

WOMEN AND LAND: A STUDY ON ZIMBABWE

Dorcas Shumba

Institute of Development Studies, Massey University, New Zealand

ABSTRACT

Land is a vital asset which is central to the livelihood of the farmer (Sachs 1996) . Davison (1988) concerning land says, “whether inherited, allotted, purchased or seized, land remains the most basic resource of agricultural production”. This study recognizes the importance of land to the Zimbabwean as it is considered to be the identity of the people as well as the very life of the rural Zimbabweans who make up 86% of the population (SARDC/ ZWRCN, 2005). Against this background, although women produce the majority of the world’s food, they have limited control over ownership or access to land (Dankelman and Davidson 1993, Sachs 1996, Buckingham-Hatfield 2000). This study is part of a Master’s thesis which was carried out in 2009 to inquire the link between Women, Environment and Sustainable Development in Zimbabwe. By means of a non-interactive analysis, the study seeks to give some understanding into the land tenure system in Zimbabwe and how women have struggled to gain equal rights and or full command over land. The study will also give recommendations which highlight the importance of equal resource distribution and management as a step towards achieving sustainable development.

Keywords: Women, Land, Agriculture, Access, Control, Poverty, Inequality, Sustainable Development

STUDY AREA

The area most pertinent to this study is Zimbabwe, a landlocked country in Africa south of the Sahara. Zimbabwe is bordered by South Africa to the south, Botswana to the southwest, Zambia to the northwest and Mozambique to the east.

Fig 1 Map of Zimbabwe



(Source, lonelyplanet.com)

INTRODUCTION

Land is one of the key inputs for social reproduction which when managed well improves on the human and economic development of a country. Women's reliability on land as perceived by various communities is crucial in their ability to produce food for themselves and their families (Davison, 1988). Their relationship with the land according to Davison (ibid) affects the political economy of their lives and impacts on their roles as procreators and producers, a dual burden which they carry. Gaidzanwa (1981) attests that land determines the economic well-being of the majority of peasant women in Zimbabwe. Resultantly, the relationship between the woman and the land is extremely significant in the social relations of farming (Sachs, 1996). It is these social relations that determine the woman's access to productive resources including land (Davison, ibid.)

In Zimbabwe, women are significantly attached to the land where they play a key role in subsistence farming. They reflect Davison's equation of the 'dual burden' as they provide 70% of the labor in farming as well as play a significant role as the primary managers of their homes where they spent about 49% of their time on agricultural activities for their families' subsistence and 25% of their time on domestic chores (SARDC/ ZWRCN,2005). In total they work about 16-18 hours a day and yet remain very poor because of their exclusion from landownership, non-inclusion in decision-making, lack of access to credit, capital and other productive resources (Buckingham-Hatfield 2000). In areas where women may have access to and control over resources such as land they tend to have limited benefits from such resources. For example most women in rural Zimbabwe have access to land but have limited benefits from the products as well as the land, a situation which hinders them from climbing out of the poverty bracket. Women's exclusion from land ownership puts them in a 'state of dependence' according to Rogers (1980). Being in such a space means that women will rely on those with land not only for employment but for security as well.

The three general means for obtaining rights to land in Zimbabwe are through social and kinship relations at the local level, at land market and or from the state. These means are embedded in institutions that create, modify, and influence land tenure systems namely, socio-cultural institutions, state institutions, and market economy. In both rural and urban Zimbabwe, women are still handicapped by the fact that they do not have the financial means to acquire land. They also suffer from other discriminatory policies and practices, such as in the provision of credit and extension services.

Pitted against the woman, is the environment as both have been simultaneously subordinated by a male drive for progress (Braidotti et al., 1994). This recognition of the connectedness of the domination of woman and nature by man has according to Braidotti (ibid) provided important insights that stimulated the debate on women in the sustainable development discourse. Sustainable development thereby recognizes the effects of the deteriorating human environment and natural resources and the consequences thereof on economic and social development. It recognizes fully the contribution of women towards the environment and the economic growth of communities (women's efforts which are usually swept under the carpet and stepped on).It also calls for collective responsibility of all members of society in advancing the inter-reliant pillars of sustainable development namely environment, economy and society. Denying women tenurial rights and excluding them from decision making forums inter alia impacts heavily on the attainment of sustainable development

IMPORTANCE OF LAND TO WOMEN

The link between gender, environment and sustainable development is indeed a strong and straightforward one with regards to Africa's women who dominate the agricultural scene and who are the key environmental managers (Mwangi,

2001). Mwangi (ibid) asserts that the role of African women in environmental management cannot be overstated; it is often understated. Today women perform many tasks associated with environmental management and play a major role in the agricultural sector, which forms the economic mainstay of the country (Boserup, 1970).

