented in the District Assembly because if women farmers are represented at the highest level, it will be possible for them to influence lower level structures to take on board women in their executives.”* But the reality is that COWFA members cannot penetrate the District Assembly if they are not Traditional Authorities or elected Councillors. The WOLAR project could support increased advocacy to agitate for local government elections, and support women farmers who want to run as Councillors. Also, Malawi could borrow a leaf from a strategy that women farmers in KwaZulu Natal, South Africa reported to be using in order to circumvent hostile attitudes by traditional leaders towards allocating land to women. These women explained that: *“we involve a female traditional leader in a women's community grouping/structure. Therefore, women who are seeking land would ensure that they are directed to this particular female leader—and they were reported to be treated fairly.”* Thus where female Traditional Authorities exist, COWFA could solicit their membership.

In Mozambique, findings from Maraccuene showed that two women were land responsible for land distribution.

Also, women farmers were reported as beginning to actively participate in district level decision making organs like the District Consulting Councils. However, the realities surrounding the women within the Council provide a reminder that female representation should be distinguished from participation. It was reported that: *“despite the progress, generally the participation of women is low. For example, while the District Advisory Council has reached the minimum requirement of 30 per cent women's representation, their participation is considered weak. Most of the women are illiterate.”* This finding is also synonymous to the observation that was made in South Africa, where most women sitting in Traditional Councils to administer communal land matters were seen as lacking any influence because Chiefs had just appointed them as tokens. In its aspirations to get more women farmers into local structures of influence in the five districts, the WOLAR project therefore has to consistently embrace the notion that knowledge breeds participation. The findings in Manhiça already testify to this because despite high numbers of men in consulting councils, it was noted that: *“there is considerable participation of the women who have attended REFLECT. They are more aware of information on land laws and family laws, and they are able to follow discussions now that they can read and write.”* The WOLAR project in Malawi is also integrating REFLECT into its strategies, and hopefully this should equally increase the confidence of women farmers to be represented and participate at all levels.

In South Africa, there was generally no data available on the involvement of women farmers in government decision making structures. Women farmers in KwaZulu Natal widely noted that women did not get involved in these structures because the structures were viewed as an exclusively male domain. Low levels of education among women farmers could also contribute to this mentality. In the Northern Cape, the involvement of women in local government structures was reported as varying across the municipalities, but no figures were collected. This could be because the WOLAR activities in South

⁴⁶ The District Executive Committee (DEC) comprises all heads of institutions within the district, and is the district's policy making body. The District Stakeholder Panel (DSP) comprises decision makers who can either make decisions over agriculture related matters at district level, or refer such matters to District Executive Committee. For instance, they can make decisions on how to resolve challenges related to the distribution of agriculture resources, i.e. treadle pumps or fertiliser subsidy coupons. And they can refer to DEC matters such as the [inadequacy of] district allocation of fertiliser subsidy coupons, since DEC can invite relevant politicians to its forums. The Area Stakeholder Panel make such decisions at community level and passes them on to the DSP

Africa do not particularly aim to promote participation of women in decision making structures. In Zambia, all Councillors in Kaoma and Monze districts were male. In Chipata district, women occupied 25 per cent of all decision making positions. There were 5 female and 19 male Councillors. This slight improvement in contrast to the other two Zambian districts could be attributed to the presence of the Women's Lobby in the district. This organisation actively works towards ensuring that women are represented in all decision making bodies.

Women's participation in other structures and public forums

In Malawi, women farmers in Machinga District lamented their low influence at community level. They were not well integrated into mainstream village level structures like the Village Development Committee (VDC—which is a local government structure). Yet, the VDC was noted as being particularly critical, as it managed the distribution of subsidised fertiliser coupons at village level. Only 14 per cent of women in Mzimba district belonged to community groups, and only 1 per cent of these held positions. The patrilineal cultural atmosphere in Mzimba inhibited women from participating in community stakeholder meetings, as shared by one official that: *“when we were doing a DFID funded programme on primary injustices, land was topping the list. However, women twice ran away from the deliberations for fear of cultural repercussions. Even if women structures are formed here, they are merely superficial and they cannot advocate against culture.”* This is something for the WOLAR project to note in order to devise relevant and effective strategies for the district.

In Mozambique, women farmers in Maracueene and Manhiça observed that *“the dominance of women in most farming associations put them at an advantage to get more involved in decision making; and to influence the attention that was given to women farmers in the associations.”* Women occupied leading positions in some associations, and boasted of their capability to “give orders” to men. However, women farmers in Maganja da Costa had a different experience with leadership, noting that although the associations were dominated by women, it was still men who assumed director positions. This could be attributed to the low knowledge levels amongst most women in the district, and therefore low confidence.

In Zambia, the Baseline findings in Monze district showed that most decision making positions at community level were held by men—75.4 per cent compared to 24.6 per cent women. Some women reported being frustrated by men by citing the following experience: “when we wanted to join a cooperative, men said there was no more room for others (women). Thus the cooperative has 30 men and only 7 women.”

In Zimbabwe, it was found that Makoni district had no female headman. In Bubi district, only 3 out of 23 “headmen” were women. Both districts however had an equal number of men and women in their Land Committees. Despite this positive situation, the Baseline study still rightly cautioned that uplifting women's land rights through gender equality measures should go beyond mere equal representation—but it should involve equal participation in the development of policies and systems, sharing of roles and responsibilities, setting up strategies, distributing resources, management, and leadership.

3.5 Conclusion

Women farmers in the five countries are experiencing challenges in all areas that could improve their land rights. These challenges could be addressed both at legal, policy and programmatic levels, as **Figure 4** illustrates. There are challenges in their justice needs because the customary justice systems that they rely on have not yet adopted rights based approaches to justice delivery. Women's knowledge of land laws and other relevant laws and policies is key to help them to claim and defend their rights in the wake of discriminatory systems. However, such knowledge should also permeate customary justice delivery structures, because administrators of customary justice can best respond if they understand the language in which demands/claims are being made. While NGOs are working in some of the WOLAR project sites, not many of them are addressing women's land rights. Where they address this topic, not many women farmers seem to have been reached. Agricultural extension services also seem not to be available to every woman farmer—due to a combination of shortage of extension workers, inadequate attention to specific needs of women farmers, and the lack of capacity by many women farmers to demand the service. There is also no maintenance of sex disaggregated data by government

officials, making it hard to ascertain exactly how many women are accessing their services and how often.

While some farming services are available, most women did not demonstrate an awareness of their existence. These services also seem to be more available to associations, clubs or cooperatives. Concrete strategies therefore have to be devised to ensure that individual farmers who have not joined farming associations are reached. Farming associations that exclusively focus on women farmers are rare. Most associations have also not embraced women's land rights as a specific agenda. Instead, they seem to exclusively focus on general improved production and income generation. Also, a

significant number of women farmers either did not know of the existence of the associations; or were sceptical about the added value of joining these associations.

Though there are some promising trends, the level of participation of women farmers in both district level and community level decision making structures remain low. This finding draws attention to the need for the WOLAR project to aspire for more than women farmers' representation—because it is the participation that matters.

Chapter 4 points to the Baseline trends and key conclusions.

Figure 4: Interconnectedness of the key springboards necessary to promote rights and livelihoods for women farmers



Chapter 4 Baseline trends and key conclusions

The WOLAR Baseline studies were conducted with several result areas in mind—awareness raising and knowledge building; community mobilisation and political support; control over land by women farmers; and support for sustainable farming. The impact of the project will also be measured using the same result areas. Because the Baselines in Malawi, Mozambique, South Africa and Zambia were conducted at the inception of the WOLAR project, the studies in the four countries were done with the result areas in mind—and these countries may therefore have more direct data. The Baseline study in Zimbabwe had been conducted before the WOLAR project as part of a women's land rights project supported by EU. This analysis will therefore relate the Zimbabwe findings to the key result areas where applicable. This part provides a comparative analysis of the five WOLAR project countries in relation to the various result areas; and notes trends that are emerging in the fulfilment of women's land rights, or indeed lack thereof. In essence, it pulls together the main findings that have been explained in Chapters 2 and 3. Then it provides summarised key conclusions based on the result areas. **Annexure 3** profiles the structures that are known to be available in all the five countries to influence each result area.

4.1. The trends

4.1.1 Awareness raising and knowledge building

The Baseline findings measured awareness raising and knowledge building by distinguishing between three different types of awareness—gender knowledge and awareness; knowledge on land rights; and organisation on land rights. Some countries had taken more concrete efforts towards achieving one or more of these capacity building areas than others.

Gender awareness and knowledge

In measuring gender awareness and knowledge, the interest was to assess the extent to which women farmers in each district were aware of their general rights and entitlements as women. Baseline findings were analysed on a scale of 1 to 3. *Level 1* meant that most

women had no out-spoken feelings on their rights, they felt inferior, and were submissive. *Level 2* meant that most women knew that they had equal rights with men, but were simply not claiming their rights. *Level 3* meant that most women had strong feelings and motivation to claim their rights. Though the findings in the different WOLAR sites fluctuated, the average scores showed that awareness of gender and women's rights in general was still very low amongst most women.

