

THE REPUBLIC OF ZAMBIA

**GENDER IN DEVELOPMENT DIVISION
(GIDD)**

BASELINE SURVEY ON WOMEN'S ACCESS TO AGRICULTURAL LAND IN ZAMBIA

FINAL RESEARCH REPORT

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1.0 INTRODUCTION

1.1 BACKGROUND

Women in Sub-Saharan Africa including Zambia, constitute the majority of people living in rural areas. They provide over 70% of all agricultural labour required especially in food production done mainly at subsistence level (WLSA, 2001 p 16). Further studies have shown that over 60% of the active populations in Sub-Saharan Africa depend on land for livelihood (ECA, 2003). Similarly in Zambia, the majority of agricultural households based in rural areas including women depend on land for their livelihoods. According to the Agricultural Analytical Report (CSO, 2003, p 8) there are a total of 1,084,673 agricultural households in rural Zambia. Out of these 250,279 or 19.2% are female-headed households. Overall, 80.8% of the rural agricultural households are male-headed.

This study, which was commissioned by the Gender in Development Division (GIDD) and executed through Zambia Land Alliance, focused on women's land tenure security including access to, ownership and control of agricultural land. This study was carried out in six selected districts of Eastern, Lusaka and Southern Provinces from August, 2004 to November, 2004.

1.1.1 Location, Climatic and Physical Conditions

The districts covered in this study included Chadiza and Chipata in Eastern province, Chongwe and Kafue in Lusaka province and Choma and Gwembe in Southern province. All these districts are found in rural Zambia. Chadiza is located 637 kilometres away from the national capital, Lusaka, while Chipata is 602 kilometres, Choma is 284 kilometres away, Chongwe is 45 kilometres, Gwembe is 221 kilometres and Kafue is located 44 kilometres away from the National capital. Refer to (Fig. 1). Except for Gwembe district, which is located in agro-ecological region, I, the rest fall in agro-ecological region II.

Based on Muliokela's (1995, p19-23) description Agro-ecological region I areas (Gwembe district in this case) receive less than 800mm annual rainfall and are generally considered being the driest and most prone to drought occurrences. These areas are dominated by subsistence crop production of small grains such as sorghum and pearl millet and have soils that are slightly acidic to alkaline and are mainly the loamy and clay types. With adequate rainfall such soils are reported to have potential for agricultural production.

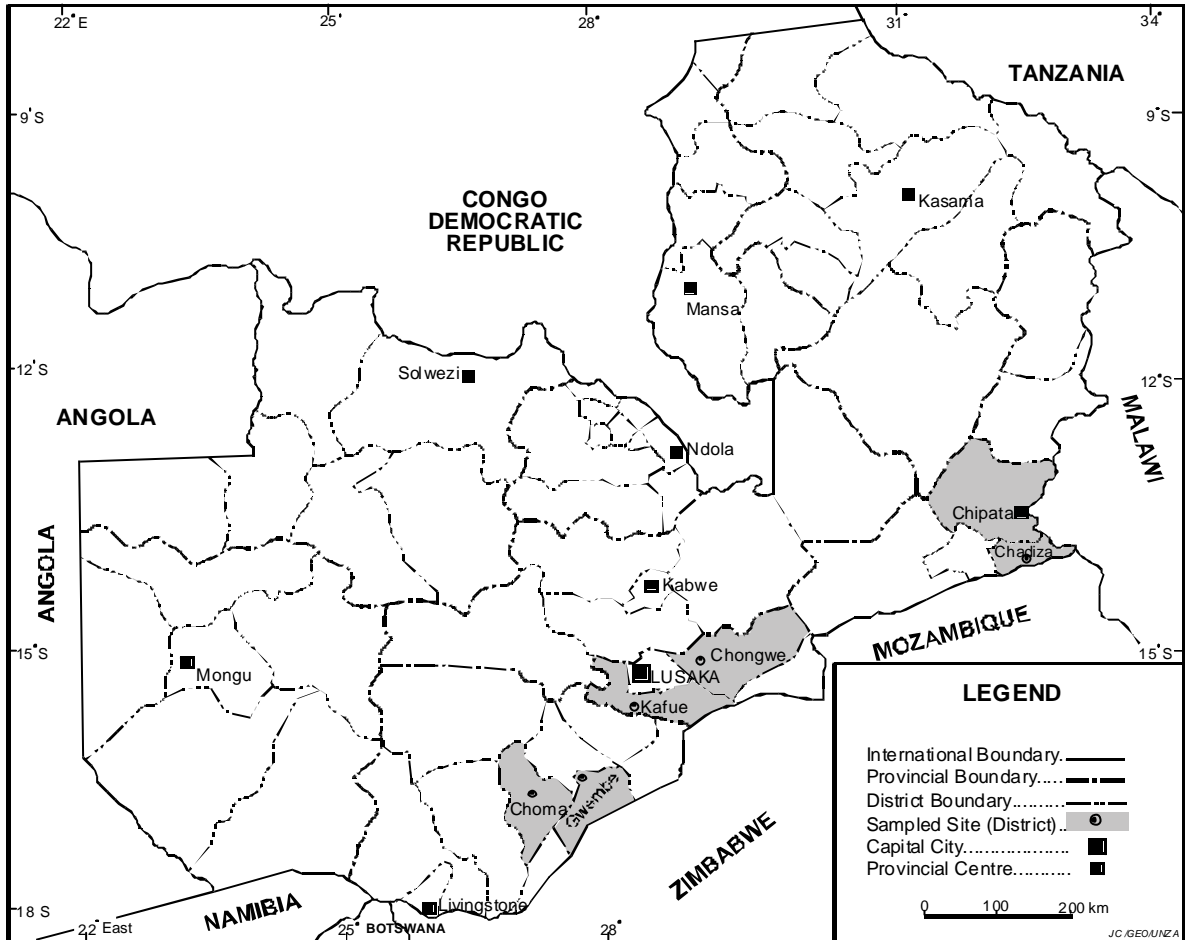
On the other hand Agro-ecological region II areas found in Eastern, Lusaka and Southern provinces receive medium annual rainfall of between 800 mm – 1000 mm. These areas are further reported to have soils that have slight to severe chemical and physical limitations although are capable of supporting commercial agriculture given proper management. Because these areas generally have good soils, they are considered most productive areas compared to other regions (i.e. Region I and III). Region II areas are characterized by a maize regime and thus, the most commercialized areas for agricultural production. Cash crops grown include cotton, wheat, soya beans, tobacco, beans, groundnuts and sugarcane.

1.1.2 Population

According to the 2000 Census, Eastern province has a total population of 1,306,173 representing 13.2% of the national total while Lusaka and Southern Provinces have 1,391,329 and 1,212,124 constituting 14% and 12.3% of the national total, respectively (CSO, 2003a, p31). Except for Southern Province at 2.3 percent, Lusaka and Eastern Provinces have high annual growth rates of 3.4 percent and 2.6 percent, respectively compared to the national growth rate of 2.4 percent and are therefore important areas for semi to commercial agricultural production.

Furthermore, the gender disaggregated data, showed that Eastern, Lusaka and Southern provinces had 658,540; 720,008 and 663,304 total populations of women by the year 2000, respectively.

Figure 1: Map of Zambia showing Sampled Districts.



The corresponding, annual growth rates per province were 2.6 percent, 3.9 percent and 3.1 percent while; the national growth rate for women was shown to be 2.9 percent (CSO, 2001 p 9 & 10). In comparison, the male population was shown to be 642,433; 712,398 and 639,356 for Eastern, Lusaka and Southern provinces respectively. The average annual growth rates for men are shown to be 2.7 percent for Eastern, 3.6 percent for Lusaka and 3.0 percent for Southern Provinces (CSO, 2001, p 9-10). The relatively high annual population growth rates for women would seem to suggest that the land requirements in terms of access, ownership and control for women need to be taken into consideration.

According to the Agricultural Analytical Report of the Central Statistical Office, there are a total of 1, 084,673 agricultural households in rural Zambia. Out of these 250, 279 or 19.2% are female-headed households (CSO, 2003b, p8). Provincial proportions of female-headed agricultural households are shown to be 19.8% for Eastern; 17.7% for Lusaka and 16.7% for Southern province. On the other hand, male-headed agricultural households are shown to have the largest proportions of 83.3% for Southern province; 82.3% for Lusaka province and 80.2% for Eastern province. On average the national household size consists of approximately 6 persons while the national average size of agricultural households was shown to be 5.5 persons (CSO, 2003b, p12).

By the year 2000, the proportion of female adults who were literate through out Zambia was shown to be 58.3% (CSO, 2003a, p54) and overall, 1,305,783 representing 39.0% agricultural female-headed households had attained a primary school level of education (CSO, 2003b, p14).

Appendix 1 shows the population of the selected six districts within the Eastern, Lusaka and Southern provinces and their average annual growth rates.

1.1.3 Socio-Economic Context

The Zambian economy is based largely on copper and cobalt mining that accounts for approximately 80% of the country's export earnings. Due to unfavourable copper prices at the international markets export earnings have been declining since 1975 (CSO, 2003a, p2). Other factors that further exacerbated this long-term decline are transport problems (Zambia being a land locked country), disruption and conflict in neighbouring countries (the prolonged wars in Angola, Democratic Republic of Congo – formerly Zaire); the presence of a dominant but ineffective public sector, debt burden, droughts and floods. In the 1990s, economic liberalization and privatization processes and the high and growing prevalence of HIV/AIDS pandemic have all combined and have negatively impacted on the country's economic performance.

With respect to agriculture, the market liberalization, privatization and removal of subsidies negatively impacted on Zambia's agricultural sector performance as small scale farmers, especially women, could not afford to purchase farm inputs (i.e. seed, and fertilizer) and access competitive markets for their farm produce provided by emerging private buyers. Since women are the majority of the small scale farmers in rural Zambia, it could be argued that they were more negatively impacted with respect to access to inputs, credit and markets created under the above stated policies. The small-scale private buyers (commonly referred to as briefcase businessmen and women) for instance, could not fulfill the roles previously played by organizations such as the National Agricultural Marketing Board (NAMBOARD) and Cooperative Unions that provided readily available markets. In addition, lack of purchasing power coupled with rural women's limited formal education tend to restrict women from effectively participating in decision making with regard to land-use, marketing and the use of proceeds.

Studies have shown that over the period 1990 to 1991, Zambia has had the least average annual growth rates in the SADC region at one percent. A percentage, that was also below the Sub-Saharan Africa rate of 1.4 percent. These studies also indicated an improvement in the performance of the economy where the GDP growth showed an

increase from 2.2% in the 1999 to 3.5% in 2000 and 4.9% in 2001 (CSO, 2003 a, p2). The improvement has been alluded to government interventions made mainly in agriculture (e.g. the Fertilizer Support Programme and Targeted Food Security Pack) and mining, mainly through-improved investments in copper mines.

However, Zambia to date is among the poorest countries in Sub-Saharan Africa (& indeed in Southern Africa) with a debt of about US\$ 7.2 billion. The country is heavily indebted. This socio-economic situation has impacted negatively on women's livelihoods more especially, the female-headed households among who food poverty according to the 1998 Living Conditions Monitoring Survey, was observed to be more prevalent and stood at 61% compared to that of the male headed households at 52 percent (CSO, 2003b, p3).

Studies by the Central Statistical Office (CSO, 2003b) have also indicated that women being the most vulnerable members of communities are the hardest hit by the HIV/AIDS pandemic as they usually are the ones carrying the burden of care and they have to cope with the loss of agricultural labour due to long sickness or death of the spouse. The loss of the breadwinner – the husband/parent means in some instances that women would have to consequently lose access, ownership and control of the family land that was cultivated jointly. According to Kamusiime *et. al.*, (2004, pp11-12), “the land use implications of HIV/AIDS pandemic in affected households include less access to labour, capital to invest in agriculture and productivity due to strained financial and human resources. These are direct effect of death, ill health and time spent in caring for the sick”. With respect to land rights the same authors observed that HIV/AIDS has an impact on the terms and conditions under which individuals and households access, own, use and transact land. Death resulting from HIV/AIDS alters land rights especially for women and children who are predispositioned to lose land and tenure security.

All the observations stated above, imply that women's disadvantaged socio –economic status requires assistance in form of accessing, owning and controlling land, farm inputs, credit and markets so as to improve their current living conditions.

1.2 STATEMENT OF THE PROBLEM

Land is a critical resource to women's and men's participation in agriculture and national development. In Zambia, women play a major role in food production where they make up more than 60% of the small-scale farmers and provide about 70% of the workforce in production and processing. Despite their vital contribution to agriculture and food production women unlike men, are inhibited by their marginalization in accessing, owning and controlling land. Indications are that most policies, practices, traditions and laws relating to land in Zambia are either silent on women's disadvantaged status or are gender biased against women.

In addition, most cultural norms and practices in Zambian communities that are based on either patrilineal or matrilineal systems rarely support the view that women should access, own and control land in their own right. A patrilineal system entails inheriting land/property through a male figurehead and the matrilineal system confers land/property through the female line of descent.