With Agriculture as the backbone of most African economies where it provides about 33% of the African GDP and 40% of its exports (World Bank, 1989), women have been known to be the key players in this field. In 26 African countries in 1991 between 80% and 97.8% of all economically active women worked in Agriculture (ILO, 2004). Furthermore, research has confirmed that 70%-80% of all subsistence farming in Africa is carried out by women (World Bank, 1997). On average African women are responsible for 60% of all harvesting, 70% of all weeding and 90% of all processing; 50% of livestock rearing, and 60% of the marketing of agricultural products. Mwangi (ibid) stresses that women's roles in natural resource management are not limited to crop production as women are also responsible for water, fuel wood and animal fodder collection. These figures alone go a long way in testifying the amount of contribution that women in Africa make to their environment. To add prominence upon these facts Meena (1992) claims that women in sub-Saharan Africa produce up to 80% of all staple foods according to some World Bank estimates. Though women produce up to 80% of all staple foods they own less than 10% of the land. This issue links us back to the theme of social injustice as a drawback to sustainable development.

According to the UN High Commission for Refugees in the Kigali office of Rwanda, *“access to land is a determinant factor with regards to the mode of agriculture in the country and has repercussions on the way of life of the population”*. The sentiments echoed in the just mentioned report stress on the farmer's dependence on access to land for survival and how withholding access to land inevitably presents crisis to him/her while consequently threatening his/her subsistence. According to Meena (ibid), though most African states have acknowledged the significant role played by women in the agricultural sector, few have paid much attention to the land tenure systems which have been discriminating against women. To make matters worse, women's access to loans and other credit facilities for agricultural improvement has been constrained by this inability for women to gain access to land which means that women will continue being poor and marginalized (Sachs, 1996)

The Global Platform for Action emanating from the World Conference on Women held in Beijing in 1995 acknowledges that women's right to inheritance and ownership of land and property should be recognized. The Habitat Agenda adopted at the Habitat II Conference held in Istanbul in 1996 includes commitments from governments to, *“providing legal security of tenure and equal access to land to all people, including women... and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and ownership of land and other property”*. Land ownership as has been established is an indispensable condition for the achievement of the rights to subsistence and to family welfare, without whose rights a woman faces a violation of her most fundamental rights. Lack of access to resources on the part of women leads to extreme poverty, and this has negative repercussions on all those people who depend on her.

HISTORY OF THE LAND TENURE SYSTEM IN ZIMBABWE

Pre-Colonial Zimbabwe

Most scholars agree that land was not owned by an individual prior to colonialism in Zimbabwe. According to Davison

(1988) the authority to allocate land was with the chief who according to Cheater (1990) gave the rights to the headmen to distribute land in the family name as necessary to male members of the lineage. It was up to the chief to consider the male non-lineage members. In addition to this, the chief also had the powers to re-allocate land based on need; for instance the chief could choose to down-scale a person's land or upgrade it depending on circumstances.

The participation of the Shona and Ndebele women in the distribution of land and political authority at this point in time was limited to their linkages with male members of the family, either father, brother, son. According to Peters and Peters (1998) women had to put their hope in the bearing of male children who could perhaps someday hold authority as land owners and or allocators. All the while, women's access to land was dependent in their obligations or duties within the gendered divisions of labour (Pankhurst and Jacobs, 1988). The two further attest that, in exchange for 'usufruct rights' to male dominated land women were expected to produce subsistence crops such as maize among various other crops which were considered women's crops. Pasura (2010) attests that the Shona and Ndebele women were thereby allocated small pieces of land called 'tseu' or 'isivande' for the purposes of crop production. These pieces of land were within the vicinity of the homestead, to which the woman was closely tied to. In the event of widowhood, the woman would still be entitled to using the piece of land for crop production (Pasura, 2010). In the event of divorce however, these rights could be withdrawn and the woman would have to start the homeward bound pilgrimage to her biological home.