The Baseline findings from all the WOLAR project sites in Malawi concluded that women had poor gender awareness. Most women claimed not to have any knowledge on gender and power relations. The average score was therefore 1. Mozambique and Zambia had no specific score on gender awareness, and only looked at women's land rights awareness. However, it is noted that just as in the rest of the countries, many women in parts of these countries (the report even provides the opinion of women in Maganja da Costa) had strong deference to traditional customs that demand total submission to a husband or men in the family. South Africa got the average score 1.3 because there seemed to be wide acceptance of norms which marginalized women. And while some women in KwaZulu Natal appeared to know that they had equal rights with men, not all women were comfortable in asserting these rights. So while women were strong and vocal, they were not critical of the unequal power relationship that does exist between women and men.

Land rights knowledge

The Baseline studies sought to know the extent of women farmers' knowledge, specifically relating to women's land rights. In assessing this knowledge, the Baseline findings were also analysed on a scale of 1 to 3. *Level 1* symbolised that most women had demonstrated little knowledge on land rights. *Level 2* meant that most women were interested, and had some knowledge on women's land rights and could participate in meetings on the issue. *Level 3* implied that most women were quite aware of their land rights and what

they could achieve with land rights. Some WOLAR sites in Mozambique, South Africa and Zambia seemed to have made reasonable progress in building knowledge on women's land rights, though not to the quality of *Level 3*. Though most sites reflected women's low awareness of their rights, women were still able to identify injustices that prevent them from enjoying their rights. However, many women seemed not to know that apart from being social wrongs, these injustices were also legal wrongs. Therefore, they generally lacked wide knowledge about the legal protection that they could seek to remedy the injustices. Women farmers seemed to be more aware of traditional means of resolving land disputes, or accessing land, than the statutory ones. At its conclusion, the WOLAR project needs to follow up on whether women farmers who are able to identify oppression are also able to take measures—statutory or traditional—to claim their land rights. Meanwhile, since traditional systems are clearly more accessible to (rural) people, strategies have to be found to make them more sensitive to women's land rights—because the Baseline findings in Zambia and Zimbabwe have offered examples on how training of Chiefs could lead to their objectivity in handling land disputes involving women.

Women farmers in Malawi displayed very low levels of their land rights, and the average score was 1. About 27.4 per cent women claimed to know of land laws—and they were talking of their traditional laws which they experience and feel every day. No woman had knowledge on the statutory land law, land policy, the Prevention of Domestic Violence Act, or the proposed Bills to deal with marriage and inheritance issues. However, most of them indicated interest to have their capacity built to enable them to better defend their land rights. These findings reflected the fact that women's land rights were not on the agenda of development interventions at district and community levels. Although Mozambique did not have a quantitative score on the levels of women's knowledge of land rights, the qualitative results in Marracuene and Manhiça were a bit promising. In these districts, women had more knowledge on statutory land rights—they were aware that they could obtain statutory user titles after 10 years of land use, and that the State could repossess the land if it was not being used—compared to those in Maganja da Costa. Only one woman farmer respondent in Maganja

da Costa had knowledge of the land law. Clearly in Mozambique, the presence of active NGOs working with farming associations in Marracuene and Manhiça was helping to build knowledge on land rights—though not every woman farmer has been reached. REFLECT circles implemented by Action Aid in Manhiça had greatly improved women's knowledge of their land rights, as well as their participation in community meetings. However, it also seemed women who were not involved in REFLECT usually lacked the knowledge.

In South Africa, women farmers' knowledge on land rights got an average score of 1.6. Though some women expressed knowledge of land rights and were able to articulate their challenges and their specific needs in relation to land issues, these were only the women who were involved with, or were accessed through a provincial NGO. They were therefore already somewhat empowered. It did not appear that a large portion of women who lacked this exposure could express that same degree of knowledge, and indeed women in the Northern Cape were not aware of their land rights. They only saw the obstacles which they face as "frustrations"—and not legal wrongs. And generally, women's participation in meetings was limited because this was seen as the ultimate male domain.

Equally in Zambia, the analysis of the Baseline findings on women farmers' knowledge of land rights established an average of 1.6. The level of awareness of statutory tenure, compared to that of customary tenure, was generally lower among both men and women. Less than 10 per cent of the men were aware about procedures of land acquisition under the statutory tenure; while the number for women stood at 5 per cent. But even at custom, women farmers' (particularly married women) familiarity with the procedures for land acquisition under customary law did not always translate into action. Only women in one project site (Kaoma), married or unmarried, were slightly more proactive in attempting to obtain land ownership under customary land. In fact 20 per cent of married women in this site were found to own land, compared to the other two sites where women only requested for land when there was no man in their lives.

In Zimbabwe, knowledge by women farmers seemed to lean more towards agricultural training than land rights. Thus even though 75 per cent of the women

farmers (especially widows and those married and in monogamous marriages) had had formal agriculture training, most of them still had low awareness of their land rights.

Organising around women's land rights

The issue of interest for the Baseline studies was whether or not women participated in organised action to claim their land rights and increase their control of land. These findings were also analysed on a scale of 1 to 3. Level 1 meant that there were no organisations that were actively working on women's land rights. Level 2 meant that there were a few organisations that had limited scope and/or were not well coordinated in promoting women's land rights. Level 3 meant that there was a presence of one or more strong organisations that were active and well known for their campaigns to promote women's land rights. South Africa and Zambia appear to be ahead of the others in organising around women's rights.

In Malawi, there was found to be no coherent organising around the issue of women's land rights within all the WOLAR project sites, and therefore the average score on this issue was 1. No NGO was championing this cause in the project sites. While other countries have many vibrant farming associations that could be strategic platforms for advancing women's land rights, the women farmers in the districts of Dowa and Machinga could not mention any farming associations. Many had heard of the existence of the Coalition of Women Farmers, though they did not necessarily belong to it. However, the coalition itself is still very weak and not well organised, though it has the potential to be a strong mouthpiece on women's land rights issues.

Mozambique had no score, but the fact that farming associations widely existed in itself did not lead to the conclusion that there was systematic organising around women's rights. The associations were found to be concentrating more on broad agricultural activities, and not focusing on women's (land or specific) interests. This was a missed opportunity to advance women's land rights through the farming associations, because these are dominated by women—some of whom even hold leadership positions. Active NGOs were known to exist in Marracuene and Manhica to popularise the land law. But not all NGOs were focusing on the particular issue of women's land rights.

South Africa enjoyed a high score relating to the presence of *organisations on land rights*—2.3. South African women farmers seemed to be appreciative of the support that they were getting from NGOs, compared to government services. Eastern Cape and KwaZulu Natal had higher scores because of the notable presence of organisations that were specifically addressing women's land issues, including educating women, building their leadership capabilities, and taking legal action through test cases. Though the two provinces have displayed good efforts, the Baseline findings that women farmers on the ground may not be as actively involved in claiming their land rights as those that are directly involved with NGOs should be noted. In fact, in the Northern Cape, women were not organized around land issues, and did not seem to recognize a need to be organized.

Zambia got an average score of 2. In Monze and Chipata, NGOs like the Monze District Land Alliance, and the Chipata Farmers Association had projects on women's land rights, but Kaoma district did not have similar interventions. It was also noted that the District Farmers Alliances (DFAs) had policies to support affirmative action amongst women farmers.

4.1.2 Mobilisation of political support

In the Baseline studies, this concept related to the attitude and activities of all the key-actors and organisations in the rural communities in the district. There was no numerical score attached to this result area, but based on the analysis of the findings, a Baseline site was supposed to be characterised as a non supportive community, a passively supportive community, or an actively supportive community. Except for one site in Mozambique, all country Baseline findings showed that the WOLAR project districts were non supportive communities, for both similar and different reasons. In Malawi, it was found that when the districts had Councillors and the District Assemblies were fully functional to pass by-laws, no by-law had ever been passed relating to land or women's land rights. There was also no established presence of human rights NGOs in the project sites to concretely assist women in claiming their land-related rights. The judiciary also did not run circuit courts in the impact areas because of resource constraints. While local Chiefs received women's complaints, most women complained of

unsatisfactory justice from these fora. The situation on the ground suggested that no one had succeeded in putting in place sustainable structures that could be strong enough to champion change, and sustain such change in the prevailing patriarchal cultural settings. Thus where practicable, the WOLAR Project has a huge task of championing change and leaving behind sustainable structures within its short life span.

The Baseline study in Mozambique concluded that the community mobilisation of political support in the WOLAR project sites varied, with some communities being identified as actively supportive, and some as non supportive. In the districts of Marracuene and Manhiça, there was found to be a strong involvement of the existing local structures in the popularization of land laws and relevant debates. Female members of consulting boards had also been disseminating information on the law at women's forums within their communities. In the two districts, paralegals were also training farmers' associations, which mainly consisted of women. Thus these districts were noted to have *active community support*. However, Maganja da Costa was considered as having a *non supportive community* because knowledge of land laws was not shared by all political structures and community leaders. Yet, the community leaders were the primary structure at local level for resolving land related conflicts. Worth noting from Mozambique's Baseline findings is that much investment has gone into building the capacities of local structures to enable them to generally popularise land laws, and not specifically women's land rights—though notably, ActionAid, UCAM and AMUDEIA were working on this area.