Without access to, ownership and control of land, women's social, economic, political and tenure security is compromised, resulting in, for example, lack of access to reliable source of credit, extension, livelihood, food security as well as on being excluded from decision making processes at household, community and national levels. Ownership of land in this context refers to a situation where women effectively participate in decision making pertaining to land use and marketing while control of land basically means that a woman is able to decide on how the proceeds from the sale of agricultural produce would be used.

There currently exists two land tenure systems in Zambia; the customary or tribal and leasehold tenure. In the customary or tribal land tenure system, access to land is determined by the traditional authorities especially the headpersons and chief/chieftainess who allocate families and individuals with portions of vacant land as long as there are no prior rights to the particular portion of land. These indigenous means of apportioning

land may vary from one ethnic group to another. The leasehold tenure system is based on English law that was inherited at independence and has provision for an individual to own land privately with Title Deeds and such land maybe sold, rented, mortgaged and transferred. Both of these land tenure systems tend to marginalize women (WLSA, 2001).

Furthermore, despite being a party to international instruments relating to women's rights to land such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the 1997 SADC declaration on Gender, Zambia is still far from meeting its obligation to promote these land rights. As such, there is need for adequate information to help Government implement its commitment to these instruments.

1.3 Objectives of the Study

The overall objectives of the study were to review and analyze Zambia's land tenure systems in as far as they constrain women's tenure security and sustainable livelihoods within the context of agricultural development.

1.3.1 Specific Objectives

1. To determine the number of women with titled land in rural village areas, settlement and resettlement schemes.
2. To identify the gender constraints of different land tenure systems as they relate to tenure security of women farmers.
3. To identify the relationship between women's land tenure security and land use practices.
4. To identify dispute resolution mechanisms relating to agricultural land and how these relate to women's tenure security.
5. To identify the impact of HIV/AIDS on women's land tenure security and how the tenure systems can be improved to promote women's tenure security.
6. To identify initiatives that communities are undertaking to improve tenure security of women farmers.

7. To suggest policy recommendations and/or programmes that would increase women's access to land and improve their tenure security.

1.4 Methodology

1.4.1 Study Sites

The study was carried out in three provinces namely; Eastern, Lusaka and Southern. The three provinces were selected on the basis of them being among the major agricultural producing areas of the country. It was assumed that these areas could have more land tenure security problems that affect women's tenure security and livelihoods.

In each province, two districts were selected and from each district two communities (one being a traditional village community and the other being a settlement/resettlement community) were sampled. Considerations were made to include in the sample both the matrilineal and patrilineal tribal communities. A total of six districts and twelve communities were visited in the course of fieldwork. The twelve study sites were Davida-Chamandala and Nzemba in Chadiza district, Chipangali and Kayoozi in Chipata, Chiyota and Kanakantapa in Chongwe, Chiawa and Chikupi in Kafue, Dundwa and Sikalongo in Choma, Lukonde-Hamunali and Misisa-Siamwanja in Gwembe districts.

In consultation with district staff in particular those from the Ministry of Agriculture, and Cooperatives, a purposive selection of participating communities was done. Table 1 provides a summary of each of the selected study communities.

Table 1 Summary of Studied Communities and Numbers of Respondents

Province	District	Village/ Community	Chiefdom	Types Of Settlement	Number Of Respondents In Sampled Communities
EASTERN	Chadiza	Davida-	Mungala	Traditional village	35
		Chamandala	Mulolo	Traditional village	27
	Chipata	Nzenba	Saili II	Settlement scheme	27
		Chipangali	Chinyaku	Traditional village	33
		Kayoozi			
LUSAKA	Chongwe	Chiyota	Bundabunda	Traditional village	29
	Kafue	Kanakantapa	Chieftainess Nkomeshya	Resettlement	31
		Chikupi	Chieftainess Nkomeshya	Resettlement	37
		Chiawa	Chieftainess Chiawa	Traditional village	31
SOUTHERN	Choma	Sikalongo	Singani	Settlement	31
		Dundwa	Mapanza	Traditional village	25
	Gwembe	Lukonde-Hamunali	Munyumbwe	Traditional village	29
		Musisa-Siamwanja	Munyumbwe	Gazetted forest reserve	22
TOTAL					357

Source: Field Survey Data, 2004

Table 1 illustrates the province, district, village communities, chiefdom, type of the settlement and numbers of respondents that were interviewed. Significant observations were that in each district two different types of communities (i.e. a typical village community and settlement/ resettlement scheme) were surveyed. The purpose was to identify the differences in the types of tenure systems in terms of access, ownership and control of land by women. It must be noted that in village communities particularly in the predominantly Soli speaking communities under chieftainess Nkomeshya of Lusaka province, many villages were found to be led by headwomen. This represents a

matrilineal inheritance system in contrast to the Ngoni communities found in Chipata district in Eastern province and among the Tonga communities in Southern province.

Settlement/resettlement communities denote projects driven by government or other agencies (e.g. Nzemba that was established by the Tobacco Board of Zambia in Chadiza district) in which groups of people are semi or permanently allowed to occupy and cultivate an area of unused land under specified tenure conditions. These conditions include, among others, 14-year leases.

1.4.2 Rationale of the Study

This study was undertaken in order to generate data on women's access to, ownership and control of land. The findings could be used by the government in partnership with other stakeholders including civil society and the private sector to redress gender imbalances relating to access, ownership and control of land by women.

Since the government is committed to international gender related instruments, this study, as a contribution to existing knowledge, could assist government in domesticating international agreements such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Such data would also assist the government in particular, the Gender in Development Division (GIDD) and indeed other stake holders in the execution of interventions related to gender mainstreaming activities. In addition, the study could be used by other scholars to enrich the literature on gender and land related issues for public policy review and implementation.

Although, only six out of 73 Districts in Zambia were sampled; generalizations can be drawn from this study. This is so because the Participatory Rural Appraisal (PRA) and the household survey methods that were employed are valid and have led to the generation of both qualitative and quantitative data. The qualitative data especially brings to the fore narratives from the grassroots people in the rural village and settlement/resettlement communities as well among both the matrilineal and patrilineal societies.

1.4.3 Data Collection Methods

The study involved collection of secondary and primary data. Secondary data was obtained through literature review of relevant official documents, publications, reports and various articles, while primary data was collected by employing Participatory Rural Appraisal (PRA) methods.

These PRA methods included semi-structured interviews, Focused Group Discussions (FGDs) and ranking exercises. Both men and women attended the FGDs, although discussions were conducted in women and men only groups. A total of 469 community people (i.e. 208 males and 261 females) participated in the FGDs. Table 2 gives the breakdown of the FGD participants.

Through the FGD data collection methods, narrative information was obtained from both the men and women in the sampled communities. Ranking exercises were used mainly to gain insights into community prioritised constraint/options with regard to the issue being investigated as well ascertaining the importance of particular revelations.

In addition, a questionnaire was administered to a random sample of women in 357 households (i.e. on average 30 households per study community). Semi-structured interviews with some key informants (i.e. 14 females and 31 males) also supplemented the survey information. Key informants included Headpersons, community leaders, local level Government officials and those in Non Governmental Organisations (NGOs). Altogether, a total of 826 community people were covered. Of these 632 were women participants compared to 94 men that participated. The study purposefully targeted more women in order to collect more information on women's experiences with respect to land tenure security.

Table 2 Breakdown of the FGD Participants by Area and Gender

Community	Total Number of People Present	Participation by Gender	
		Females	Males
David-Chamandala	49	20	29
Kayoozi	35	20	15
Nzemba	35	17	18
Chimpangali	57	31	26
Chiyota	31	14	17
Kanakatapa	82	42	35
Dundwa	30	20	10
Sikalongo	22	15	7
Lukonde-Hamunali	39	25	14
Musisa-Siamwanja	37	18	19
Chiawa	25	12	13
Chikupi	27	22	5
Total	469	261	208

Source: Field Survey Data, 2004

In the absence of village registers in almost all of the sampled communities, open invitations through key informants were made for people to participate in FGDs. Thus, Table 2 above shows the disparities with regard to numbers of participants that attended the FGDs per community.

1.4.4 Data Analysis

Data obtained from FGDs and key informants was qualitatively analysed and incorporated in the narratives contained in this report. However, an SPSS package was also used to analyse the quantitative aspects of data that was generated through household questionnaires.

1.4.5 Study Limitations

The major limitations were in the general lack of gender-disaggregated data at all levels (i.e. national, provincial, districts and community) on women's access, ownership and control of land. Similarly there were no records in Government and most scheme offices to show people with Title Deeds to land.

Further, the study focused on rural women and agricultural land rather than on women in peri-urban and urban areas. As the study was focused on rural women, all the household questionnaires were administered to women only. Men however were included in FGDs and were the majority (i.e. 32) among the key informants.

In addition, the period allocated to the field work, the administration of financial resources including the complexity associated to the issue of HIV/AIDS pandemic, made it very difficult to fully investigate the impacts of the pandemic with reference to women's land tenure security.

2.0 LITERATURE REVIEW

2.1 Regional Perspectives on Land

Historically, all countries in Southern Africa have retained dual legal tenure; state and customary tenure systems. The former system originally applied mainly to white settler populations while the latter, indigenous customary law, regulated the affairs of the indigenous black populations with each ethnic group having its own system of rules and regulations with regard to land use and rights (WLSA, 2001).

According to *Women and Law in Southern Africa* (WLSA, 2001), land was broadly communally held in most of pre-colonial Southern Africa. This land was allocated to male heads of the families, but women enjoyed usufruct rights over such land in their various capacities as wives, daughters or nieces. Women were not allocated land in their own rights, especially in patrilineal systems, where land belongs to men directly, but were guaranteed access to land through marriage.

In the matrilineal systems, such as was practiced among the Bemba, Lamba, Luvale and Tonga in Zambia, women's rights to land were ensured. Similarly in Malawi where the matriarchy systems are practiced by majority ethnic groups, women directly owned land through heritage in their own right (WLSA, 2001, p 10 –11). It should be noted that customary law in all the Sub-Saharan African countries tends to protect groups as opposed to individual rights. This implies that women may not easily access, own and control land on an individual basis.

During the colonial period access to land for most women in Southern Africa, continued to be mediated by the customary norms of kinship lineage system. With the introduction of a money economy and cash crop production, coupled with rural-urban migration and regional migration to the mining centers of Southern Rhodesia (now Zimbabwe) and South Africa, a number of changes occurred in the organisation of rural economy. The introduction of wage labour as an alternative for access to economic

resources, particularly land, has meant a weakening of both the economic control of the traditional and community power structures. Women were left to work the land without the participation of the men folk, but were not recognized in the community as owners of the land. Although in the absence of their husbands, women made decisions pertaining to the usage of the land; their migrant husbands were still perceived as owners of the land.

Furthermore, the colonial interpretation of the customary land tenure regimes undermined the status of women by regarding even migrant males as household heads despite the fact that women solely managed agricultural production, as a result, the patriarchal ideology that assumes the superiority of men over women was further strengthened.

With the attainment of political independence, a dual legal system that had emerged during the colonial period continued to be the basis for land administration. These included the customary or tribal land tenure on the one hand and the state or crown land with freehold or private control on the other. The customary land that had not been expropriated during the colonial period was occupied by Africans and could be regulated according to customary law.

Thus, a dual legal system emerged to guide land administration. While men could obtain land as governed by the modern legal systems which provided for individual title to land, women continued to be restricted by the existence of customary law especially in patrilineal systems. Women therefore, found it hard to directly access land in such systems where land could only be accessed through husbands, sons and uncles. In the modern legal systems, title passed through the male line and women were marginalized.

Furthermore, modern law focused attention on men and their households (with respect to land allocation especially in resettlement schemes). In Eastern Tanzania for instance, Brain reported that “women were far worse off on the settlement scheme than their traditional societies” (Brian, 1976, p 268) where they enjoyed equal rights as men

in terms of access. A study by Gaidzanwa (1998, p25) revealed that, many young women preferred to marry communal farmers who accorded them some of their traditional land use rights through their small *tseu*, which every woman is entitled to receive from her husband to marrying farmers in commercial farms, where these small customary land allotments are often not made and women entirely depend on their husbands.

In the post-colonial period and with the emergence of competitive trade, cash crop production and formal titling schemes, male farmers as heads of families had advantage over women. Although women participated in the production of cash crops in their households, “they did not have control over the income obtained from the sale and therefore, their security and livelihoods could not be guaranteed” (WLSA, 2001 p 14). FAO (1999, p14) argues that insecure rights to land ownership and use are a crucial, gender-based barrier to enhancing women’s agricultural productivity and income.

In this regard, Birgegard (1993) contends that in Sub-Saharan Africa, commercialization of production, individualization of indigenous tenure systems and formal titling schemes are all working in the same direction in which women’s land tenure rights are ended. He adds that introduction of cash crops and increasing land scarcity are all contributing to erosion of women’s land rights since land, which is allocated to women for food production is reduced in preference to land, which is retained by husbands for cash crops.