Colonial Zimbabwe

After the first colonial settlement in 1890, hut taxes were passed to force the Shona and the Ndebele men into migrant labour on farms and in mines. This left most women as the de facto heads of homes. Despite this background, women still had no full rights to land. According to Gaidzanwa (1981) colonialism intensified the economic dependence of peasant women on men. By 1902, three quarters of African lands in the then Rhodesia had been expropriated by the white settler (Peters et al., 1988). The result of this was that the Shona and Ndebele people who were the majority were forced onto the 22.4% of marginal lands in the reserves while the minority white settler occupied about 50.8% of the total land which was fertile land.

As was earlier established, customarily among Shona and Ndebele people of Zimbabwe, women obtained land for farming through their marriage while the unmarried and divorced women were allocated some pieces of land in their mothers' fields to grow crops and accumulate some provisions in preparation for marriage. According to Gaidzanwa (1981), "*it was very important for women to retain strong ties with men as husbands, sons, brothers and fathers in order to avoid social and economic marginalization*".

By 1930, according to Gaidzanwa (ibid) unmarried women were the early victims of colonial land legislation in 1930 where adolescent women found it more difficult to access land for their own use in the communal areas after the Land Apportionment Act was passed in 1930. The Native Land Husbandry Act came in 1951 and it attempted to deal with the problems of land scarcity, population pressure and deterioration of the communal lands. According to Peters (et al) (1988), the Native Land Husbandry Act allowed for the individualised land tenure of the Shona and Ndebele men as land was being registered in the names of the male heads of household. According to Gaidzanwa (1981), in the Mangwende Tribal Area, for instance, only 16% of the women qualified for land rights under the, Native Land Husbandry Act of 1951. Thus, according to Schmidt (1992), "*...the patrilineal land tenure system, the colonial land appropriation and the*

subordination of women under colonialism had substantially eroded women's land rights, their economic standing and their human rights. Interestingly, in colonial times, most women were seen by the colonizers in a highly negative manner and the colonizers used the Zimbabwean men to keep women in their place...

Post -Colonial Zimbabwe

In April 1980, Zimbabwe gained its independence from colonial rule. In years preceding this women were legally considered as minors. It was only in 1982 that the Legal Age of Majority Act was granted and women were given full adult status. Noteworthy is the 1985 Matrimonial Causes Act in which women were recognised to have the right to own property independently of their fathers or husbands. The question however is to whether this 'property' extended to land and to what extent because women were still not being recognised as land owners. Gaidzanwa (1981) makes reference to the Lancaster House Agreement of 1980 and how it served as the foundation for the Land Acquisition Act in 1992. Through this act, the government of Zimbabwe was empowered to take land from farmers and to compensate them at levels to be determined by the government. However, as it was most women's access to land was still through marriage and as such they still lacked security as primary land holders.

Interesting to note would be section 15 of Deeds Act of 1996 pertaining to the Special' Provisions' relating to women as highlighted below:

Section 15: Special Provisions Relating to Women,

Deeds Registries Act 1996

“(1) A married woman shall be assisted by her husband in executing any deed or document required or permitted to be –

- registered in any deeds registry; or
- produced in connection with any deed or document referred to in paragraph (a); if, by virtue of her marriage, she has no legal capacity to execute such deed or document without the assistance of her husband.

(2) A registrar shall record the change of marital status and any consequent change of name of a woman in a deed or document filed in the deeds registry on written application by such woman accompanied by the relevant deed or document and proof to his satisfaction of such change of marital status.”