South African project sites were ranked as *non-supportive communities*. District and community level structures were dominated by men, and women's land rights issues were not regarded as paramount. Relevant government departments, particularly Department of Land Affairs' district offices, were also reported as inefficient in addressing women's land related problems.

The Baseline findings in Zambia showed that in all WOLAR project district, there was need for increased efforts in mobilizing political support, and generally the districts could be ranked as having *non-supportive communities*. But just as in Mozambique, it was observed that (notwithstanding that the political support was

generally low), there were differences among the districts. Chipata district had the presence of the Women's Lobby Group working towards ensuring the participation of women. Thus Chipata had 5 female councillors, while the other two districts had none. And generally in all three districts, except for the District Land Alliances—which were a creature of civil society—most decision making structures were dominated by men. It was therefore noted that political will to support women at national level (that is, appointing a Minister for Gender to drive the National Gender Policy and its attendant Strategic Plan of Action) had not yet filtered down to the districts.

4.1.3 Control over land by women

In assessing whether or not women had control over land, the Baseline studies broadly focused on: women who had no access to land; women who had direct and indirect access to land; women who had control of land; and women who owned land. In all countries, it was common to see a thin line between how most women differentiated the concepts of access, control, and ownership. Sometimes, women seemed to feel that because they had been on the land for a such long time, then the land was theirs, though this was not often correct. On the other hand, some women were only interested in the availability of land for their farming purposes. Whether they owned it or not was not an issue they wanted to worry about. Most of these women also took it for granted that just because they had land for farming, then it followed that they controlled it. It was only upon careful probing that women were able to lay bare their true societal positions regarding land access, control and ownership. Generally, no country showed satisfactory trends in women's position regarding land control, though there were isolated promising examples.

All women in Malawi were found to have some access to land, though under different circumstances. An average of 53.3 per cent women farmers had indirect access, with the matrilineal district of Machinga having the lowest percentage of 10 per cent, and the patrilineal district of Mzimba having the highest, 100 per cent. In contrast, out of the 63.3 per cent women farmers who had *direct* access to land, Machinga had the highest ranking of 90 per cent, while virilocal Dowa district had 50 per cent. The percentage of women who were able to *make decisions* over land only averaged 38.3 per cent,

with no woman in Dowa district claiming to control land. No woman in Mzimba claimed to own land; but some widows asserted that they controlled the land they were using in their husbands' villages. These findings therefore demonstrate that the overall situation for Malawian women regarding land is insecure. Control over land is usually only exercised in the absence of males, more so in patrilocal areas. Most women [and men] seemed not to be empowered enough to discard the "household head syndrome," which gives excessive power to the male spouse to control household property. Or indeed as findings from South Africa (KwaZulu Natal) and Mozambique (Maganja da Costa) show, culture seems to be critical to the women's own identity—and they are hesitant to adopt conduct that would cast them in a negative light.

Although Mozambique had no statistical data, women were entitled to use their husbands' land because women dominated the whole farming process. With the exception of a small number of women farmers who claimed to make joint decisions with their spouses regarding farming related matters, including selling and using the proceeds, most women reported that all farming decisions were taken by men. However, there seemed to be optimism that as more women get empowered through REFLECT and women's land rights awareness campaigns, they would be exerting household and community influence in farming related decision making.

In South Africa, the Baseline study also did not obtain statistics to portray the situation of women with regards to land ownership. However, it was noted that women accessed land indirectly through their fathers and husbands; or upon the decision of a Chief. Some South African women farmers mentioned other means, like access through working on commercial farms; and access through the government's land redistribution programme. Many women spoke about difficulties that they had encountered in accessing land, ranging from discriminatory customs, eviction, inaccessible land (because it is too far away from where they live), sexual exploitation, and inefficient government structures like local Departments of Land Affairs—among others.

And as in the rest of the countries, most women in Zambia were living under the customary land tenure system, which differed from one place to another. While

one district (Kaoma) had equal inheritance rights for male and female children, the other two WOLAR Baseline sites (Monze and Chipata) gave preference to male children or other male relatives. Women were expected to access land through their husbands. An impressive 80 per cent of women in Kaoma district therefore claimed to have control over their land. The overall control of land by women in Monze was merely 10 per cent; and in Chipata it was 5 per cent. However, the Baseline findings in Zambia (and also Zimbabwe) pointed to the prevailing practice whereby women were allocated small portions of the family fields to grow food crops, over which they had absolute control (and could explain the high figures of women who control land in Kaoma). The rest of the field was reserved for the man to grow cash crops, and he had full control over the field and its proceeds. But then, women's fields were always given low priority if their needs competed with those of the main field over which a man was in charge. Due to discriminatory attitudes, some Chiefs were found to be against the allocation of land to married women.

Figure 5 demonstrates that Malawi could have the highest number of women who control land than Mozambique, South Africa, and Zambia. This could be attributed to land ownership patterns in the matrilineal district of Machinga. However, the results should be interpreted with prudence, because even Malawi can not claim to be ahead in promoting women's land rights when it is only an average of 38.3 per cent of its women that claim to control land. It just means that the other countries are in an even more precarious position.

Figure 5: Women's control of land in Malawi, Mozambique, South Africa and Zambia



Source: OranjeConsult, October 2009

In Zimbabwe, women were also found to be mainly accessing land through their husbands. But if they went back to their natal home upon divorce or death of a husband, then customary rules on whether or not they could access land in their own right varied. In some areas, only women with children were allocated land by a Chief, while in some areas, where Chiefs had received training, women were allocated land by applying through available traditional procedures. Married women were generally found to leave the task of applying for land to their husbands, due to low literacy levels or deference to male leadership.

4.1.4 Support for sustainable farming

In the context of the Baseline studies, support for sustainable farming could be derived from various sources: associations, extension services, NGO's for sustainable farming, credits, legal assistance. The Baseline findings generally do not give a concrete picture of the availability of (sustainable) farming services in each WOLAR project district; and how far these are benefiting most female farmers. To a large extent, this is because women farmers themselves seemed not to know of the existence of these services. In some countries, male farmers were also reported as barring the involvement of women farmers in associations. In Malawi, support for sustainable farming for women was generally found to be low, and the Baseline established that there was no data to measure the exact number of women farmers who are participating in sustainable farming activities. Only Mzimba district had some figures that reflected that in a local association (KHOFODE), only 14 per cent of the membership were women. The only all-female cooperative (Edingeni COMSIP) in the locality was under inclusive of poorer women, because of the requirement that membership should be through acquisition of shares. Like the rest of the region, while some women farmers used extension services from the government, their number remained small. However, the Ministry of agriculture had introduced a special extension service for women working in clubs (AGRESS), though its impact could not yet be measured because it was new. The Baseline was also not able to establish the number of women farmers who were supported by sustainable farming NGOs, though several players in Machinga were known to be providing various services— Food and

Agricultural Organisation (Irrigation), Fisheries Department (fish ponds), One Village One Product (Apiculture) and Emmanuel International (Agro forestry).

In Mozambique, the study concluded that though there were some obstacles, the presence of farming associations in all the WOLAR project districts created conditions that made sustainable agriculture possible. Since most members of these associations were women, then it was women farmers who seemed to be getting direct benefit from the various sustainable agriculture interventions that were supplied by the government or by other organisations. However, the number of women farmers who were not part of the associations, and thus not benefiting from sustainable agriculture interventions, was not recorded. Availability of farm animals for tilling the fields was identified as a major obstacle that led to under utilisation of land by women. In both Mozambique and South Africa, erratic rains were noted as a challenge, and the non availability of technology based equipment for irrigation threatened sustainable farming.

In South Africa, the non availability of data relating to sustainable farming was attributed to the fact that women farmers are not considered as a priority, even though women were involved in producing most food crops. And while some areas had farming associations, women were not participating actively because they did not appreciate their relevance. In the Northern Cape, the one woman who made reference to a farming association had previously won the Female Farmer Award. Even when this woman spoke about her involvement in the association, she said that men viewed her with scepticism because of the view that women should not be farmers, and should not be participating in associations.

Women in Zambia also encountered similar attitudes when they were restricted from joining a cooperative because men announced there was “no more room.” Though all the WOLAR project districts in Zambia had some support through agricultural extension services from the Ministry of Agriculture and Cooperatives, the coverage was usually low and below the threshold levels. Though few organisations existed to support farmers with sustainable agriculture, they did not have special interventions for women farmers. Similarly in Zimbabwe, sustainable farming initiatives were not centred on

Box 8: Baseline trends at a glance

- Women farmers feel attached to their land emotionally, and see its value in producing food and for securing their livelihoods and that of their families.
- Many women farmers are illiterate and have had no formal education on farming.
- Women do not just need land as an end. They recognise that for their welfare to improve through land use, they need water, productive resources, inputs, market access and advice to raise income from their work on the land.
- Women's access to and use of land depends on the relationship with their husbands and families; and sometimes Chiefs within their communities.
- Women do understand and know more about customary law and practices on land tenure, but do not know about national legislation and or how it could work in their favour to achieve land tenure security.
- Widows and other single women are more active in seeking land in their own right, unlike married women.
- Women feel that national programmes for land reform are elitist, and that government support towards rural women is weak. In some countries being a member of a local farming association brings benefits.
- Women farmers start being interested in having more influence in community decision making structures when they join an association that is dominated by women, or if they acquire participatory literacy skills (that is, through REFLECT).