In Kenya for instance, Birgegard (1993) observed that law defines men’s rights in the titling programmes, whereas women’s rights are referred to customary law and the customary user rights of women are eroded as the formal legal system expands its influence.

WLSA (2001) observed that the debate on women and access to land “has not progressed to issue of control, especially in the case of married women” whether within a matrilineal or patrilineal context (WLSA, 2001, p 16). It is argued that in Sub-

Saharan Africa, while women, men and children play complimentary roles in agriculture, traditional ideology has established hierarchical relationship in which men are the heads of families or households and consequently, they have more opportunities than women, to take individual decisions and have access to and control of resources.

In other words, WLSA (2001) contends that there exists an asymmetric gender power relationship in terms of women's access to and control over land. Thus, in the customary contest, "women have no direct relationship with land except through their male relatives" (WLSA, 2001, p 17). In countries such as Lesotho and Swaziland, married women are prohibited by legislation to register property or title of land use in their own right even if they had access to land directly through individual purchase (WLSA, 2001).

WLSA (2001) is also of the view that there is need to address the patriarchal power influences between men and women so that the land debate can also include the issue of women's access, ownership and control of land in both communal and statutory land tenure systems where women are still denied primary rights to land.

Attempts to make legislative and policy reforms with respect to land have taken place in most of Sub-Saharan countries. In Mozambique an attempt has been made to pass a land law, which guarantees equitable access to land, by men and women. The "land law N06/79 provides that land is the property of the state while the constitution guarantees free access to all members of society, irrespective of social class, race, religion or sex" (WLSA, 2001, p27). The new Law also "permits the use of known written forms of evidence such as oral testimonies to defend one's claims to an individual's or community's parcel of land" (ECA, 2003, p15). In Zimbabwe, the policy reforms relating to land were instituted in 1980, 1990 and in 2000 through the land resettlement programmes.

In Uganda, the 1995 constitution recognized customary land and made provisions that all citizens owning land under customary tenure may acquire a certificate of customary

ownership and this certificate may be leased, mortgaged and pledged where the customs of the community allow (Mwebaza, 1999). The Malawian National Land Reforms Policy of 1990 makes provision for equal rights for men and women. In Botswana, the Draft National Policy of 2002 has developed a land administration system that has established Land Boards composed of members elected and nominated from the community to take over customary land administrations from chiefs and other tribal authorities. The allocation powers of the chiefs were ceded to the Land Boards to ensure more equitable distribution of land. It is hoped that this new land policy will address the concerns of tenure insecurity of poor women, minorities and other vulnerable groups (ECA, 2003, p11 and 12).

However, WLSA (2001) has observed that despite these attempts at redressing the post-colonial land tenure gender imbalances, in practice women still are seriously marginalized in terms of access to, ownership and control of land due to pervasive patriarchal attitudes more particularly with respect to land allocation WLSA (2001).

2.2 National Perspectives on Land

Traditionally, rural land in Zambia is owned and controlled by clan, village or tribal leaders on behalf of other clan/tribal members and distribution is done through family lines. The inheritance system ensures that the clan holds land in perpetuity and land owners have significant usufruct rights with regard to the use of the available natural resources.

Following the recommendations of the Gender Policy accepted in 2000, the Zambian Draft Land Policy (2000) has a clause that states that 30% of all statutory land be reserved for women and other vulnerable groups.

The Lands Act of 1995 provides for ownership of land, including land under customary tenure through title deeds. Accordingly, individuals intending to convert customary land have obtained a letter of consent from the chief/chieftainess, and then take the letter to the local district council. Then another consent letter from the council together

with a diagram of the piece of land in question are obtained and submitted to the commissioner of lands. The commissioner of lands requires that the land be surveyed before a 99 year Title Deed could be issued. For those settling on state land they are expected to apply for a piece of land from the land allocating committee at the district level, through the council or the established institutions such as scheme land management committees. If the application is accepted, an offer letter is given permitting them to get a 14 year lease. After surveying a 99-year Title Deed is offered.

By implication women can also obtain title to land although the Lands Act does not explicitly state so (GRZ, 2002). By the same Act, all land in Zambia is vested in the President who delegates his authority to the Commissioner of Lands. In this regard, all applicants including rural women have to apply through the formally established structures in order to obtain Title Deeds.

Keller (2000) observed that the Zambian Constitution of 1996 forbids laws that discriminate on the basis of sex. This provision seems to suggest that both men and women would be treated equally in all matters including accessing, owning and controlling of land. However, Keller points out further that, at the same time, “the constitution explicitly excludes from this provision personal law – such as that concerning inheritance of property – and the application of customary law” (Keller, 2000, p1). Even where the Intestate Succession Act (1989) is supposed to protect the interest of the surviving spouse and children by allowing them to inherit 20% for the widow and 50% for the children including the house, land under customary tenure cannot be inherited.

At the international level, the Zambian government is a signatory to a number of conventions including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the SADC Gender Declaration and its addendum on violence against women in 1997. Zambia has ratified these conventions and has put its provision into practice by formulating and adopting a National Gender Policy which has a holistic approach in ensuring that both women and

men participate fully and equitably benefit from the development processes (ECA, 2003; GRZ, 2000).

The Lands Act of 1995, allows people including women to acquire direct rights to and in their own right. However, there are cultural laws that prevent women from owning and controlling land. In this regard Keller (2000) states that women's access to, ownership and control of land is constrained by customary law and by attitudes and practices that reflect the subordinate position of women.

2.3 Community Perspectives on Land

Land at community levels continues to be under the state and the chief is a custodian /holds land for the benefit of community people. Families, clans or ethnic groups jointly own land under most indigenous communal or traditional lands and individual households are through Headpersons allocated portions of land that they hold in perpetuity. Inheritance of land is as in accordance with existing tribal /customary laws.

Milimo (1990) points out that a number of studies have indicated that in African countries such as Zambia, access to and security in land, are probably more important than titled ownership. In his national study of rural village communities, he argued that the fact that the users of 95.7 percent of the farmland of the sample of 468 male and female farming households, had no title to land, indicates that access to, and not ownership of land was more crucial in the village communities concerned.

Thus, with respect to the mode of land acquisition by female-headed households, Milimo (1990) found out that 25.3% inherited the land; 24.7% were given by headman; 23% were given by the father; 11.8% were given by the uncle or brother; 7.8% were given by the husband and 7.4% were given by the mother (Milimo, 1990, p20). These and other findings suggest that in most village communities in Zambia, "land for women is usually accessed through males either through the father or brother or husband" (WLSA, 1997,p97; Armstrong, 1992, p 47).

However, when Milimo (1990) asked the question, who controls the farms or the land, it was found that 59.2% of the plots were controlled by male household heads, while female household heads controlled 28.7% of the plots and married women controlled only 12.1% of the plots (Milimo, 1990, p17). Furthermore, he found that the male heads of households who control most of the land or plots, in the village communities, also controlled or determined the types of crops that were grown. In general, it was found that men use the farmland to produce commercial rather than food crops, and also control the incomes from the sale of such commercial crop.

He also states that although there are patrilineal and matrilineal societies in Zambia, most marriages in the rural communities in Zambia today are virilocal (i.e. the wife goes to live in her husband's village). This means that the wife may not be able to utilize effectively the land in her own parental home. Eventually, she may have to abandon this land. On the other hand, if her husband or headman gives her some land at her new marital home, she may eventually lose this land at the dissolution of marriage, either through divorce or death of husband, as the land will revert to the 'owners' who happen to be the community of her in-laws.

After many years of working on and developing such a piece of land, the divorced or widowed woman may be forced to go back in destitution to her parental home where "she most probably will have lost claim to any piece of land due to her long absence"(Milimo, 1990, p21).

Furthermore, the widow may not inherit her deceased husband's land by resorting to the Intestate Succession Act, which makes provision for the widow to inherit a portion of the income and property left by her husband, because this Act excludes land that is held under customary law. Such land reverts to its 'owners', who according to customary land law are the community and family of the deceased man (Milimo, 1990,p22). Armstrong (1992, p32) observed that land accessed through husbands is transgenerational and cannot be alienated. While, the wives enjoyed a set of interwoven obligations /duties towards their husbands and families during marriage,

these ended with the dissolution of marriage; and the house, land and other property belonged to husbands' kin group.

Therefore, Milimo (1990) concludes that “women's access to and security in land is greatly limited. In turn, this situation greatly curtails women's agricultural productivity” (Milimo, 1990, p23) and livelihood.

In a similar study, which was undertaken in a village community in Chibombo District of the Central Province, it was found that women small-scale farmers complained of insecurity in accessing and owning land (Kajoba, 2002). Some widows complained that land was grabbed from them after their husbands died. In addition, they indicated that they were told to vacate the village and go back to their parental homes to obtain land there. One woman summed up the insecurity in land that divorcees and widows suffer by stating that such women are told ‘to pack and go’, and thus they are made to abandon the land which they developed together with their husbands. In addition, Brown and Siamwiza (2002) have shown that in Southern province some local elites have used the 1995 Lands Act to convert customary land to leasehold titles. This has led to fencing and consequently to the exclusion of local communities from accessing common property resources such as forests, lakeshore (i.e. fisheries) and grazing land. Such exclusion could result in further marginalisation of women.

Even in communities where resettlement is taking place, women's land tenure security is not guaranteed. A recent survey of couples in Zimbabwe showed that the Land Reform and Resettlement Programme there was not empowering women with land and secure tenure. The study showed that “98 percent of resettlement area permits to farming and grazing land are held by husbands against a mere two percent held by wives” (COHRE, 2004, p163). This is so because neither married nor single women are seen as heads of households, in the Resettlement areas that are on state land. The permits are only given to heads of households who happen to be men, despite the fact that over half of the resettled population is female.

3.0 STUDY FINDINGS AND ANALYSIS

3.1 Socio-Economic Characteristics

3.1.1 Population/household details

The ages of women that were interviewed ranged from less than 24 years to 55 years and above. Of these, 26.3% were in the age group of between 25 to 34 years, 21.1% in the age group of between 35 to 44 years, 20.2% were of between 45-55 years age group while another 20.4% constituted the 55 years and above age group. Only 7.3% constituted the less than 24 year olds. This implies that over 66% of all the women that were interviewed are aged 25 to 54 years and are therefore still young, productive, employable and being resides in rural areas means they would require land.

It was however, reported in the FGDs that girls and boys below 25 years of age experienced difficulties in accessing, owning and controlling land. Reasons alluded to this were that such girls and boys traditionally still depended on their parents to allocate them with pieces of land or to work as part of the household/family. The communities also considered it inappropriate to allocate land to young people because they lacked the capacity to utilize it. Young women in particular are considered to be in transition and would probably be getting married any time and therefore, leave parent/family land. The non-allocation of land to this particular age group probably exerts increased demand on household/family land.

With regard to marital status, large proportions of 65.5% of the respondents are shown to be married and are therefore in male-headed households. The female-headed households comprise 21% of the widowed, 9% of the divorced, 3% of the single and 2% of the separated women.

3.1.2 Education, Occupation and Women's Access to Land

On average, the highest education level attained by 58.5% of the respondents is the primary education as shown in Table 3. By Zambian standards primary education level

is associated with functional illiteracy and high levels of poverty with the majority being found in rural areas. Therefore, this particular finding is in agreement with the fact that the majority of the women in rural areas of Zambia tend to be illiterate.

Table 3 Education Levels by Marital Status

Marital Status	Not been in school	Primary	Secondary	Tertiary	Total (%)
Married	13.8	41.0	10.7	-	65.5
Widowed	7.3	10.5	3.1	-	20.9
Separated	-	1.1	0.8	-	2.0
Single	0.3	1.7	0.6	0.3	2.8
Divorced	2.0	4.2	2.5	-	8.8
Total	23.4	58.5	17.8	0.3	100

Source: Field data 2004

The married people have been shown to constitute the majority (i.e. 41.0%) of those with primary education followed by the widowed women (i.e. 10.5%), divorced (4.2%), single (1.7%) and the separated (1.1%). Women who have not been to school have been shown to constitute 23.4% while, 17.8% have attained a secondary level education. Only 0.3% have a tertiary education level. Married women also constitute 13.8% of the majority that have not been to school and they are shown to have the highest percentage of 10.7 of the women who have attained a secondary education level. According to this table therefore, the married women constitute the majority (51.7%) category of women that have some education more so at primary education (41.0%) level.

With respect to the relationship between education and land access, the findings indicate that there is no significant relationship between the levels of education and the means by which land is obtained. For example, the survey results show that while 3.4 % of the women who have not been to school accessed land through husbands, similar percentage of those with secondary education (3.4%) obtained land through their

husbands. About 10.1% of the women with primary education are shown to have obtained land through husbands.

These insignificant trends are also observed in the settlement/resettlement areas where the results show that 2.0% of the women who have not been to school obtained land through scheme management as compared to 2.9% of the women with a secondary education. Only 8% women with primary education obtained land through the scheme management. The highest percentages were 14.1% of the women with a primary education who obtained land from the headpersons. In other words, the educational status of these rural women does not significantly influence the means by which they access land in both the village and the settlement/resettlement communities.