Critics claim that this Act was countered by the 1997 Administration of Estates Amendment Act which removed inheritance laws which were unfavourable to women, particularly widows in civil and registered customary marriages. In all fairness, what would become of the unmarried or divorced women? An inheritance case of Magaya vs. Magaya was presided upon after the Deeds Act was enacted in 1996. In this case, Veneria Magaya was denied inheritance over her

deceased father's estate based on the grounds that she was a lady and "*a lady ... cannot be appointed [as heir] to (her) father's estate when there is a man in the family who is entitled to claim it*". The Supreme Court ruled in favour of Veneria's step brother; a younger brother from the second marriage.

While the married woman is said to be protected by the Deeds Act, the unmarried or divorced woman has no law protecting her against land discrimination. Veneria Magaya a divorcee could not claim her father's property on the grounds that she was a woman, a verdict which ruled in favour of her step brother.

As has been noted countless times in the discourse preceding Magaya's case law, it is evident that Zimbabwean women encounter significant discrimination in the matter of ownership rights, and yet access to land is essential for women as their survival often depends on growing subsistence crops yet they are rarely land owners. While the National Constitution of Zimbabwe provides that 'every person in Zimbabwe' is entitled to fundamental rights regardless of race, tribe, place of origin, political opinions, colour, creed, or sex, this is far from the reality because women and girls are still denied access to many 'political, economic and social opportunities' as perpetuated by the customary law and practices (Mushunje, 2001).

Following the fast track land reform program of Zimbabwe in year 2000, the situation of women did not seem to change either. The plight of women for land continued to be ignored despite one the government's main objectives of the program being to promote equality. Some of the other aims of the land reform were to increase agricultural productivity, promote sustainability by reducing poverty among rural households and farm workers and to undertake reform of the land tenure system. Against the cosmetic aims written on paper, the land reform program did not consider gender issues. The intended beneficiaries of the land reform of whom women were part and parcel, were not considered at all, instead they were marginalized. According to the 2003 Utete Land Report, female-headed households who benefited under Model A1 (peasant farmers) constituted only 18 percent of the total number of households, while female beneficiaries under the Model A2 (commercial farmers) constituted only 12 percent. Zimbabwe's Women and Land Lobby Group (now called Women and Land in Zimbabwe) has criticized government policy on land reform, stating that, "*although females heading households can access land and be given permits in resettlement areas, their married counterparts still have to access land through their husbands and have no security of tenure should their husbands die*". This would mean that there still existed no policy framework to catering for widows inheriting their deceased husband's land (SARDC/ZWRCN 2005).

Fig 2 Land Allocation Patterns by Gender per Province (2003)

Province	Model A1				Model A2			
	No of Males	%	No of Females	%	No of Males	%	No of Females	%
Midlands	14 800	82	3 198	18	338	95	17	5
Masvingo	19 026	84	3 644	16	709	92	64	8
Mashonaland Central	12 986	88	1 770	12	1 469	87	215	13
Mash West	21 782	81	5 270	19	1 777	89	226	11
Mashonaland East	12 967	76	3 992	24	*	*	*	*
Matebeleland South	7 754	87	1 169	13	215	79	56	21
Matebeleland North	7 919	84	1 490	16	574	83	121	17
Manicaland	9 572	82	2 190	18	961	91	97	9
TOTAL	106 986	82	22 723	18	6 043	88	796	12

Source Report of the Presidential Land Review Committee under the Chairmanship of Dr Charles M.B. Utete, August 2003, p.40.
Key A1 Model (peasant farmers) A2 Model (commercial farmers)
 *Figures not available

(Source: SARDC/ZWRCN, 2005)

“The current legal framework for women’s access to land and other agrarian resources has numerous gender biases ranging from absolute discrimination to provisions that result in discrimination when applied to the reality of women’s lives” (SARDC/ZWRCN, 2005). In essence, there continues to be insecurity of land tenure for women in Zimbabwe. For freehold land the legal framework is clear in that women can purchase and own land in their own right and hence there is no direct discrimination against women. Women are free to purchase and own free hold land.

However, the reality of women’s lives is that most of them do not have the resources to purchase land for agricultural purposes. The Rukuni Commission of 1994 found that only 2.3% of large scale commercial farms were owned by women (Rukuni, 1994).