Adapted from OranjeConsult, October 2009

women's land rights. While AREX was reported to be providing farmers with free training courses on different areas of agriculture, there appeared to be no trainings and interventions particularly targeting women farmers in order to promote their land rights.

4.2 Key conclusions

Awareness of women's rights

Women's low awareness of their (legal) rights will affect the impact of the project because they cannot claim what they do not know. Where efforts are being taken, education seems to stop at women's general awareness of land laws, which in countries like Malawi are outdated anyway. Knowledge building for women seems not to be purposefully extended to the application of the law and human rights to women's lived realities— so that women are empowered to question their own world and use the opportunities that the laws may offer. Lack of awareness is obstructing the participation of women who have found themselves in forums of power and influence. As women in KwaZulu Natal articulated: “*education [on their rights]*

provides strength to women; as well as information on policies and programmes. Through education, women will be more equipped and wise in dealing with issues of land.”

Operation of the dual legal system and availability of legal services to women farmers

While the presence of the traditional and formal justice systems theoretically provides women with a choice of justice avenues, practically, rural women are using the traditional justice system more. These systems are closer to the women, and regardless of their defects, women seem to also prefer to use them in order to conform to cultural expectations—so that they do not appear to be defying or questioning the Chief. Thus if customary justice providers and men are not efficiently educated on women's rights too, women's awareness could threaten them and drive them into more oppressive tendencies. In countries where some Chiefs have been sensitised on women's land rights (that is, Zambia and Zimbabwe), some are discarding discriminatory attitudes in land resolution. With education, change is therefore possible.

Very few WOLAR project sites enjoy the presence of NGOs that are providing services related to women's land rights. And where they exist, they do not reach out to women farmers in remote areas. Probably bringing test cases on issues of women's land rights before the courts, as one NGO seems to be doing in South Africa, is one way of ensuring that legal interventions have a multiplier effect on all women. But there would still be need for NGOs on the ground to disseminate such information.

Organising of women farmers

There are challenges in systematically organising women farmers due to poor presence of vibrant exclusive women farmers associations that have taken up women's land rights as a specific advocacy agenda. Most farmers associations also lack programmes or policies that address women's specific needs and rights.

Key actors and stakeholders that influence women's land rights

All the countries do not seem to have district level agricultural programmes supporting women's land rights that cohesively bring together multi-players with different skills and interventions. Players are either working in parcels of NGOs, or individually without a shared strategy of achieving the common objective of promoting women's land rights.

Availability and use of sustainable farming services by women

Farmers associations seem to be the major structure through which sustainable farming interventions are implemented. However, most of these associations seem unable to balance commercial interest and social justice interests—thus they are generally pursuing “farmers” interests and turning a blind eye to inequalities that short-change women of their full land rights. There also seem to be no tangible interventions that are targeting “missing” women farmers who operate individually and not as part of an association. Yet, many women farmers do not seem to either be aware of the existence of farmers associations within their community; or the value added of joining associations. A few government interventions like extension services are not usually available to most individual women farmers on the ground.

Chapter 5 Towards the WOLAR project targets: Recommended action points

Malawi, Mozambique, South Africa and Zambia domesticated the key result areas in Chapter 4 by developing country specific result areas and indicators to suit their local situations. After the Baseline studies were conducted, some country Baseline reports also made recommendations on additional indicators that the WOLAR project could consider taking on board; or on the feasibility of the result areas in relation to the realities on the ground. Each country report also made general recommendations regarding how the situation of women's land rights could be improved. Because Zimbabwe's Baseline study was undertaken outside the framework of the WOLAR result areas, the country report also focused more on stakeholder based specific recommendations. Drawing on the country-based recommendations, this Chapter only provides generic recommendations on what is needed for the WOLAR project to influence positive change in the promotion of women's land rights on the ground.

5.1 Adopt a comprehensive approach to the sensitisation of women

5.1.1 Adopt an educative approach

The WOLAR project should take an Educative Approach due to huge knowledge gaps on the part of women and other stakeholders. Comprehensive adult literacy through REFLECT could be a good strategy to educate women through building their literacy and knowledge on relevant laws as well as advocacy techniques that could assist them in asserting their land rights.

5.1.2 Adopt a peer learning approach

Not only should an emphasis be placed on raising women's awareness through several interventions, but also through learning interactions between women farmers from different sites of the WOLAR project. Women are more likely to have the motivation to act if they get the confidence from others who have already acted, or are in the process of taking action.

5.1.3 Adopt an interface approach between Chiefs, men and women

In some communities, particularly conservative ones, it may be useful to create informal spaces for dialogue between women, men and traditional authorities as well as other key community level service providers. Linking the issue of women's land rights and culture to community development in such forums could prompt transformative attitudes by Chiefs, where these are tasked with spearheading development activities within their localities. Apart from educating women, such forums could also increase the capacity of various players who can promote women's rights in a planned, focused, and incremental manner—so that women's land issues are eventually put at the centre of community development. However care must be taken to ensure that the women are ready and empowered to be able to speak on their own behalf, are able to put forth their positions etc. Otherwise exposing unempowered women to such mixed spaces in highly conservative contexts can only disempower them more at best, and at worst backfire very badly.

5.1.4 Adopt an advocacy approach

Women farmers have to be empowered to be advocates for their own increased land rights. This is particularly important in countries where land related legislative or policy reforms are occurring. WOLAR must seize the moment.

5.1.5 Adopt a leadership approach

Interventions to educate women on their land and related rights should also envision the higher goal of building leadership capacities for women, so that they gain the confidence to participate in community and district level policy making structures that impact on their lives as farmers. When women realise that they have the capacity to participate in any fora, they are more likely to be assertive and seek to participate in decision making even at household level.

5.2 Implement a rights based approach to customary justice delivery

Since Chiefs are the custodians of customary law, and they are most accessible in resolving land related conflicts, they should be sensitized and taught about rights based approaches that could improve the quality of the justice they deliver to women. The WOLAR Project should incorporate lower tiers of traditional leadership because these work closely with women but are often neglected in trainings. For example, customary justice administrators should be equipped with knowledge and materials on: the national constitutions and relevant laws that could promote women's land and related rights— marriage, inheritance, divorce, domestic violence, among others.

5.3 Strategically engage chiefs in women farmers' platforms

As Chiefs may not want to jeopardise a cause in which they have been recognised as a fundamental player, it could be helpful to ensure that all female tiers of traditional leadership in the WOLAR sites are invited to join women farmers' forums or associations. Strategies could also be devised to get the support of male traditional leaders as allies.

5.4 Support women to practically claim their land rights

The WOLAR project should consider developing interventions that could enable women who are already aware of their rights to take the next steps to actually claim their rights. For instance, the project should facilitate the acquisition of women's entitlements where it is possible for women farmers to register land in their own names. The project can also support women so that they increase their participation in decision making structures, take legal action where they need to, and have advocacy skills or credit facilities, among other actions.

5.5 Address multifaceted needs of women through cohesive multi-sectoral collaboration

As the needs of women farmers are multi-faceted, it is necessary to develop strategies that could ensure the coordination of all players that are impacting on women's land rights in one way or the other in a given community. Such coordination has to consider that the layers of obstacles that women face start at household

level, and then extend to community and district levels. All stakeholders involved in land and land-related rights therefore need to work efficiently and effectively through shared information and networking.

In particular, the WOLAR project needs to ensure that various government Ministries play their part in the improvement of women's land rights—because currently, this is mainly seen as the domain of Ministries responsible for Agriculture and Lands. As an example, **Box 9** shows different key roles that could be played by other government Ministries.

5.6 Increase agricultural extension support to women farmers

Where the opportunity exists, to improve extension support to women farmers, the WOLAR project should seriously consider the advantages of supporting its own lead farmers as well as extension workers in the target communities.

5.7 Advocate for women focused extension services

Ministries of Agriculture should be lobbied to incorporate gender equality and gender analysis in the curriculum for extension workers, where this is missing. This would ensure that on the ground, extension service providers are working towards meeting both the practical and strategic needs of women in land rights and agricultural activities.

And since most countries do not seem to have women farmer-centred extension programmes, advocacy could be undertaken to ensure that these are put into place.

5.8 Advocate for increased budgetary support to meet the extension services needs of women farmers

Since extension support is not always available to women due to shortage of staff and/or inputs and equipment, the WOLAR project could develop position papers to influence increased budget allocations to meet these needs. This is particularly important in countries where there are already special extension programmes for women, and all that is required is to concretely translate policy into action.

Box 9: Roles of other government ministries in promoting women's land rights

Ministries Responsible for Women/Gender

- Mobilise and organise individual women at local level and raise awareness on women's rights in response to issues—for example land, food security, and decision-making.
- Facilitate lobbying linkages with other relevant stakeholders, for example ministries, parliamentary portfolio committees including outside the country.
- Work with other stakeholders to strengthen women's groups or networks.
- Ensure all government ministries track sex disaggregated data which can inform policy making.

Ministries Responsible for Local Government:

- Ensure that there is equitable distribution of land targeting women.
- Ensure that traditional structures change negative customary laws.
- Build capacities of local decision making structures to understand gender equality, and promote women.
- Work with stakeholders to disseminate information on the positive aspects of customary laws.