In terms of occupation, about 98% of the respondents indicated that farming was their major activity as shown in Table 4.

Table 4 Occupations of Respondents

Occupation	Frequency	Percent
Farming	347	97.7
Gardening	1	0.3
Weaving	2	0.6
Petty trade	1	0.3
Formal employment	3	0.8
Student	1	0.3
Not Stated	2	0.6
Total	357	100

Source: Field Data, 2004

Other occupations as shown in Table 4 above are formal employment (0.8%), mat weaving (0.6%), gardening (0.3%), petty trading (0.3%) and being students (0.3%). Although, there is no direct correlation between the various occupations of respondents with land access and ownership, the finding implies that farming constitutes a main

vibrant sector dominated by rural women. Therefore, it is necessary that land is made available to women in their right.

Despite, the fact that these areas are accessible due to good feeder roads, the other occupational sectors in comparison to the agricultural sector are not considered to be important economic activities and bases for sustained livelihoods.

3.1.3. Livelihood Strategies

a) Main Economic Activities

Farming (i.e. both crop and livestock) constitute a main economic activity for 97.7% of the respondents (refer to table 4 above) and was also indicated to by 83.8% respondents as a main source of income (table 5 refers).

Table 5 Respondents Main Sources of Income

Activity	Frequency	Percent
Farming	299	83.8
Trade (groceries, thatching grass etc)	17	4.8
Not stated	12	3.4
Employment	9	2.5
Rearing and trade in livestock	8	2.2
Gardening	8	2.2
Beer brewing	3	0.8
Renting out a house	1	0.3
Total	357	100

Source: Field Data 2004

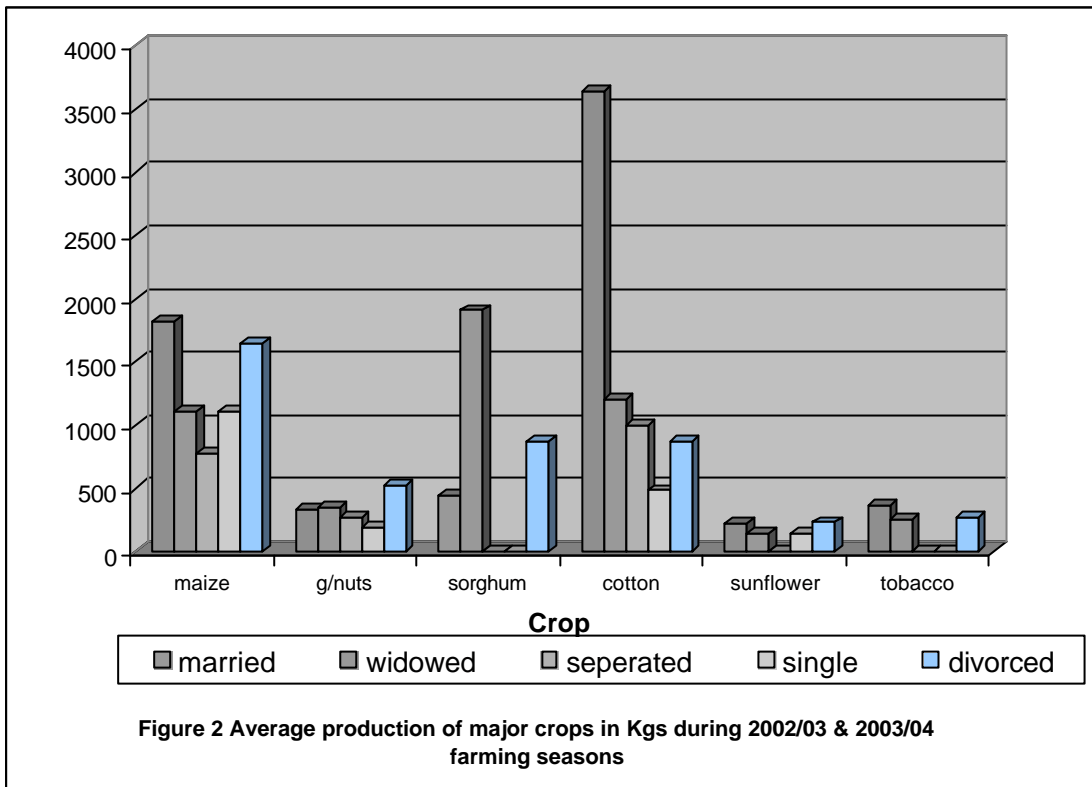
Apart from farming activities, other sources of income indicated were employment (3.1%), rearing and trading in livestock (0.6%), gardening (1.1%) and selling of fish (0.6%). A total of 2.5% respondents further identified employment as a main source of income; another 2.2% identified rearing and trading in livestock; gardening was similarly indicated by 2.2% responses as such a source of income. These sources also

included beer brewing (0.8%) and renting out a house (0.3%). Less than 5% other respondents derive their incomes from trading in grocery goods and selling of thatching grass. Table 5 shows the main sources of respondents' income.

Although, 24.1% of the respondents indicated there being no other secondary economic activities (refer to Appendix 2), trade in retailing of products such as second hand clothing/other non food items/products according to 20% of the respondents is quite an important activity; 17% indicated gardening, 16% mentioned cash crop farming as equally active secondary economic activities. Other mentioned secondary activities are fishing (1.4%), sell of livestock in particular chickens (3.6%), weaving and knitting (5.0%). Both piecework (by providing labour) and community work was each indicated by 0.3% respondents. On the whole, the magnitude of these rural based secondary economic activities is small and contribute very little to community people's livelihoods and thus, to the reduction of rural poverty. Thus implying that farming still is a most important economic activity for rural women and therefore, women need continued access, ownership and control of land.

According to both the survey findings and the FGDs, the available land is used to grow major cash crops that include maize, cotton, sorghum, tobacco, groundnuts and sunflower. The FGDs also revealed that other food crops grown are sweet potatoes, beans, paprika and cowpeas. It was however learnt that while women also participate in the growing of cash crops (with their husbands in the case of married women), the growing of cash crops tends to be a preserve of men. This is due to the fact that apart from owning and controlling the land, the men were also reported to have better access to credit, extension and to both input (i.e. seeds, fertilizer) and output (e.g. agricultural produce, livestock) markets.

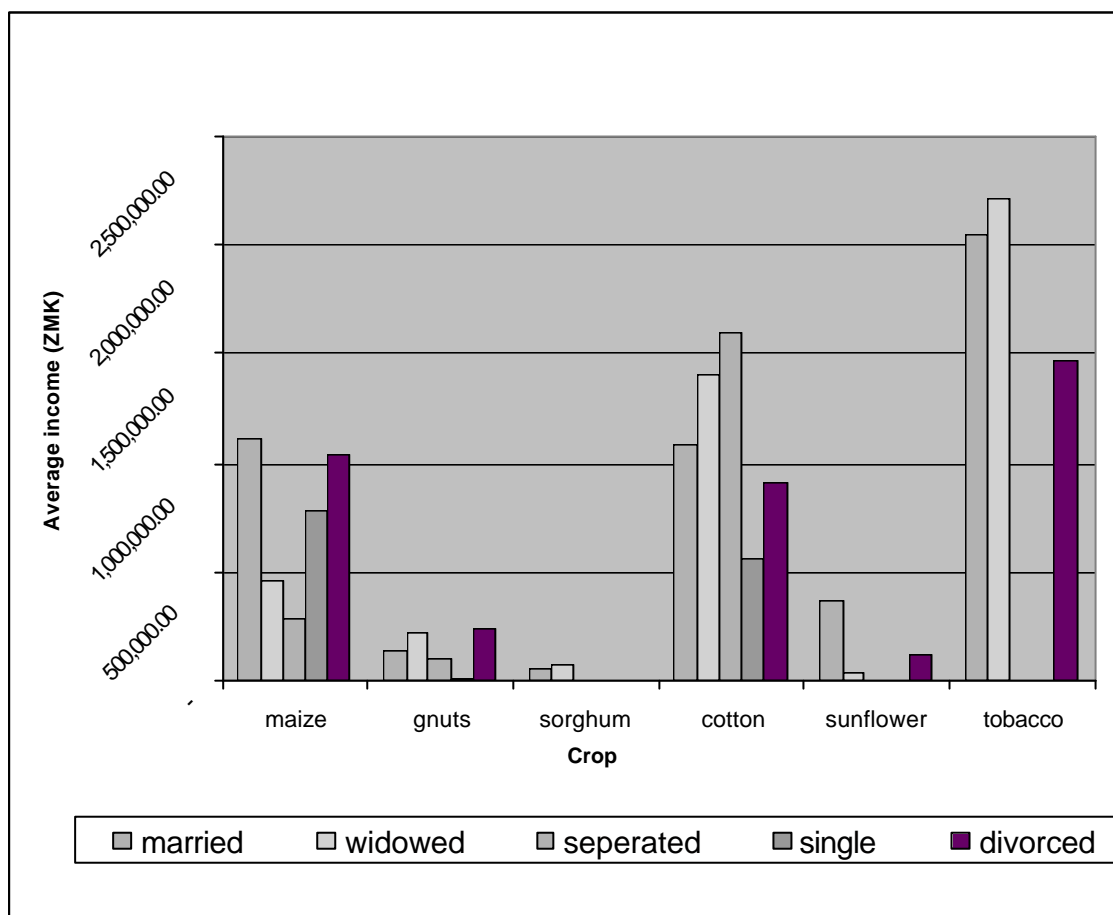
The graph in fig 2 gives average production of major crops in kilogrammes grown by women during the 2002/03 to 2003/04 farming seasons.



Source: Field Data 2004

Figure 2 above shows that married women on average produce about 3,500 kilograms of cotton crop, over 1,500 kilograms of maize, some tobacco, sorghum, groundnuts and sunflower while, unmarried women, who in this case include widowed, separated, divorced and singles produced about 1,000 kilograms of maize, slightly over 500 kilograms but below 1,000 kilograms of cotton as well as some sorghum, groundnuts, tobacco and sunflower. The widows are shown to produce more of the sorghum crop than the other categories of women. All categories of women are shown to marginally produce the groundnuts, sunflower and tobacco crops. The differences in quantities produced between married and unmarried women especially for cotton and maize could be explained by the fact that married women benefit from the land, labour and management skill that their husbands provide.

The average incomes from crop sales are shown in the graph in Fig. 3 below. The growing of tobacco and cotton enables women to generate more average incomes compared to other crops.



Source: Field Data

Figure 3 Average incomes from crop sales for 2002/03 and 2003/04 farming seasons by marital status

Except for the single women that are shown not to have grown tobacco during the 2002/3 and 2003/4 farming seasons, the widowed raised K2, 211,250, the married women raised K2, 048, 642.50 and the divorced raised K1, 466, 666, 50. The seperated women are shown to have earned the highest average incomes of K1.6 million from cotton production while the widowed and the married earned K1, 409,670.00 and K1, 088, 189 50, respectively from cotton sales in the same farming seasons. The incomes

raised from maize sales are shown to be from K283, 333, 50 that was earned by the separated women, to K1, 111, 220, 00 incomes earned by the married women. The divorced, single and widowed women are shown to have raised K1, 043, 000, 00 incomes from maize, respectively. Incomes raised from groundnuts, sorghum and sunflower are shown to be marginal compared to those generated from tobacco, cotton and maize. For groundnuts, all categories of women raised incomes of between K10, 000 to K244, 535, 00. The married, divorced and the widowed women are shown to have raised incomes of between K33, 250, 00 to K367, 790, 00.

The higher incomes raised from both tobacco and cotton are due to the fact that, these crops are grown by the contract farmers who are supported through the provision of agricultural packages consisting of seeds, fertilizers, extension advice, pesticides and are provided with readily available markets. In all the communities it was found that the agri-business companies involved in the provision of the agricultural Packages include Dunavant mainly dealing with cotton and Dimon (especially in Chadiza) for tobacco. The generally higher incomes generated from cotton and tobacco as well as maize could be explained by a number of factors such as the reliance on family labour, ready access to land and existence of agri-business companies; and also the fact that these women including widows and the separated, continue to benefit from the investments made in the family land.

According to the FGDs and key informants, the widows and separated women would be those that are allowed to continue living in the husband's communities after bereavement or separation and are supported by the older children. The relatively low incomes generated from the sale of groundnuts, sunflower and sorghum and the least amounts generated by especially the single women could be attributed to the lack of labour, inputs and markets for traditional crops such as sorghum. The fact that the singles generate below K1 million for all the crops grown, suggest that they are relatively poorer and food insecure than the other categories of women.

With regard to livestock which in study communities revolves around storing wealth, contributing to food and nutritional security, providing draught power, transport, manure and serves as traditional social functions (e.g. used to generate income, used as an exchange media in times of stress), households have been shown to collectively (as a family) own livestock at 36%, followed by the respondents at 35%, husbands at 20%, children 5%, relatives 3% and 1% for parents of the respondent.

Women keep cattle, goats, pigs, chickens, guinea fowls and ducks (refer to table 6).