In resettlement schemes however, land allocation is through the issuing of permits. The original government policy specifically states that both women and men by law qualify for permits in their own name (ZWRCN, 1996). In these areas, women are free to apply for land under Model A1 or Model A2. The Model A1 is intended for the generality of landless people with a villagised and self-contained variant. Model A2 is a commercial settlement scheme comprising small, medium and large-scale commercial settlement. According to Gaidzanwa (1981) upon the establishment of the Model A1 schemes, most of the permits for land were issued to men as heads of households and female heads of household comprised 2 to 15 percent at best. Another major setback for the Model A1’s is that, patriarchal tendencies have hindered women from applying for land in their own right with most of them preferring to let their husbands apply. The disadvantage of this approach is that the permit is issued in the name of the husband. In such a situation, the women can only live on the land and carry on agricultural activities with their husband’s permission or approval. The fact that the husband was given primary land-use right is sometimes translated to mean "the crops are his" and therefore "the money is his". The wife, therefore, does not have an obvious right to the results of her own labour (Gaidzanwa, 1995). In the event of divorce or death of the husband the woman faces risk of being evicted by either the husband’s relatives or the husband’s children.

Communal land has been the most unyielding of all with regards to females being allocated land. Since the land is generally allocated to a man in his ancestral home area, a married woman can only have access to the land through her husband. Women who are not married are disadvantaged because even within their own home areas, preference is given to their brothers in the allocation of the land. The customary laws are clearly discriminatory against women. According to Jacobs (1989) cited in Pasura (2010), “*whatever formal rights are accorded to women are taken away by the customary law.*” Regardless of their status therefore; women have little or no access to communal land in their own right as the emphasis on customary law and tradition is prejudiced against women.

CONCLUSION AND RECOMMENDATIONS

With no ownership rights women are sidetracked in the developmental process of the country as they cannot maximise their potential in the farming sector when there will always be that lingering question to say, “whose crops are they anyway?” Legislation allows women in Zimbabwe to have access to bank loans to acquire the freehold land, but banks often ask for a husband’s consent or for guarantees that women are rarely able to provide. As a result, financial institutions grant very few loans to women. With no resources therefore, women remain very poor and marginalised, a situation which perpetuates social inequity and subsequently delays the progression of sustainable development. The study proposes that there be equal distribution of land and equal access to all other productive resources. Women should be viewed as equal actors in development and not as welfare cases. They only become welfare cases as a result of exclusion from productive resources and or equal opportunities.

While generally both the men and women in Zimbabwe seemingly have equal user rights to land, in practice the women's user rights are determined by men. Access and control of land is chiefly dominated by men. This study proposes that legislation in Zimbabwe be gender sensitive and fair to all members of society. Law should not act as an oppressive tool to women and therefore the Customary laws which denigrate women’s land rights in Zimbabwe should be abolished. Upon abolishment, a follow up monitoring and evaluation process would be carried out to ensure compliance and the proper enforcement of legislation on the part of some of the ‘unmovable’ male characters in whom patriarchal ideologies are deeply rooted and entrenched.

The study also recognises that society is the source of all the hegemonic practices which influence gender roles and expectations, by so doing giving the woman a status which is lower to that of men. The study acknowledges the need for a social reformation as a way of stopping the gender inequities existing between men and women from perpetuating. Goebel (2005) speaks of state intervention being crucial to the improvement of women’s access to control of land but she also mentions the need to negotiate these rights through the complex ‘social field’ of formal and informal institutions particularly families through challenging the existing customary, general law practices as well as values. The study thereby recommends that the state takes the first step towards doing away with the existing inequalities. The state should acknowledge the women as counterparts in development by giving them equal platform and voice in decision making processes. This step will go a long way in transforming the current social attitudes that view women as more of reproductive agents and less of productive agents.

The UNECD conference in 1992 affirmed women’s critical contributions to environmental management and proposed in the Agenda 21 final agreement , actions to strengthen women’s role in sustainable development by eliminating obstacles to their equal participation particularly in decision-making. The study therefore recommends that Zimbabwe effectively

implements this proposal as laid out in Agenda 21 so as to unlock the full potential for economic, social and human development and move towards the bona fide realization of sustainable development.

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ABOUT THE AUTHOR

Dorcas Shumba: Institute of Development Studies, Massey University, New Zealand.