Ministries Responsible for Finance and/or Economic Development:

- Ensure that gender budgeting and equitable distribution of resources for land and related activities exists in practice—work with line ministries to ensure that gender is mainstreamed in their programmes (analysis of problems, formulation of policies, design of programmes, planning, implementation, monitoring and evaluation).
- Ensure that land and related audits should ascertain who has accessed inputs, from where, how and with what results are collected.
- Continue to request inputs from women farmers among others on their specific problems and expectations from the national budget.

Ministries responsible for Justice:

- Work with other stakeholders to harmonise existing laws or come up with one inclusive land law.
- Invest resources into awareness raising at local level.
- Constantly review land and water laws and policies to ensure promotion and protection of women's rights

5.9 Sensitise governments on the relevance of sex disaggregated data

All players who impact on women's land rights should be encouraged to maintain sex disaggregated records. A particular demand should be made for District Agriculture and land offices to have sex disaggregated data and gender analysis of existing organizational information. Where necessary, their capacity should be enhanced.

5.10 Build capacities of farmers' associations

Farmers associations, particularly those that have women members need to be strengthened so that they can:

- Advocate for women's land rights.
- Design specific programs aimed at meeting women farmers' needs— which can be different from men's.
- Effectively administer projects.

- Access government funding initiatives; as well as other forms of credit.
- Demand extension services and sustainable agriculture services.
- Access viable markets.

5.11 Advocate for harmonisation of customary law and statutory law

There is need to advocate for the harmonisation of customary law and practices with statutory instruments, so that women have consistent rights relating to land access, ownership and control. At the same time, laws on marriage, inheritance, divorce, also need to be harmonized so that women are comprehensively protected by a clear set of laws.

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Annexure 1: Base line study on women's land rights

Instruction guide and framework for country consultants

This document is a guide for the researchers and activity coordinators who will perform a base line study in May 2009 for the Women and Land Rights in Southern Africa Programme (WOLAR) in Zambia, South Africa, Mozambique and Malawi.

Roles and responsibilities for implementation baseline

We understand that the responsibility for overall coordination of the WOLAR programme currently lies with NiZA in the Netherlands, in the person of Gerinke Fountain, until the ActionAid International office in Nairobi for the EASA region has a regional WOLAR project coordinator in place. The responsibility for the implementation of the base line studies is delegated to the Country Directors of ActionAid Mozambique, Zambia, Malawi and South Africa¹. Within each Country Office, the national WOLAR project coordinator (or in case not yet recruited, the central WOLAR person) will be responsible for the actual implementation of the baseline study, including hiring a local consultant(s) for the baseline, ensuring that the baseline study is implemented according the joint timeline, and coordinating the adaptation of the common baseline framework and methodologies to the local context and the nature of the WOLAR project activities in their respective country. This because the nature of women's access to and control over land is extremely diverse per country, and sometimes per locality as well.

The coordinating consultant will be responsible for

1. overseeing and harmonizing the different baseline studies in the four countries;
2. aligning them to the WOLAR programme objectives;

3. ensuring that a common framework is developed and applied for all baseline studies (based on the agreements made in the Joint Baseline Discussion at the Planning Meeting in Joburg, March 2009²); and
4. compiling the findings in a consolidated report.

The coordinating consultant has a mandate to coordinate with the national WOLAR project coordinators and national baseline consultants concerning both the global content of the national base line study as well as the time line and the national adaptations made to the common framework and baseline approach in that particular country, in order to be able to ensure sufficient adherence to the overall common framework and objectives of the baseline study.

Background

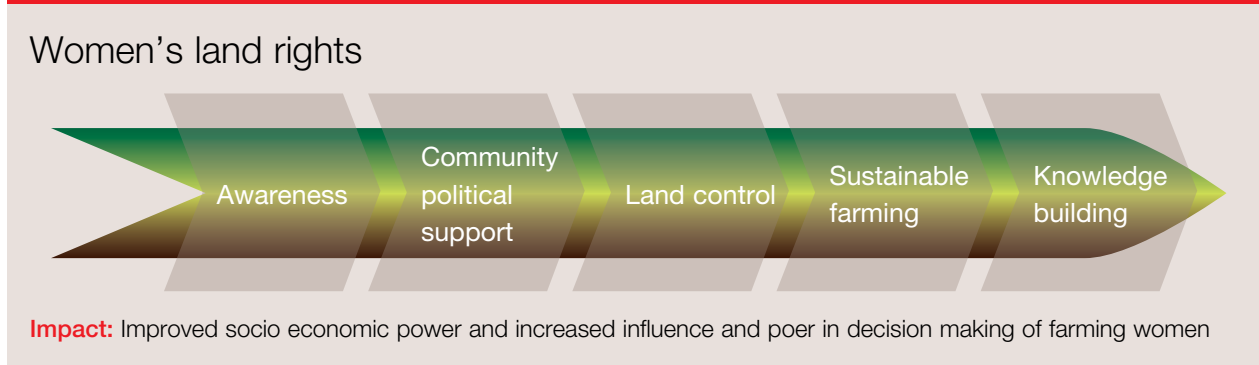
The WOLAR programme is composed of 4 result areas: awareness raising and mobilisation, increasing political support for women's land rights, attention to model cases of women who claim their rights to land, and the access to support for sustainable farming. A fifth result area is the knowledge building that will result from the activities. Those 5 factors together will contribute to the impact designed in the programme: improvement of the social economic status of women farmers and increased influence and decision making power in the household, the community meetings and the district policy making bodies.

The baseline information is necessary for planning, monitoring and evaluation of the programme. It will also be useful to create understanding of the lived realities of women, their own perceptions on their entitlements and rights to land and the changes they would like to see, in order to feed into broader strategic thinking on how to strategise to promote women's rights to promote women land rights in Southern Africa.

¹ In Zimbabwe no full baseline study will be conducted, due to the limited scope of the WOLAR activities. However, based on recent findings from a comprehensive baseline research on women's land rights, implemented by ActionAid in Zimbabwe in 2008 with support of the European Commission, a country profile and three district profiles of women's land rights will be compiled. That country report will be used for the consolidation of findings into the regional baseline report.

² Notes from the 'Joint Baseline Discussions' are added as an annex to this document.

Figure 1: Expected outcomes for the women's land rights programme



Proceedings and planning of baseline research and reporting

Baseline data will be gathered in the month of May, 2009.

In Mozambique, Malawi, Zambia, and South Africa national consultants will be contracted to do a desk study and a field research. The desk study consists in organizing the existing, documented knowledge and information on women's land rights, in order to compose a country profile and to find data on the situation of women's land rights in selected districts to be used for district profiles.

The field study consists in field visits to a number of selected districts, in order to make district profiles and to do an assessment of the situation per intervention area as defined in the programme's documents. In Zimbabwe, a country profile will be made by the country coordinator based on a recent baseline study conducted on women and land.

NiZA and the regional office of Action Aid International will make an international base line study. NIZA will deliver a list of civil society organisations in the Netherlands linked to the issue of women's land rights.

The consultants, AA Zimbabwe, NIZA and the regional office of Action Aid will deliver their draft **reports before June 2, 2009**. The reports will be presented in a joint base line consolidation meeting where the results will be compared and commented by all in a participatory way. **The date is set for June 9 and 10, 2009, in Johannesburg.**

The coordinating consultant will assist the country consultants where needed, chair the base line consolidation meeting, aggregate the data of all reports and present a consolidated baseline report **before the end of June 2009**. The consolidated report will be used as base line reference and for knowledge sharing and evaluation purposes.

The 4 provisional country reports will be completed after the meeting within two weeks and used by the country offices for monitoring and setting priorities in throughout the further implementation of the project.

In late 2010 the survey will be repeated in order to measure if improvements in the four areas could be observed. This time a model for an impact assessment will be added to the format.

Content of the country reports

The reports should be descriptive. It is not possible in such short time, and therefore not recommended, to present a more profound analysis of all dimensions related to the women's rights to land. The base line study is not focussing on *explanations*, but on finding and measuring effects. Each country report will contain the following chapters:

1. An executive summary (2 pages)
2. An explanation of the methodology used and comments on the constraints found, with an itinerary (see ANNEX I) (3 pages)
3. A *country profile* (3 pages)

4. Minimum one and maximum three *district profiles* (6 pages each).
5. *Base line framework* (3 pages) that defines the situation in terms of awareness, political community support, control/ownership/access to land and access to support for sustainable farming. The framework is a grid that has to be filled in, with an explanation of the values attached. (see ANNEX II)
6. Recommendations on the possible *impact* of the programme to be measured (1 page)
7. List of references (see ANNEX III) (1 page)

In the next paragraphs we proceed to explain the details.

Methodology

Each researcher will use her/his own methodology of data gathering. There are a few general principles to be taken into account however.

The researcher can use existing documentation on Women Land Rights. It is important to get access to official statistics, to relevant government policy documents and to research done by scholars in- or outside the country. We ask the researcher not to concentrate on extensive analysis, but to concentrate on figures and facts related to the four intervention areas if they are available: awareness, local political support, control over land and support for sustainable farming.

The researcher should do a few interviews on national level in order to check and amend written information on the political discussion and policy making on Women Land Rights, both from government and civil society, and discuss current practices in implementation.