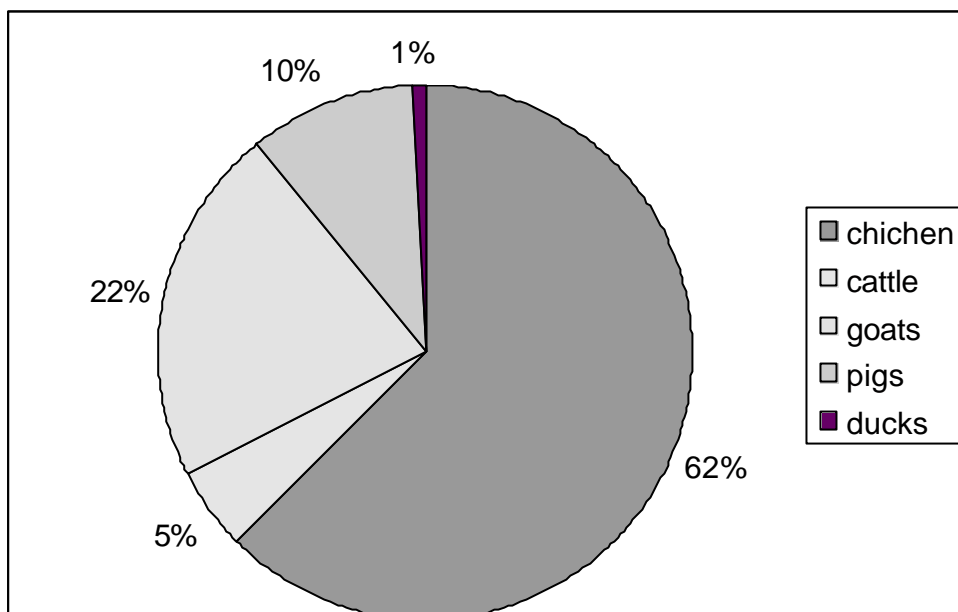
Table 6 Percentage Ownership of Livestock by Marital Status

Marital status	Chickens	Cattle	Goats	Pigs	Ducks
Married	67.3	73.4	68.3	66.7	80.0
Widowed	19.1	10.2	18.3	14.3	20.0
Separated	2.3	1.6	1.4	0.0	0.0
Single	2.6	1.6	2.1	0.0	0.0
Divorced	8.7	13.3	9.9	19.0	0.0
Total	100.00	100.00	100.00	100.00	100.00

Source: Field Data 2004

Of the 35% respondents (i.e. women interviewees) who owned livestock, the findings indicate that 80% of the married women owned ducks, 73.4 % owned cattle, 68.3% owned goats, 67.3% owned chickens and 66.7% owned pigs. Twenty percent of the widows are shown to own ducks, 19.1% own chickens, 18.3% own goats and 10.2% own of the cattle while 19.0% of the divorced women own pigs, 13.3% own cattle, 9.9% own goats and 8.7% own chickens. Both the single and separated women are shown to own very little of all types of livestock.

Although, the married women are shown to own more of the livestock in table 6 above, further investigations revealed that more of these livestock belong to their husbands. The figure 4 below gives a breakdown of livestock owned by married women at house level.



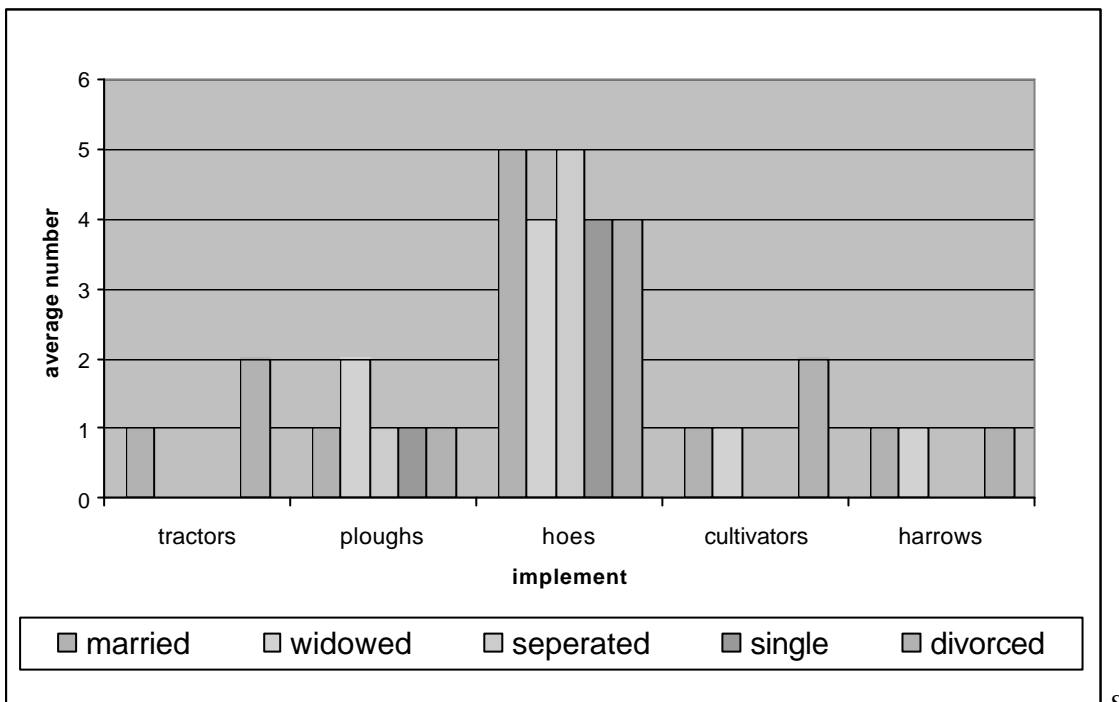
Source: Field Data (2004)

Figure 4 Ownership of Livestock by Married Women

Accordingly, 62% of the married women own chickens, 22% own goats, 10% own pigs, 5% own cattle and 1% own ducks. Basically, women's livelihood strategies in the study areas are essentially based on crop and livestock production. The main food crops grown by women are maize, sorghum and groundnuts while, cash crops include maize, cotton, tobacco and sunflower. Women are generally shown to generate incomes of sometimes over K1million per farming season and that the female-headed households generate relatively low incomes from crop sales, compared to those generated by especially married women. The livestock owned are mainly the small ruminants rather than cattle that are especially required to provide draught power.

b) Household Assets

The main household assets owned by respondents are hoes, ploughs, cultivators, harrows and tractors. The graph in fig 5 below shows Average Number and Type of Implements Owned by Women according to Marital Status.



Source: Field Data

Figure 5 Average Number and Type of Implements Owned by Women according to Marital Status

An average number of 5 hoes are owned by married and separated women, 4 hoes by the single, widowed, and divorced women. Except for the 2 ploughs and 2 cultivators/ 2 tractors owned by widowed and divorced women, respectively, the other categories of women are shown to have at least a plough each. One married woman owns at least a tractor. With respect to harrows, at least married, widowed and divorced women own one.

While women indicated owning some farm implements, discussions and interviews with key informants in particular revealed that women own very little in terms of household assets (i.e. agricultural implements and livestock). Except for the 10.2% of the widows and 5% of the married women who own cattle, the majority female-headed households own more of the small ruminants such as chickens, goats and pigs, which mainly contribute to household food security.

The smaller numbers of cattle owned by both the married women and female-headed households too have serious implications on provision of draught power. Married women especially, indicated using hoes for cultivation while their husbands who owned most of the cattle use animal draught power. Because women lack draught power, although they may demand ownership and control of land they are likely to cultivate much smaller portions of land compared to that cultivated by male counterparts. The limited land size cultivated also implies that women's agricultural productivity is seriously compromised; yielding low marketable outputs and this generally affects their livelihoods.

This finding is in agreement with the 1998 Living Conditions Monitoring Survey that observed that, persons in female-headed households were more likely to be extremely poor than those in male-headed households. Similar sentiments have also been advanced by the World Bank who explained that "rural households with female-heads are more likely to be poor and have inadequate access to land" (ZARD, 1996, p27). Furthermore, it was observed that food poverty tends to be more prevalent among female headed-households and stood at 61% compared to male-headed household in which it stood at 52% (CSO, 2003 b, p3). By implication, all the above-mentioned observations suggest that rural women, particularly the female-headed households are among the most impoverished people in the rural communities.

The use of hoes by women farmers translates into such women being dependent on the use of rudimentary agricultural implements, which limit the size of land that they can possibly cultivate. This means that these women farmers are engaged more in subsistence production rather than production for the market. In this regard, one elderly woman respondent in Sikalongo settlement community said 'as we are getting old, it is really hard to be cultivating our fields by hand. We need assistance from government to provide farm implements and establish farm mechanization centers from where tractors can be hired'.

3.1.4 Settlement Patterns

Except for one community in Southern province that was found in the forest area, the rest of the sampled populations live either in traditional villages, settlements or resettlement areas. See Table 1.

a) Village Areas

Historically, all village communities sampled were reported to have been established through a traditional ruler by having families settling in an area allocated to them by village headpersons. Through FGDs, it was found that most land tenure systems in study areas are customary or traditional, where the village headpersons assisted by the village committees allocate land. Most such village committees established are reported to comprise of mostly men with few women representatives. These headpersons operate under the jurisdiction of a chief or a chieftainess.

Of all the communities sampled only Chiawa / Chikupi and Kanakantapa are under Chieftainess Chiawa and Nkomeshya respectively. Chikupi (in Kafue district) and Chiawa among the Soli and Goregore speaking people were the two communities that had both male and female head persons allocating land to community people.

In most village communities, it was found that land is inherited and is kept in the family line. In some instances such as the case of Chikupi village, most inhabitants reported having been resettled there in 1974 following their relocation from an area commonly referred to as *ku Malundu* (i.e. hilly place) or *ku Manyika* that is present day Shatumbu and Susman's areas in Lusaka province, respectively. Although, Chikupi is currently a resettlement area, land allocation and the resolution of disputes is however, done according to customary norms like in a village setting. The village community people are aware of the existing customary land laws that are administered according to tribal norms as given by the traditional authorities.

Some of the practices under these customary laws include accessing common property resources (such as grazing land, forests, wildlife and fisheries); prohibition of boundary

encroachments and barring of indiscriminate burning of bushes. Thus, access, ownership and control of land in these communities are determined by customary law which may vary from one ethnic group to another (See section 1.2 for the definition of customary and settlement/resettlement tenure systems).

With regard to inheritance, most village-based communities would upon the demise of a breadwinner in particular a male, allow the surviving spouse, children or relatives to inherit the deceased's land. Thus, ensuring continued land tenure security for as long as surviving household members lived. In some instances, consideration is made to allow the widows to remain on the family land if she happens to have older sons or happens to come from within the local community and to some extent, if her in-laws like her.

Among some matrilineal communities such as among the Chewa in Chadiza, it was reported in the FGDs that women are assured of tenure security based on the prevailing customary land inheritance pattern. For instance, most women in the Davida-Chamandala village community indicated that they were born and have lived in that community all their lives, and inherited land from the *makolo* or parents.

According to the patrilineal system especially among the Tonga of Southern Province and the Ngoni of Eastern Province, land belong to the men, and women's tenure security is thus dependent upon their marital status. Like wise, their tenure security ends upon divorce, separation and the death of the spouse. In Dundwa community for example, it was reported that there are no female head persons. Where women assumed the position through the clan, they only acted in a caretaker capacity as the traditional leadership looked for a man within the clan (Refer to section 1.2 for the distinction between matrilineal and patrilineal systems). It was further reported that polygamous marriages are also a common practice among especially the Tonga speaking groups. In such relationships, the women and their children provide the much needed agricultural household labour. One 42 year old Ngoni woman in Kayoozi community categorically

state that, ‘women in polygamous marriages have no land. They only work in the husbands fields as labourers.’

b) Settlement/Resettlement Areas

The settlement area such as in the case of Sikalongo was established in 1989 as an agricultural settlement scheme for the retired and retrenched people. The land for resettlement initially was under the control of Mochipapa Livestock Research Station. The scheme has a total of 157 plots that range from 5 ha. to 15 ha. in size. The scheme is divided into five zones and now falls under state control, administered by the Choma Municipal Council. Those intending to settle, apply for land allocation through the Council, travel to attend interviews and are upon successful interviews provided with offer letters. The scheme has no service facilities (i.e. schools, clinics) but has seven water points while at household level water is commonly sourced from shallow wells.

Kanakantapa was established by the government under the Zambia National Service (ZNS) in 1988 to resettle unemployed youths. The resettlement scheme covers an area of 10, 000ha with an average plot of 4ha per person. The settlement is divided into three blocks where A and B blocks were for unemployed youths and C for retirees. There is 1 primary school in the scheme area and settlers access water from individual boreholes and wells. However, settlers complained of there being insufficient water in the area. The original farmers were given 14- year land leases. However, in the course of time, some of the earlier settlers were reported in the FGDs to have sold their plots to other people such as retirees, retrenched and new settlers interested in farming. Thus, during fieldwork it was reported that individuals in Kanakantapa accessed land through different means that include inheritance, purchasing, renting and caretaking arrangements.