The researcher will do field visits, possibly assisted by local data collectors or surveyors who know the local languages and the situation. In the field visits, various different actors have to be addressed. Consider, for example:

- 2 interviews with government departments/ stakeholders
- 2 interviews with district councillors
- 2 interviews with ngo's or cbos on women's land rights, sustainable farming and women's rights issues

- At least 1 interview with communities per district (focused discussion groups)
- At least 3 in depth interviews with women farmers
- 2 interviews with farming associations

Before doing the interviews, it is useful to make a memo with the most important questions you want to ask. Concentrate first on 3 or 4 main questions per interview, to leave room for upcoming unexpected relevant information. Then, don't forget before leaving, to fill in the more factual issues to be reported, as for example:

- Suggestions for positive specific opportunities for change that the respondents believe in.
- Specific figures and facts needed for the district profile (see explanation in paragraph 6);
- Additional information needed to fill in the grid for the WOLAR result areas (see explanation in paragraph 7);

If you work with local data collectors, a questionnaire can be worked out for them. We expect researchers to be careful with suggestive questioning. The base line reports should not read as a pamphlet reaffirming the difficult situation of women farmers, but it should find specific leverage points in the local situation for positive changes that can be made.

It was calculated that the researcher would need at least 3 days in a district. The *quantity* and selection of districts to be visited is a policy decision of the country coordinator of each country. For purposes of the base line study and the consolidated report, a fair sample is sufficient: between 2 and 4 districts per country. For the country report, 3 district profiles are a maximum.

The report has to be concise and sharply focussed on the main issues. Conclusions have to be spelled out clearly and the grids have to be filled in. One case study per district can be included in the country reports, but don't include complete reports on interviews. They can be used by the programme officers if relevant, but they will not count as written input for the consolidating meeting.

Country profile

The country profile describes:

1. The legal framework regarding women's land rights in the country
2. Short political history in defending women's land rights in the country and current practices
3. Concise conclusion

The Johannesburg meeting - where the baseline and key indicators were discussed and revised with all implementing country offices - suggests a number of issues to be explored here.

Legal Framework

1. Land Tenure system(s): Does the country have one or more of the following: individual title, communal, customary, state owned land.
2. Constitution: Does the constitution guarantee equal rights to women and men? What other laws impact on women's land rights, for example laws on marriage, divorce, inheritance, and property?
3. Is there a Land Law? If yes, does it guarantee women equal rights to land as men? Does the information on land ownership discriminate between men and women? Do land policies discriminate?
4. Services: mention specific government services or policies that facilitate women's access/control/ownership to land.
5. NGO's: names of the most important national NGO's with programmes supporting women's land rights. Are some of them supporting sustainable farming for female led farms?
6. Existing articles, publications and resources on women's land rights in the country (include in list of references).

Political history and national practices

1. Shortly address major recent developments around land/land reform/political discussions that are taking place around land issues and women and land issues.
2. Mention a few practical constraints often mentioned in implementing the Land Law or other relevant laws/

policies on land.

3. Mention important actors and main decision makers involved in promoting women land rights currently. Identify large government projects that could be relevant for our programme.

The country coordinator in Zimbabwe will not deliver a complete base line study. But she will deliver a country profile on the following subjects:

- A compilation of the national laws on women's land rights
- A vulnerability analysis of women farmers
- A few case studies on violations of women's land and property rights.

District profiles

A district profile will be around 6 pages (we are not counting annexes). It gives context information on the following aspects:

1. Demographic data: size of the district, main town(s), number of inhabitants, economy (what is produced), poverty (per capita income), rural/urban ratio.
2. Law:
3. Local land tenure systems, if different from national law. Who is responsible for enactment of the law.
4. Customary law on land use: theory and practice. Report on good practices and abuses.
5. Government:
6. District government departments that are relevant for women's land rights issues and their current policies (district, provincial)
7. Other key decision-makers regarding issues related to land rights
8. Number and functioning of women councillors
9. Representation and participation of women farmers in the decision making structures in the districts
10. Supportive organisations
11. Legal assistance for land right claims: Explain which services are available to women farmers and if services are actually accessed by women farmers.

12. Sustainable farming services: mention their services available and those accessed by women as beneficiaries.
13. Farming associations and associations who give attention to women's land rights issues: mention the associations, their members (how many, mixed, men only, women only), their current activities and the number of women leaders within these associations.
14. Radio programmes, local newspapers: mention their interest in women land rights issues and the features published or broadcasted.
15. Women farmers
16. How many women depend mainly on land for their income and living? (women farmers as % of all farmers, and as percentage of all women);
17. What is the socio-economic status of the majority of these women?
18. What relevant sub-groups can you discriminate: married, widows, divorced or single women farmers? (how many)
19. The opinion of women farmers
20. The meaning and value women attach to land and what role it they feel it plays in their socio-economic situation.
21. Do women feel that they are entitled to or have the right to access and control land? Can they explain why? Do they have knowledge of laws?
22. How do women feel about their current position and influence in the community? What improvements / changes do they want to see? How can these be brought about?
23. How do they feel about their current position/status in the household (power relations with their spouses)? What would they like to see changed in their decision-making in issues of the household? How can this be done/ what is needed in order to change that?
24. What are their experiences with accessing supports services such as extensions, financial support from government and support from NGO's?
25. What would empower them: which other concerns

have impact on their farming and food production activities, for example HIV-AIDS.

26. Conclusion assessing the situation of women's land rights in the district.

ANNEX: one typical issue, recent newspaper clipping or story on women's land rights for this district as an illustration

Base line features

This part of the report is to quantify the information on a few specific concepts developed for this programme. It means that the researcher attaches a gross value to each feature, summarizing the data found during the field visit. The gross value will be compared by the values given by same survey done after 18 months.

As this programme is new, the concepts are still developing. Remember that we are in a knowledge building process: if you find the description of the concept not matching with the situation, please take note of possible improvements in the definition. But for now, attach a value to the concepts as defined here, for purposes of consolidation. We proceed now to explain the main concepts. After that, see annex 1 to understand the grid to be filled in.

Awareness raising and knowledge building

This concept focuses on the values, beliefs and knowledge of rural women who live from the land: individually, in their family and in associations. The researcher will give a value of (1), (2), (3) or (4) to the following features, using direct information (from interviews with women farmers) and indirect information (what others say about them).

- women farmers in this district are aware of their rights, meaning that they feel and understand the concept of equal rights: (1) no outspoken feeling on their rights, submission; (2) expressing feeling that they have equal rights but not claiming for them; (3) strong feeling and motivation to claim their rights.
- women farmers in this district have knowledge on land rights and want to fight for use/control/ownership of land: (1) they show little knowledge; (2) they are interested, have some knowledge and participate in meetings on the issue; (3) they are quite aware of

what they can and want to achieve with land rights.

- women farmers in this district are organized to work on women's land rights: (1) there are no associations working on women's land rights; (2) there are a few associations, but they are emergent or limited in scope and/or not cooperating with each other; (3) there are one or more strong associations who are active and well known for their campaigns; (4) local women farmers are president or leader of these associations and campaigns.

Mobilization of political support

This concept focuses on the attitude and activity of all the key-actors and organisations in the rural communities in the district. The researcher will choose one of the three situations described here to characterize the district:

- A non-supportive community: legislation on women's land rights is not explicit; there are no support structures in the district or at national level to assist women in claiming their land-related rights; there are no claims in court; women land rights is no issue in election speeches; the media don't pay attention to the issue; local chiefs criticize women who raise the issue on land rights for women.
- A passive supportive community: legislation on women's land rights is adequate but not fully and actively implemented; support structures exist but don't mobilize women, who don't make use of them frequently; there have been claims, but the attention for it died away; there are female councillors but they are not active on land rights issues.
- Active supportive community: the legislation is debated; the local authorities feel responsibility for implementation of the law; councillors pay attention to women's land rights issues frequently. Violations against women's land rights are reported. Land right claims are brought at the courts and the issue gets attention from the media. Local chiefs speak on their behalf. There is a good number of rural women running for elections and getting support.

Women's control over land

This concept focuses on the rights of women farmers that depend on the use of land for their livelihood. Please note that the concept of "land titles" is not appropriate:

the programme believes in improving access, control and use of land rather than in ensuring land titles per se. The researcher will use the concept of "women farmers" as defined in the district profile (point 4-1) and find a gross percentage of women compared to the total of women farmers who are entitled to land in the following ways:

- No access to land: percentage of women farmers who have no access to land and cannot go on with farming for that reason.
- Indirect access to land: percentage of women farmers allowed using family and common land through male relatives.
- Direct access to land: percentage of women farmers who have access to communal land, or access in their own right by special permission through customary law.
- Control of the land: percentage of women farmers that can make decisions on the use of land. For example: what to grow, when to grow, how to market what they produce and control on the income that production generates.
- Ownership: percentage of women farmers who own the land, that is: she has the right to lease the land or to pass the land through inheritance processes; she can buy and or sell (the) land; she has an individual title i.e. a formal legal document if applicable to the tenure situation.

Support for sustainable farming

This concept focuses on the institutional development for women's land rights. The researcher will give information on:

- The number of women farmers in the district who are members of a farming association, if any associations exist.
- The number of women farmers who make use of (legal) services and advise services, if they are available.
- Availability and the number of women farmers who use extension services from the government.
- The number of women farmers who are supported by sustainable farming ngo's.

Impact

The definition of impact is broader than just land rights. It says: improvement of the social economic status of women farmers and increased influence and decision making power in the household, the community meetings and the district policy making bodies.

In this survey, no measurement on impact will be made, as the programme hasn't started and the base line data are not available. Only in the next survey the researchers will observe the combined improvements in the five base line features on one side and the change in women's satisfaction about their influence and power on the other side.

The capturing of women's own opinion is already part of the district profile in this survey, see point 6.5. Concrete suggestions done by the women farmers on possible improvements can be transformed into impact indicators for WOLAR intervention in the next base line study. The researcher is asked to report shortly on those changes which the women themselves see as important.

International fact sheet

The desk study will display information on women land rights policies in the development policies of EU, FAO, World Bank and four global development organisations like Oxfam, Aprodef, Cidse and Agriprofocus. The report includes a reference list of relevant international publications and websites on the issue.

Annex 1 - Itinerary

WOLAR itinerary base line study

Date	Person or group interviewed	Function and organisation	District, place

Annex 2 - Grid on result areas WOLAR

WOLAR results areas per district

Indicator	Feature	District 1	District 2	District 3
Awareness	Gender awareness (1 to 3)			
	Knowledge on land rights (1 to 3)			
	Organisations on land rights (1 to 4)			
Community mobilisation of political support	A non-supportive community			
	A passive supportive community			
	Active supportive community			
Control over land by women farmers	No access to land (%)			
	Indirect access to land (%)			
	Direct access to land (%)			
	Control of the land (%)			
	Land ownership (%)			
Sustainable farming	Nr of women farmers members of a farming association			
	Nr of women farmers who make use of legal services			
	Nr of women farmers participating in extension services from the government			
	Nr of women farmers supported by sustainable farming NGO's			

Researchers are recommended to provide a summary explanation on the grid scores and findings (like a couple of lines), so a more nuanced understanding of what specifically changed after the programme two years later can be assessed.

Annex 3 - List of references

WOLAR list of references

Author	Year	Title	Organisation or editor

Annexure 2: Land related policies, laws, and programmes in Malawi, Mozambique, South Africa, Zambia and Zimbabwe

Country	Policy, laws, programmes	Key Features/Comments
Malawi	Constitution 1994 (section 20; 24(1))	<ul style="list-style-type: none"> Provides for non discrimination on the ground of gender, among other grounds. Guarantees women the right to hold property, either jointly or severally
	Land Act, 1965	Is outdated, and does not guarantee women equal rights to land as men. Currently under review.
	Land Policy, 2002	Recategorises land into private land, ³ public land, ⁴ and government land. ⁵ It provides for equal rights for men and women, but without clear strategies to achieve this, it has been critiqued as being too gender blind.
	Prevention of Domestic Violence Act, 2006 (PDVA)	Has the potential to promote women's land user and control rights where they are violated within a domestic relationship through abusive conduct—psychologically, economically and physically
	Wills and Inheritance Act, 1967	Currently promotes inequalities between men and women with regard to their land rights by not allowing the inheritance of customary land and crops growing on such land.
	Community Based Rural Land Development Project (CBRLDP), 2004	Designed to increase the incomes of about 15,000 poor rural families by implementing a decentralized, community-based and voluntary approach to land reform in 4 pilot districts in southern Malawi. The approach to land reform piloted under the project includes (i) voluntary acquisition by communities of land sold by willing estate owners, transferred to communities by government, or donated by private individuals); (ii) on-farm development, including the establishment of shelter, and the purchase of basic inputs and necessary advisory services; and (iii) land administration, viz. the regularization, titling, and registration of beneficiaries' property rights in land.
Mozambique	Constitution (article 36)	Guarantees gender equality, whereby both men and women are equal before the law in all spheres of life. ⁶
	Law of 1997 (<i>Lei de Terras, Lei No.19/1997</i>)	Creates a system called <i>Direito de Uso e Aproveitamento da Terra</i> (DUAT). The DUAT entails “user right titles,” where by individuals, households, groups and local communities can apply for DUAT from the State. Both men and women are entitled to apply for DUAT, regardless of marital status. They only have to prove that they can use the land for a productive enterprise.
	2004 Family Law	Addresses women's and men's rights to land by guaranteeing men and women equal rights with regards to property, and has the potential to impact directly on women's access and control of land.

³ Private land is land that is exclusively owned, leased, held and occupied under: freehold tenure, customary tenure, leasehold tenure.

⁴ Public land is land which is held in trust and managed by the government or traditional authorities, and is openly used or accessible to the public. It includes land which is gazetted for use as national parks, recreation areas, forest reserves, conservation areas, historic and cultural sites, etc.

⁵ This is land acquired and privately owned by the government and dedicated to a specified national use at the discretion of government buildings, schools, hospitals etc; or government owned land leased for exclusive use by individuals, companies and institutions for which ground rent is often paid.

⁶ Article 36

Country	Policy, laws, programmes	Key Features/Comments
South Africa	1996 Constitution (Section 25 (5) & (6))	<ul style="list-style-type: none"> Requires the State to take reasonable legislative measures within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis. Entitles a person or community whose tenure to land is legally insecure as a result of past racially discriminatory laws or practices to either a legally secure tenure or comparable redress to the extent provided by the law.
	1994 Land Rights Act, as amended by the 2004 Restitution of Land Rights Amendment Act	The 1994 Act aimed at restoring the property rights of persons and communities dispossessed of property as a result of racially discriminatory apartheid laws and practices. It established the Commission on Restitution of Land Rights and a Lands Claims Court for purposes of receiving and adjudicating restitution claims using a market based strategy. The 2004 Amendment Act expanded the scope of the Ministry of Land Affairs in Land restitution matters. The Act does not explicitly mention women as a group deserving of special protection.
	1996 Land Reform (Labour Tenants) Act and the 1997 Extension of Security of Tenure Act	Form part of the legal framework that governs land distribution and tenure reform in communal agricultural areas. These laws focus on protecting rural groups that live under insecure tenure arrangements due to racially discriminatory property and labour laws that existed prior to 1994.
	The 1997 White Paper on Land Policy	Framed a land reform strategy with the three components of land restitution, land redistribution, and tenure reform. ⁷
	Settlement/Land Acquisition Grant (SLAG), 1997	Introduced the provision of a grant for purchasing land, enhancing tenure rights, or for investing in infrastructure, home improvement and farm capital.
	2004 Communal Land Rights Act (operational in 2008),	<ul style="list-style-type: none"> Combines customary land tenure practices and titling by vesting ownership of land in a large group that lives under the authority of a Traditional Council. Land rights are administered by committees according to administrative powers conferred on a committee by the rules of the community
	The Land Redistribution and Agricultural Development Programme (LRAD), 2001	<ul style="list-style-type: none"> Provided a grant, determined on a sliding-scale basis, and matched the applicants' own contributions— which could be in cash or in kind. Focused on two components (i) transferral of agricultural land to distinct individuals and groups and (ii) the improvement of access to municipal and tribal land for grazing purposes.
	2008 Provision of Land Assistance Amendment Act	Regulates the provision of financial assistance for the acquisition or improvement of land and tenure rights. South Africa also has the 2004 Land Rights Act (operational in 2008), which combines customary land

⁷ Land restitution, i.e. restoring ownership of land to persons who were dispossessed of it on racial grounds or providing them with just and equitable redress for their losses; Land redistribution, specifically, redistributing 30% of white-owned commercial agricultural land by 2014 through the provision of grants which facilitate the acquisition and development of land by Black citizens; Tenure reform, i.e. formalizing informal tenure rights and preventing private individuals or public agencies from arbitrarily evicting occupiers of land. Tenure reform laws aim to make land available for settlement and farming in rural and communal areas by setting out criteria for legally recognising consensual long-term usage and/or rental rights to land where none existed before.