Zemba settlement scheme was established in 1969, after the colonial farmers left following the attainment of Zambia’s political independence. The scheme was established under the Tobacco Board of Zambia (TBZ) and has 1 school and a health centre. From 1970 to 1973, the government set up smallholder family farms in order to

promote tobacco production by small-scale farmers. An average farm size of 50 ha of land is allocated to the settlers.

Currently, there are about 3,000 farmers, 240 of who are female farmers representing 8% of the total. With the liberalization of the economy, the scheme came under a private agri-business company called Dimon that now provides both inputs and markets for the tobacco produced by farmers. The mandatory requirement that farmers sell all their produce to the company was reported to be unfair, since they felt that they could access other private markets that could offer better prices compared to Dimon. Furthermore farmers complained that they experienced tenure insecurity in as far as they did not know their current status and the reason why the company was blocking some of them from obtaining Title Deeds.

Chipangali was originally established in 1950 in order to decongest the Ngoni reserve areas. The scheme has 5 primary schools, 2 clinics, 11 dams and 4 boreholes. The government in 1989 proceeded to manage the scheme under the resettlement office of the Vice President. The purpose was to resettle retirees and unemployed youths. The scheme is partly on traditional land under chiefs Sali II, Chinunda, Mwase and Chanje). Overall, the scheme covers an area of approximately 21, 000 ha with average farm plots given to farm families being 10ha. Each individual settler is expected to develop at least three ha of the allocated land before the 99 years lease can be granted.

The major crops grown in all the above-described areas are tobacco, cotton, maize, groundnuts sunflower and sorghum and millet particularly in Sikalonga settlement. The areas are generally serviced with good passable feeder roads and can thus, be accessed throughout the year.

c) Forest area

Musisa-Siamwanja village is an exceptional example in that it is located in a gazetted forest reserve area. The local communities stated in FGDs that they use portions of land allocated to them by the Forest Department on an annual rental basis and were pushing for the forest to be degazetted, so as to bring it under customary tenure.

However, the interview held with the Forest Department officers in Lusaka revealed otherwise. According to the Forest officer, encroachment of forest areas is not a peculiar trend to Musisa-Siamwanja forest reserve No. P190 but, a common practice in most forest reserves across the country. The officers, added that no arrangements were made between the forest Department and the members of the community, allowing the latter to settle access or exploit the forest in any way including execution of farming activities. They further mentioned that the Forest Act of 1973 does not allow anyone to settle or collect forestry products in the forest reserve. This on the whole, implies that the current operations in the Musisa Siamwanja forest are illegal.

With regard to migration settlement patterns in the study areas, survey results revealed that 27.2% of the respondents came from an urban area, 20% from rural areas outside the districts, 19% were from within the communities as a result of having been born there, 13% came from nearby villages and a further 0.6% were from a foreign country. Apart from respondents that were born in the areas, 23% of the settlers indicated that they had lived in these areas for the past 11 to 20 years, 22% had lived there for more than 20 years, 16% had lived for the past 6 to 10 years while, 14% respondents have settled in the areas for less than 5 years. The long periods people have stayed and cultivated the land area tend to have negative impacts on soil fertility particularly if unsustainable land use methods are practiced.

However, very few of the women, in the settlement and resettlement areas, including those who are settled in forest reserve and village areas are knowledgeable of statutory laws such as the Lands Act of 1995. The Act makes provision for possible conversion of customary land into a lease with Title Deeds, if the chief/chieftainess gives consent.

The significance of the above findings lie in the fact that there are a reasonable number of people moving out to look for land elsewhere and there is therefore demand for land across the country. The rural –rural migration in particular has implications on the traditional matriarchal systems where the practice was to have husbands marry and remain in their wives communities. In Zemba for instance, it was stated in the men's

FGD that with payment of dowry (i.e. *lobola*), there was now a new trend whereby the men were now ensuring that they take their wives with them to wherever they go to settle. This settlement type has significant implications in that; the tenure security that was previously enjoyed by women in their matriarchal villages may no longer be there. Milimo (1990) has made a similar observation when he stated that the long absence of a woman from her parental home may result in the loss of claim to any piece of land. Various reasons for settling in these areas were given. Accordingly, 35% of the responses indicated that they migrated due to marriages, 21% indicated that they followed parents/family/relatives, 20% were born in these areas, 17% settled as a result of having come to look for land for farming, 4% were involuntarily resettled there while, 2.5% settled there because of having worked in these areas and 0.3% settled purely for business purposes.

Based on these findings, women in village areas continue to access land for farming through usufructuary rights through their fathers, brothers, uncles, husbands, sons and headpersons. Similarly, their land tenure is also ensured through inheritance of the customary land by surviving household members. Therefore, women do not own land they till, nor do they have security of tenure as this depends on their being married or upon being under a male relative and such land will upon divorce or demise of the husband revert to husbands relatives while, land obtained through the matrikin systems reverts to parents/male relatives upon women migrating to other areas.

With respect to access, ownership and control of land both men and women in settlement/resettlement areas, are permitted through statutory laws to apply to institutions such as the municipal councils and land allocation committees. These established institutions are meant to provide application forms, interview applicants and upon successful interviews give offer letters of 14-year leases. By these standards, capable (i.e. ability to develop land within stipulated time; ability to meet expenses related to application and travel to centralized local council or committee centres) men and women are permitted to settle in the scheme areas.

3.2 Land Resources and Tenure Systems

3.2.1 Land availability, Land Use and Practices

According to 96.4% of the respondents land is available and it ranges from a quarter of a hectare to five hectares in size in both, village and settlement/resettlement communities that were studied. The majority (i.e.91%) of the women indicated that they had between 1.5 ha. to 3 ha. of land. Most women indicated that they accessed these portions of land allocated to them especially by husbands and headpersons (refer to 3.2.2 for access issues). Through discussions, community people reported that in polygamous marriages, senior wives accessed and owned land allocated to them by husbands for crop production and were in total control of the produce/proceeds. In contrast, under the monogamous marriages wives are given portions of land where they cultivate on a subsistence level but may not be in control of the proceeds.

When the respondents were asked if the land available to them was good for use, 34% stated that it was good and of these 3% stated that the land was very fertile. On the other hand, 38% indicated that the land was not good with 27% indicating the land was not good due to it being infertile. This suggests that in some of the sampled communities, as a result of being located in certain agro-ecological zones (as explained in the background) have poor soils and therefore, some found themselves availing poor or good land.

The infertility issue was further explored in the FGDs and it was expressed that land in some of the communities such as Davida-Chamandala, Chikupi, Kayoozi and Dundwa are exhausted because it has been continuously cultivated by many generations. Nonetheless, a large proportion of available land according to 98% responses was used for farming during the 2002/03 to 2003/04 seasons.

3.2.2 Women's Access, Ownership and Control of land

a) Women's Access to Land

Almost all categories of women have access to land. Very large proportions (i.e. 88.8%) of the women are shown to access land through a variety of ways. Table 7 below illustrates the various sources of land accessed by women according to marital status.

Table 7 Sources of Land Accessed by Women According to Marital Status

Source of land being accessed	Married	Widowed	Separated	Single	Divorced	Total
Using husband's land	16.2	0.6	-	-	0.3	17.1
Inherited from parents	11.7	3.4	-	-	3.4	18.5
Inherited from husband	1.1	2.6	-	-	0.3	4.0
Applied through scheme management	6.8	3.7	0.6	0.3	1.4	12.8
Renting the land	1.1	-	-	-	-	1.1
Using parents/ relatives/ family land	2.3	1.1	0.6	0.9	1.7	6.6
Bought the land	0.9	0.6	-	0.3	-	1.7
Borrowed land	0.9	0.3	-	-	-	1.1
Obtained from headman	14.5	6.8	0.6	0.6	0.6	23.1
Obtained from forestry department	2.8	0.3	-	-	0.3	3.4
Using land for the school	0.3	-	-	-	-	0.3
By mere clearing of idle/free land	0.6	0.3	-	-	0.3	1.1
Given by relative/ parent/friend	4.8	1.4	0.3	0.9	0.6	8.0
Not stated	1.1	-	-	-	-	1.1
Total	65.2	21.1	2.0	2.8	8.0	100

Source: Field Data 2004

Table 7 above shows that a total of 23.1% women in all studied communities obtain land from headpersons, 18.5% of the women inherit land from parents, 17.1% use husband's land and 12.8% apply for land through the scheme management. Others are shown to have been given land by relatives/parents/friends (8.0%); to be using parents/relatives/family land (6.6%); inherited land from husband (4.0%); obtained land

from the forest department (3.4%) while, 1.7% of the other women bought land, 1.1% each borrowed, rented and accessed land by merely clearing of idle/free land. A very smaller percentage of 0.3% indicated using land belonging to the local school.

The table further shows that according to marital status 16.2% of the married women access land through their husbands, 14.5% obtained land from the headpersons while 11.7% inherited land from parents, another 6.8% applied for land through the scheme management. A small proportion of married women indicated that they were renting land (1.1%), another (1.1%) inherited land from husbands, and 0.9% each bought and borrowed land. The other comprised those who were given land by relatives, parents or friends (4.8%) and those using parents, relatives and family land (2.3%). Still other married women obtained land from the forestry department (2.8%). These statistics clearly demonstrate that there are various ways of obtaining land by married women. While the literature tend to emphasise that married women access land mainly through their husbands, the field data suggest that almost the same percentages of women access land from husbands (i.e.16.2%) from headpersons (14.5%), inherit from parents (11.7%), applied through scheme management (6.8%) and 4.8% are given land by relatives/parents/friends.

Furthermore, the findings have revealed that female-headed households' similarly access land through direct allocation by various means namely; allocation by headpersons, by forest department, using parents/relatives/family land, given by relatives/ parents/friends, by clearing idle free land, through scheme management, by buying, and borrowing of land. Those allocated land by headpersons comprised of 6.8% of the widows, 0.6% each of the separated, the singles and the divorced women. Those accessing land by applying through the scheme management constituted 3.7% widows, 1.4 % divorced, 0.6% separated and 0.3% single. Those using parents/relatives/family land comprised 1.7% of the divorced, 1.1% widowed, 0.9% single and 0.6% separated. Those given land by relatives/ parents/friends comprised 1.4% widowed, 0.9% single, 0.6% divorced and 0.3% of the separated women. In exceptional cases, 0.6% of the widowed and 0.3% single bought land.

The above presentations indicate that both married and female-headed households in all the types of settlements access land through a variety of ways. It must however be noted that while married women access land through husbands (16.2%), Headpersons (14.5%) and inherit from parents (11.7%) at the village levels, for the widowed, they obtain land mostly from headpersons (6.8%), from parents (3.4%) and inherited from husbands (2.6%). For the divorced they mostly inherit land from parents (3.4%) using parents/ relatives/family land (1.7%); for the single they mostly are given land by relatives/parents/friends (0.9%) and use parents/relatives /family land (0.9%) and obtain from headman (0.6%). For the separated they mostly obtain land from the headman (0.6%), use parents /relatives/family land (0.6%) and given by relatives/parents and friends (0.3%).

In the settlement/resettlement areas married women (6.8%) and female-headed households (6.0%) are allocated land by scheme management.

According to FGD revelations, some widows are allowed to inherit land from husbands depending on whether they had elder sons to whom the land rights are transferred to or they maintained cordial relationships with the deceased husband's relatives especially in-laws. In addition, upon divorce, the divorced women are expected to go back to their parents/family communities and are therefore not allocated land in their former husband's communities. In Chiawa and Chikupi communities it was categorically explained in the men only FGDs that village headman are reluctant to allocate land to divorced women because they fear to be accused of marriage interference by the former husbands. This probably explains the apparent discrimination referred to above.

It would appear that in both the village and settlement/resettlement areas relatively larger proportions of married women access land through the various means that are indicated than is the case with the female-headed households. However, married women's access to land in villages is based on some conditions such as the requirement

that they have a recommendation letter from a male relative residing in the area they wish to access land; or that they have to be represented by an adult son whose name is recorded in the village register (where they exist). Hence, while marriage enables women access land through husbands, it is in itself a limiting factor to women's opportunities to accessing land in their own individual capacities. Similarly, women access to land in settlement/resettlement areas though is generally more open to all categories of women, depends on an existing evaluation criteria such as the requirement that they be bonafide Zambians, should resident in the area they wish to apply for land and that they should show proof of financial capacity to develop land.

Despite the conditionalities women are able to access land in all the study areas. Furthermore, there exist a number of options to women with regard to accessing land apart from the earlier observations made especially by WLSA (2001. p17) that stated that "women have no direct access ... over land except through their male relatives".

Of the identified factors that would enable women access land, marriage, was according to 15% respondents accorded highest position (see Appendix 3: Factors Enabling Women Access Land in Studied Areas). Following this was inheritance from parents indicated by 14.7% respondents while 14% responses pointed out that obtaining land from Headpersons would enable women access land. Women with ability to purchase, rent land and belong to relatively higher income level categories were according to 12% respondents ranked fourth in position. Other factors included hard work and capacity to develop land (9.7%), free access to obtain land (6.0%), application to the council/section chairperson/resettlement department (5.0%), inheritance from relatives 4.1% and inherit from husbands (3.4%).