Country	Policy, laws, programmes	Key Features/Comments
Zambia	Republican Constitution (Article 23 (4) (c, d))	Recognises the application of customary laws in matters dealing with land.
	Lands Act of 1995	<p>Provided that people in Zambia could only have user rights to land through a leasehold tenure of 99 years.</p> <p>Allows the State to convert customary tenure to a 99 years leasehold tenure if an application is made to, and approved by a Chief.</p>
	Gender Policy, 2000	Recognises the fact that acquisition and ownership of land in Zambia continues to be a major hindrance to women's participation in national development.
	Matrimonial Causes Act of 1973	Entitles parties who are married under the Act to an equal share of property upon divorce. This limitation in the applicability of the Act implies that all women who are not married under the Act cannot enjoy the same rights to property upon divorce.
	Succession Act of 1989	Supersedes customary law, and confers inheritance property rights for spouses (20%), children (50%), parents (20%), and eligible dependants under 18 years (10%).
Zimbabwe	Zimbabwe Constitution of 1980	Stipulated that no property could be acquired compulsorily except under a law which provides for immediate and sufficient compensation. This entrenched provision was to last 10 years. This meant that land would be acquired on a willing buyer willing seller basis. This provision limited the government's choice of land which it could acquire. Consequently, most of the land it acquired was in the semi-arid regions.
	1981 Communal Lands Act	Changed land authority from traditional leaders to District Councils.
	The 1990 11th amendment to the Constitution.	After the lapse of the 10 year period during which the government of Zimbabwe had to abide by the Section 16 provision of the Constitution, it made the eleventh amendment which sought to make land more affordable by removing the need to pay compensation for land acquired in foreign currency. It would pay, "fair compensation within reasonable time after the acquisition" It was aimed at accelerating land acquisition and redistribution.
	The 1992 Land Acquisition Act	Repealed the 1985 Land Acquisition Act which had been developed in the spirit of the Lancaster House Agreement. This Act was developed in the spirit of the 11th Amendment, and gave landowners considerable scope to challenge acquisition. This made it difficult for government to acquire the land that it needed.
	Traditional Leaders Act of 1998	Sets out the duties of Chiefs, including the responsibility for promoting and upholding cultural values among members of the community under his/her jurisdiction. The chief allocates land to members of his/her community, but only in consultation with the Rural District Council
	16th Amendment to the Constitution of 2000	Amended section 16 of the Constitution to provide for compulsory acquisition of land, with compensation. The compensation was divided into land; and improvements made on the land. If the former colonial power did not pay compensation, the Government would not be obliged to pay compensation for land.

Country	Policy, laws, programmes	Key Features/Comments
Zimbabwe continued	The 2000 Fast Track Land Reform Programme	Emerged as a watershed event in the history of Zimbabwe, because it characterised a departure from the government's policy of constitutional based reforms. It began as illegal invasions of commercial farms by communal and other settlers. While the government initially arrested and detained the settlers, its position soon changed to legitimise the invasions, which were regularised through the FTLRP.
	Amendment of Land Acquisition Act in 2004	Made it invalid to offer another piece of land in place of that which the government intended to acquire. It made it impossible to have defence against acquisition of land.
	The Acquisition of Farm Equipment and Material Act No 7 of 2004	Provided for the acquisition of farm equipment and material and prohibited the destruction or damaging of such equipment. Once the farm equipment and material was identified for acquisition, it could not be sold, donated, demolished or disposed of in any manner.
	17th Constitutional Amendment of 2005	Provided for the former colonial power to pay compensation and overrode the jurisdiction of courts to handle cases challenging land acquisition.
	Gazetted Land (Consequential Provisions) No 8 of 2006	Made it an offence to hold, use or occupy gazetted land without lawful authority. This meant that a former owner who continued to occupy land was committing an offence.

Annexure 3: Key district level actors on women's land rights in Malawi, Mozambique, South Africa, Zambia and Zimbabwe

State Actors	Relevance and/or Influence	Non State Actors	Relevance and/or Influence
Malawi			
District Agriculture Development Office.	Actively involved in promoting sustainable farming, though gender focus not systematically implemented yet.	Action Aid	Implementing the WOLAR project.
Ministry of Gender.	Not working on women's land rights.	Food and Agricultural Organisation	Supporting irrigation activities. (Machinga district)
Magistrates Court.	Do not have jurisdiction over land ownership matters, but could decide on other land related matters.	Fisheries Department	Supporting fish farming (fish ponds) (Machinga district).
District Lands Registry.	Not maintaining sex disaggregated records.	One Village One Product	Supporting apiculture (Machinga district).
District Assembly	No Councillors currently sitting.	Emmanuel International	Supporting agro forestry (Machinga district)
District Executive Committee	District level policy making structure, but COWFA not represented.	Habitat for Humanity	Implementing a project on low cost housing (Dowa District).
District AIDS Coordinating Committee	Funding and decision making structure on HIV and AIDS related projects. COWFA not represented	Land Care	Implementing a project on Land Resource Management (Dowa district).
District Stakeholder Panel	Critical for making agricultural policy recommendations at district level. COWFA not represented.	Khosolo Foundation for Development (KHOFODE)	A local farmers association for both men and women farmers (Mzimba district).
Area Stakeholder Panel	A structure that discusses agricultural issues and community level. COWFA not represented.	Edingeni COMSIP Cooperative Limited.	A local cooperative exclusively for women farmers who can afford to buy shares in order to join (Mzimba district).
Village Development Committee	Village level development structure. COWFA not represented.	COWFA, Farmers Union of Malawi; National Smallholder Farmers Association of Malawi	National farmers' structures that operate almost in each district.

State Actors	Relevance and/or Influence	Non State Actors	Relevance and/or Influence
Mozambique			
Ministry of Agriculture	Coordinates agricultural activities. It has oversight responsibilities on the implementation of the land law.	The National Union of Peasants (UNAC).	Largest national structure with a mission to promote the role of peasant farmers in order to increase their food production and development.
District Economic Activities Services (SDAE)	Responsible for agriculture and implementing the land law at district level.	The Rural Association for Mutual Support (ORAM).	Working with peasant farmers, and focusing on dissemination and sensitization of the land law, funding of farmers associations, capacity building of peasant farmers in small projects, and assistance to peasant farmers in acquiring Land Titles (DUAT).
Ministry of Women and Social Action.	Does not have a clear approach towards women's land rights.	Union of Agricultural Cooperatives of Marracuene (UCAM).	Supporting in the sensitisation of farmers on sustainable farming.
District Secretary for Health, Women and Social Action.	Represents Ministry of Women at district level. Usually makes referrals in cases involving land.	Association of Vulnerable Women from the Sugar Industry (AMUDEIA)	Repackaging land related laws and women's rights information for dissemination.
Office of Assistance to Women and Children Victims of Violence	Supports victims of domestic violence, and usually refers cases involving land disputes to SDAE.	ActionAid	Supporting different organisations in different interventions, like training of paralegals, disseminating land laws, and improving adult literacy through REFLECT. Also implementinh the WOLAR Project.
South Africa			
Department of Land Affairs (now the Department of Rural Development and Land Reform)	Very critical department for addressing land reform, but implementation is weak— because often government officials at a provincial and district levels are not aware of, nor knowledgeable about land reform legislation and policies. There is also a lack of adequate institutional support.	Association for Rural Advancement (AfRA)	Providing legal assistance for land rights (KwaZulu Natal).
Municipalities	Critical for providing basic services, especially water— but they are not meeting women's needs effectively.	Farm Eviction and Development Committee (FEDCO)	Educating women about their rights (KwaZulu Natal).
Department of Agriculture	Well known to rural communities due to their promotion of programmes to support farming. However, government officials are generally ineffective in addressing land reform.	Association for Community and Rural Advancement (AnCRA)	Providing support to women in relation to addressing their land needs, specifically in relation to informing women of their land rights and relevant laws which impact on them.

State Actors	Relevance and/or Influence	Non State Actors	Relevance and/or Influence
South Africa (continued)			
Local government Councillors	Have the potential to be a key decision-maker on land issues as they are the ones to whom community women will likely turn to for assistance—but they are not currently playing this role.	South African National NGO Coalition (SANGOCO)	As AnCRA above.
		ActionAid	Implementing the WOLAR project.
Zambia			
Department of Agriculture	Coordinates sustainable farming practices.	The Zambia National Farmers Union's Conservation Farming Unit	Provide extension services.
District Council Departments Management	Includes all Ministerial Departments that operates in the districts.	District Land Alliance Committee	Comprises different associations and deals with land related issues/conflicts.
		District Farmers Associations	Operating under the Zambia National Farmers Union, and comprise both men and women.
District/Municipal Council	Includes Councillors and MPs, and currently male dominated.	Law and Development Agency	Had provided goats to more than 500 women and were involved with seed multiplication programmes (Monze district).
		Monze Diocese	Supporting family units by providing them with livestock (such as cattle) and other aspects to enhance their livelihoods.
		The District Women Association	Supporting the empowerment of women through income generating activities, crop production and agro processing (Monze district).
		Monze District Land Alliance	Providing support to women in resolving their land related conflicts.
		Chipata District Land Alliance.	Resolving land related disputes.
		National Women's Lobby group.	Ensuring that women are represented at all levels (Chipata district).
		Chipata District Farmers Association.	Has a policy of ensuring that at least half (50%) of the participants in all programmes should be women. Also implementing a women's and land rights project.

State Actors	Relevance and/or Influence	Non State Actors	Relevance and/or Influence
Zimbabwe			
District Lands Committees	Compiles a list of land applicants and sends it to the Provincial Land Committee as chaired by the Governor/ Resident Minister.	Zimbabwe Farmers Union.	National structure for both male and female farmers.
Agricultural Research and Extension (AREX).	Official arm of the Zimbabwean government's ministry of Agriculture, and leading in the provision of effective and efficient extension services in Zimbabwe.	Women Farmers Association.	National structure just for women farmers.
		ActionAid	Implementing the WOLAR project.

act:onaid

ActionAid International

Postnet Suite 248
Private Bag X31
Saxonwold 2132
Johannesburg
South Africa

Tel: +27 11 731 4500

Email: mail.jhb@actionaid.org

www.actionaid.org

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in association with
act:onaid

NiZA - Netherlands institute for Southern Africa

PO Box 10 707
1001 ES Amsterdam
The Netherlands

Tel: +31 (0)20 520 6210

Email: info@niza.nl

www.niza.nl