The classification of these factors was similar at provincial levels where a total of 13.4% of the respondents indicated women would be enabled to access through marriages. Appendix 4 provides a complete list of the several factors mentioned. Southern province in particular had the majority (i.e. 24.3%) of respondents that subscribe to this view. About 12% of the respondents indicated that women would be

enabled to access land by inheriting it from parents and Eastern province in this case, had 27.9% respondents holding this view. Another 12% of the respondents felt that such access would be enabled through women obtaining land from headpersons and Lusaka province recorded 17.2% of such respondent attestations. Purchasing land/renting /income levels were according to 10.6% identified with Eastern province shown to have 16.4% respondents indicating so.

This provincial scenario has revealed that women in rural Southern province are more likely to access land through husbands while the practice in Eastern and Lusaka provinces is for women to access land through parents and head persons, respectively. The varied tendencies were explained in the FGDs as being due to widespread nature of polygamous marriages in Southern province and the inheritance of land from the *makolo* among the matrilineal societies.

Generally, land is according to the FGDs and key informants, reported to be accessed by both men and women in village and settlement/resettlement areas. Access of land is also done through a variety of ways mentioned above. However, access by women according to marital status tends to differ between the types of communities. In village communities, married women tend to access land mainly through husbands and male relatives while; the single women accessed land more from their parents. Accordingly, some of the separated, the divorced and widowed women could access land by maintaining part of the family land if they married within communities. Other separated, divorced and widowed women, that married outside husband's communities and are without elder male children (i.e. to take over land from their deceased father) move from family land and join their relatives consequently, losing the land that they worked on for a long time.

In settlement/resettlement areas, while theoretically both men and women are given equal access to agricultural land, in practice it is not so. In the male-headed households' only household heads - the men apply and have letters of offer made in their names. This completely leaves married women out of the picture in terms of accessing land.

This finding is a confirmation of what Brian (1976) and COHRE (2004) observed with respect to the experiences of married women in resettlement schemes in Tanzania and Zimbabwe, respectively. Female -headed households may on the other hand, access land as long as they applied and qualified for the letters of offers to be given to them. One married woman, in Chipangali for instance reported that:

‘I used to sell fritters in Chipata. I asked someone where I could buy land and was advised, so I applied to the Resettlement Committee and got land before getting married’.

These findings indicate that while there are many ways for all women to access land, the type of land tenure system in existence would actually facilitate how that would be done. Thus, in village areas more of the married women would access land through husbands, the female -headed would access land more from their parents, male relatives and applying to the scheme management especially in the case of the single women. The separated, divorced and widowed women have chances of accessing some land through inheritance from former husbands as well as from their parents and male relatives.

b) Women’s Ownership and Control of Land

With the exception of women that inherit land from their matrikin and those who are allocated and purchased land in settlement/resettlement communities, women do not generally own land more so in village communities. The household surveys revealed that 52.9% of the respondents do not own and control land while in all FGDs, it was unanimously stated that women do not own and control land as such ownership and control was a preserve of men. Married women in particular stated that they did not own and control land as it was a property of their husbands and further stated that culture does not expect women to own and control land.

On the other hand, through the men only FGDs, it was explained that men are rather apprehensive about women owning and controlling land. Men argued that if women

own and control land separately from that which they cultivate with their husbands, they would have power and become rebellious. Others contended that:

‘When women have their own land, they sometimes tend to undermine their husbands positions of control as head of the home’, and added that ‘such situations would destabilize many marriages’. In the same vein, interviews with key informants and FGDs revealed that in Southern province ‘women are not expected to look for land’ while a similar comment was made by one elderly man in Kayooze community in Chipata that ‘a woman should not own land because she is just a tail’. In summary, one man in Chikupi community advised that ‘issues of gender are part of new technology and the men need time in order to adjust’

It was noted in all the FGDs and in household interviews that both men and women participated in decision making within households. Accordingly, 84.9% of the respondents indicated that they participated in making decisions on how to use the land with 65% of the married women attested to making such decisions. The women in FGDs though emphasized that this happened only at the planting stage and further expressed that problems of ownership and control arose at the stage of deciding on the use of proceeds from cash crop sales. Thus, although some women participated in making decisions at household levels with regard to land use, it can still be argued that women do not make the final decisions on what to produce, where to sell and on how to use the proceeds.

In view of the above, it can be stated that the traditional attitudes and practices that consider land as a resource owned only by men as household heads including the traditional land tenure practices and formal laws of ownership and control discriminate against women. Although married women participate in decision making with their husbands, their not having a final say on what to plant, where to sell the produce and on the use of proceeds from sales suggests that the ownership and control of land remains the preserve of men rather than their spouses-the women.

In general, women as well as female key informants in all studied areas lamented that:

‘Once some men get the proceeds from crop sales, they develop many pockets and sometimes go away from home and marry other women’.

Additional voices were also heard relating to the subject of land ownership and the suffering that married women experienced. One 45-year-old woman in Chiawa said that:

‘Men tend to spend incomes on beer, leaving the family without food. If a woman is empowered, she would cushion such unnecessary hardships’.

The study also revealed that women generally tend to be marginalized in terms of land ownership and control in village areas because village land allocating committees are dominated by male representatives. While there is no discrimination in terms of allocating land in settlement/resettlement communities, the study revealed that very few women own land. This was explained by the fact that many women find it difficult to raise the capital to purchase the plots that sometimes fetch up to a minimum of K10 million in the case of Kanakantapa settlement.

Apart from these findings, it was noted that women in villages understood ownership and control to mean accessing a piece of land made available to them by headpersons, parents and husbands as shown in Table 7 and being able to make independent decisions on what to produce, where to sell and on how to use the proceeds from the product sales. In the same vein, the women in village areas particularly perceived their land tenure security as emanating from their associations with village authorities and structures and not because of their individual ownership of land. Furthermore, the traditional attitudes of understanding of land ownership and control rights and the general lack of education by the majority of women in rural areas continues to perpetuate the current status where women are not allowed to own or control land.

Thus, with regard to whether it was necessary for women to own land, 91.6% of the respondents indicated that it was and various reasons were outlined. These included making independent decisions; enabling women produce more food, enabling women to raise own money etc. Table 8 below provides a breakdown of all the reasons advanced for the necessity for a woman to own land.

Table 8 Reasons for Ownership of Land by Women

Reasons for owning land	Percent
To make independent decisions	39.7
To enable women produce more food	23.7
In order to raise own money	11.1
Because women look after children	7.9
To enable me assist my relatives	6.3
\For security when husband dies	4.8
Some men are irresponsible in using money	3.2
In order to increase household land size	3.2
Total	100.00

Source: Field Data (2004)

In table 8 above, it is shown that 39.9% of respondents felt that it was necessary for a woman to own land as this would enable her make independent decisions such as with regard to the use of the land, 23.7% stated that this would enable such a woman produce more household food, 11% said this would allow a woman raise own money/proceeds. About 7.9% felt this is because a woman looks after children and 6.3% said this would enable a woman assist own relatives without having to seek permission from the husband. Further reasons were that this offered security to a woman when a husband died (4.8%) and 3.2% each indicated that some men are irresponsible in using money and that it would enable a woman increase household land size.

During the household interviews, strong voices were heard with regard to the ownership of land by women. In Zemba for instance, one married woman said that:

‘It is very, very important for a woman to own land. As a woman, I know all the needs of the children better than my husband. So, I need money to take care of those household needs’. Another married woman said that, ‘it is very much important for a woman to own land because sometimes, a man may marry another woman and pay less attention to you. So, a woman needs her own land where she can make her own decisions’. A 26 year old divorcee from Chipangali area of Chipata District said that, ‘As a wife I worked for my husband, but he got all the money and married a second wife. He then chased me out of the marital house, so I decided to divorce him. As a divorcee, I now have to be on my own’.

3.2.3 Women's Tenure Security, Title Deeds and Wills

Generally, women in studied village communities understand land tenure security to be based on continuous access and subsistence usage of a piece of land within the village context. Land in this case is allocated to families/communities by the headpersons within a given chiefdom. Such land is perceived as a common property resource from which individuals only enjoy usufructuary rights. On the other hand, those in settlement/resettlement areas demonstrated an understanding of land tenure security that goes beyond access and enjoyment of usufructuary rights. Tenure security is in this case perceived to include the possession of a written document that is obtained through application and registration with the government that bestows individual private rights and ownership of the piece of land in question. In terms of land usage, these women were aware of the fact that they were expected to engage in semi to commercial agricultural undertakings.

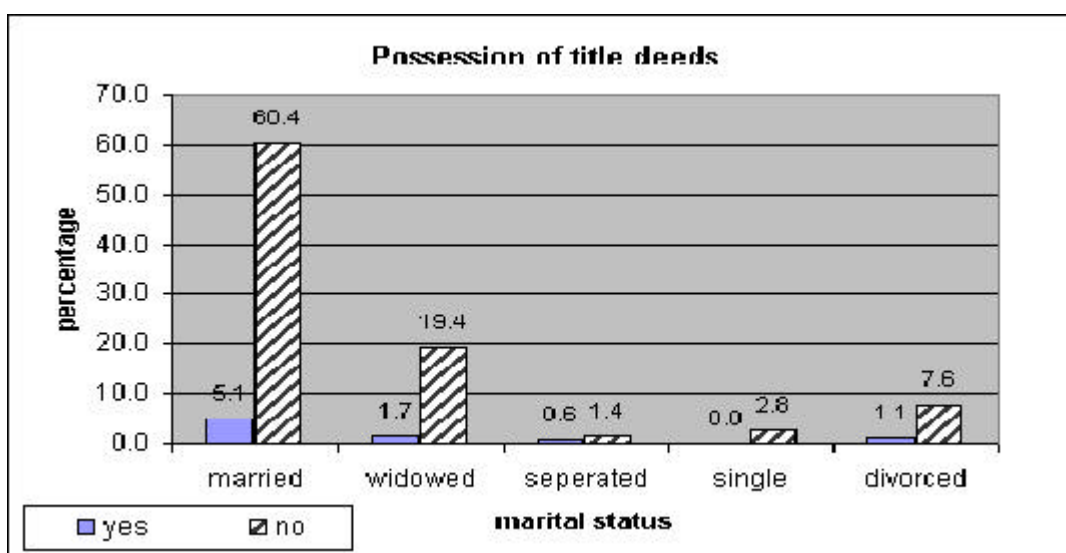
Given these different perceptions on women's tenure security, it can be said that the majority of women in the village communities lacked knowledge of tenure security, which can be conferred with Title Deeds and expressed the view that their tenure security was determined by customary law through head persons and chiefs/chieftainess. According to the FGD findings women's tenure security in the village communities is perceived to be tied to their marital status, and this depends on their husbands being alive. Such tenure security rights are terminated upon divorce, separation or when widowed. Incidences of women having their land repossessed (2.8%) involving especially widows/ divorcees was further confirmed by key informants throughout the study areas. In Dundwa community for instance, one key informant stated that:

'Women who lost their husbands have had relatives or other people (i.e. chief, headpersons) claim land' while another woman respondent strongly expressed that 'women found themselves disadvantaged when unscrupulous Headpersons repossessed land indiscriminately and forcefully removed them from the land that once belonged to their deceased husbands'.

Further studies (Milimo, 1990; Keller, 2000 and Kajoba, 2002) alluded to these same repossessions that affect widows and divorcees.

In comparison, the women in settlement/resettlement communities are exposed to an open and modern system in which they have to assert themselves and compete for the desired land resource through payment of an application fee and sit for interviews. In settlement and resettlement communities such as Kanakantapa, Chipangali, Zemba and Sikalongo, settlers are able to buy and sell land. Some settlers even have Title Deeds to their pieces of land and are therefore at will to dispose, mortgage or sell the land.

The investigations on possession of Title Deeds revealed that 91.3% of the sampled women in all communities do not possess them. Out of 357 women respondents only 30 representing 8.4% of the total sample indicated that they possessed Title Deeds. Kanakantapa has been shown to have the highest number of women possessing Title Deeds at 4.2%, Chimpangali with 1.1%, Sikalongo with 1.4%, Chiawa with 0.8% and Nzemba with 0.8 % (See Appendix 5 for details on possession of Title Deeds per community) Figure 6 below provides details of possession of Title Deeds by Households According to Marital Status in all studied Communities.



Source: Field Data 2004

Figure 6 Possession of Title Deeds by Households According to Marital Status in all Studied Communities

According to figure 5 above, out of the total sampled women population only 5.1% of the married women, 1.7% of the widows; 1.1% of the divorced and 0.6% of the separated women possess Title Deeds. Of the 8.4% women that own Title Deeds, 7.6% and 0.8% reside in the settlement/resettlement and village areas, respectively. None of the single women are shown to possess Title Deeds. This implies that the majority of the women regardless of their marital status do not own Title Deeds and that the situation in both settlement/resettlement and village communities is not very different with regard to possession of Title Deeds by women.

As to whether women in study areas had knowledge of place of issuance and the procedure for acquiring Title Deeds, 70.9% said they did not know while, 29.1% said they knew.

Despite the majority of women lacking knowledge on place of issuance and procedure for obtaining title deeds, they still indicated the various reasons for obtaining one. These were outlined and included own security (51%), children's security (9.5%), to know the actual land size (0.3%), to be able to help own family (0.6) and to be free /make independent decisions (0.8%). On the other hand, the reasons given for not wanting to have Title Deeds included not having own land (25.5%), it is too expensive to get Title Deeds (21.6%), not being allowed to obtain Title Deeds on traditional pieces of land (19.6%) and because customary land tenure is sufficient security (9.8%).

From these findings it can be stated that the majority of the rural women in the studied communities do not have the knowledge on the advantages of owning a Title Deed especially in the village areas. These village results also signify the fact that women still are unaware of the possibility of converting their customary pieces of land into leasehold as stipulated in the Lands Act (1995) as well as, not being aware of their

entitlement to the statutory land reserved for women according to the *Zambian Draft Land Policy (2000)*.

Given the marginal percentages of women in possession of Title Deeds and those who accessed land through purchasing, renting, and borrowing, it can be argued that though land markets have emerged in both the settlement/resettlement and village communities, the process is not widely practiced. Although, there are some incidents of land being rented for cash in some village areas where dambo land, which is suitable for vegetable gardens, is scarce such as in Chiyota village community in Chongwe district, land in most village communities is still treated as a common property resource that cannot be bought or sold. Except for those women who own land by having offer letters or titles in the settlement/resettlement schemes and those who inherit land from ancestors in the villages, women therefore do not enjoy secure tenure rights on their own right.

The relative security of tenure that married women enjoy is invariably lost upon divorce, separation or death of the husband. Not even the *Intestate Succession Act (1989)* alluded to in the literature review provides land tenure security to the women. While it makes provision for widows to inherit a portion of the deceased husbands' property, the Act excludes land under customary tenure (Keller, 2000). Furthermore, as long as the *Lands Act of 1995* continues to recognize and uphold customary law, it could be argued that the tenure security of women farmers will continue to remain precarious under customary land tenure regime. In addition, although the *Land Act* implies that women can also obtain titles, it does not explicitly state so.

It should be underscored that the tenure insecurity of women is still embedded in the customary norms that are part of the traditional ideology which perceives women as being inferior to men and are therefore, denied ownership and control of land in their own right within the rural households.

With regard to knowledge of wills, the majority of the women know about both the verbal and the written will and stated that of these, the verbal will is the type that is widely practiced in most rural areas. The women in almost all communities attested to verbal wills being more common than the written ones but made only under certain conditions.

In the Chiawa community for example, women reported in the FGDs that verbal wills are commonly made when a person was terminally ill and was about to die and that such wills tend to be more respected by the surviving relatives of the sick persons. Another female respondent was completely puzzled upon being asked whether community people were in the habit of making wills. She quizzically responded in her local dialect, Gore Gore:

Haa, '*nisinerwara*' (literally translated when I am not sick?); and further asked that 'how can a person make a will when they are not sick and about to die?'

The men, in Chipangali narrated that the making of wills in village communities is difficult but, an individual is free to write a will as long as he owns the land allocated to him (note that this is happening among the patrilineal Ngoni people) by the chief. However, such a will may not be respected by the traditionalist relatives. In addition, they stated that when these wills are being made many women do not know about them.

It was however reported in the FGDs held in settlement/resettlement areas that, women with some education background, have an appreciation of the laws of inheritance and the use of the written wills. Nonetheless, women in all the different types of communities that were studied strongly expressed the view that neither the verbal nor the written will are recognized upon the demise of the husband by his relatives. The majority of the affected widows complained of being forced off the marital land and being repossessed of all the property. For instance, one Soli speaking woman lamented that:

‘There are cases here where widows are chased from their homes upon deaths of their husbands especially when they want to remain’.

Another Chewa speaking woman stated that:

‘After undergoing cleansing widows, especially the young widows are usually forced to vacate land’.

This finding is in agreement with most literature on women and land. In this regard, Keller’s (2000) observation that not even the Intestate Succession Act is able to protect the interests of the surviving spouse and children is evident.

3.2.4 HIV/AIDS and Women’s Tenure Security

Given the complexity and sensitivity of the subject on HIV/AIDS, this particular study objective was not thoroughly investigated to generate data on numbers of those infected or affected by HIV/AIDS. It was established however, through FGDs that HIV/AIDS and other long illnesses are prevalent in all the communities studied. As mitigatory measures, home based care programmes have been established in some communities such as Musisa-Siamwanja through which Voluntary Counseling and Testing (VCT) are undertaken. In some communities such as Sikalongo a subcommittee within the Settlement Development Committee has been incorporated to handle HIV/AIDS cases. The subcommittee’s role was reported to be that of arbitration when family disputes arose over land succession issues.

HIV/AIDS and other long illnesses (such as TB, swollen legs, diarrhoea) were reported not to undermine the tenure security of those infected or affected. It was found that if a person was sick for a long time, family members cultivated his or her land in order to ensure that there was continued food security for both the patient and the household members.

In the event of death, family members were reported to still inherit the deceased person's land. Nonetheless, there were isolated cases such as in Kanakantapa where it was reported that some people had been taking advantage of the terminally ill people and elderly women by demarcating their land. One key informant in Dundwa community stated that:

'Normally young surviving spouses are remarried by the deceased husband's relatives. If both husband and wife die from HIV/AIDS without leaving elder sons, land is taken over by either the headperson or relatives'.

Widowed women, however, indicated that their inheritance of land left behind by their spouses generally depended on the kind of relationships earlier forged with husbands' family members especially with the in-laws. Although, the study generally gives indications that divorced and widowed women can be told to 'pack and go', there were no reported incidences of widows being chased on the basis of having lost husbands through the HIV/AIDS and long illnesses.

3.2.5 Gender Constraints in Different Land Tenure Systems

Although it has been established in section 3.2.2 that all categories of women in all the studied communities have access to land, the findings revealed that there are some gender constraints that women face in owning and controlling of land. Table 9 below shows the constraints that are commonly experienced by women in the two types of settlement areas.

Table 9 Constraints that Women face in Owning and Controlling of Land per Settlement Type

Problems faced	Re/settlement (%)	Village (%)
Land shortage	38.5	30.6
Inadequate capacity to utilize land	34.6	27.8
Small land size	15.4	8.3
Using borrowed land	3.8	8.3
Wild animals destroys our crops	3.8	11.1
Accessing common resource	3.8	0.0
Land grabbed from me/ widows/divorcee/woman	0.0	5.6
Do not make independent decisions on land	0.0	2.8
Land disputes with community	0.0	2.8
Given/ using infertile land	0.0	2.8
Total	100.0	100.0

Source: Field Data 2004

Table 9 shows that a total of 38.5% respondents in settlement/resettlement areas compared to 30.6% of women in village areas experienced land shortage. Inadequate capacity to utilize land was indicated by 34.6% of the respondents in settlement/resettlement areas and by 27.8% in village communities; 15.4% of the respondents in the settlement/resettlement communities and 8.3% of those women in the village areas alluded to small land size while, 11.1% of the village communities indicated that wild animals destroyed their crops. The use of borrowed land 8.3% in village Areas and 3.8% in settlement/resettlement areas was indicated while land grabbing (5.6% in village and 2.8% in settlement/resettlement areas was also indicated as a constraint.

In addition, village community respondents (2.8%) also indicated that they were not allowed to make independent decisions on land. A similar percentage each indicated that they experienced land disputes within their communities and that they were given/used infertile pieces of land. The exclusion from accessing common resources

were identified in the settlement/resettlement areas but has not been shown to be a constraint in the village areas.

Although, table 9 above shows that there were no recorded cases of village community people being excluded from accessing common property resources, the FGDs revealed otherwise. Discussions with village community people revealed that in Chiawa and Lukonde-Hamunali the fencing of land along the river by both local and foreign private tourist resort investors, has completely excluded indigenous people from accessing the water resources for their animals and also for fishing. This confirms what Brown and Siamwiza (2002) stated with respect to the effects of conversion of customary land to Leasehold titles. In both Kanakantapa and Chikupi resettlements, it was reported that the scheme management as a way to accommodating new settlers was now allocating the initial land spaces that had been reserved for communal grazing. This consequently, not only excludes earlier settlers from accessing common property grazing land, but it also severely constrains them from carrying on with their livestock based livelihoods as there is no alternative provision for grazing land.

Land shortage in this case could be attributed to increase in population in the studied communities as alluded to by CSO (2001 and 2003a) data. Thus, the population is exerting pressure on the available land. In the FGDs, the inability to utilize land was attributed to lack of inputs, male labour, farm implements, lack of extension services and micro credit. In the Chiawa community it was explained by some respondents that this inability to fully utilize the land was as a result of the absence of men that were needed to clear the virgin land allocated especially to the single women. For example in Chikupi community, one young woman stated that:

‘It is not good for a woman to have her own land, for a woman needs a man to help her stump the virgin land before anything can be grown on it’. Another woman in the same community said, ‘I need a man to assist me in cultivating the agricultural land’.

The destruction of crops by animals was found to be prevalent in the Chiawa communities where a Game Management Area (GMA) has been established. Key informants and both men and women participants bitterly complained that the lack of cropping of elephants and crocodiles has led to an excessive increase of their population. This has resulted in massive destruction of crops and endangering the lives of the community people. It was further reported that since 1995, crocodiles had killed 45 community people and elephants had completely destroyed several farmers' horticultural plants including an orchard for the local school.

The small lands sizes in the settlement/resettlement communities are as a result of increased demand for land especially by the increased numbers of people retiring and those being retrenched from formal employment especially in urban areas. However, while land grabbing (5.6%) has been identified as taking place in the village areas, it was reported in FGDs that this occurred to very few people. It was further explained that in some exceptional circumstances land grabbing was done by some village headpersons to accommodate new comers as well as, to resolve land disputes between neighbouring farmers.

In contrast, the findings indicate there being some variations in land constraints with respect to women's ownership and control of land at the provincial level. In the Eastern province, 48.7% of the respondents indicated that they experienced land shortage in contrast to 10% and 9.5% that indicated the same constraint in Southern and in Lusaka provinces, respectively. Inadequate capacity to utilize land was indicated to be a constraint by 47.6% of the respondents in Lusaka, 21.6% in Eastern and 10% in Southern provinces. Crop destruction by wild animals is confined to Lusaka province where 23.8% of the respondents indicated experiencing such a problem while 50.2% in Southern and 4.8% in Lusaka indicated that they experienced constraints in accessing common property resources.

The land shortage, which is more critical in Eastern province than in the other two provinces that were studied is probably due to, increased population and commercial

production (i.e. tobacco, cotton, maize and groundnuts) activities. Coupled with the relatively large proportions of the population that is affected by inadequate capacities across the provinces, it seems plausible to suggest that there is need to provide agricultural interventions in all studied areas. In addition to the constraints shown in table 8, land-use, land tenure systems, land administration, inheritance patterns, customary norms and the general social economic situations presents conditions that prevent women from owning and controlling land.

With regard to land-use, while women have access to land, proper land use is hampered by their dependency on the use of rudimentally agricultural implements especially the use of hoes rather than the use of ox drawn ploughs. Lack of male labour, fertilizer, seed and markets as earlier stated are major constraints to women's agricultural productivity. Furthermore, the exclusion of women from making final decisions on land-use, marketing and the use of crop sale proceeds negates their full contribution to agricultural productivity and sustained livelihoods. In this vein, FAO (1999) and WLSA (2001) argue that lack of control of incomes obtained from crop sales and insecure rights to land ownership are crucial gender based barriers to enhancing women's agricultural productivity and income.

Likewise, the two different land tenure systems while are shown not to discriminate against women, in terms of access, women's tenure security that is tied to their marital status remains precarious. Such tenure security is temporal and tenuous in comparison to that which is conferred by the issuance of Title Deeds. Although it is important not to destabilize rural marriages, through advocating extremist views on the empowerment of women, it is necessary to embrace the voices of rural women (See 3.2.2) who stated that it is important for a woman to have her own land.

The exclusion of women from owning and controlling of land is further exacerbated by poor land administration. In many village communities land allocation practices by mainly traditional authorities reflect a poor representation of women in village committees. Similarly, land administration in the settlement/resettlement areas is not

any better in terms of women's representation. Furthermore, the centralization of the issuance of Title Deeds, the costs involved in travel, surveying, filling in of an application form and sitting for interviews and the fact that the majority of the rural women are shown to have only a primary education level, is likely to discourage them from applying for land.

While the offer letters that are given to the women settlers confer some degree of land tenure security, such documents too are temporally. Unfortunately, the settlers perceive such documents as being equivalent to full title that assures them of complete tenure security for an indefinite period. This state of affairs is most unsatisfactory, because it is not in conformity with the provisions contained in the land law.

Given the trend that there is increased migration of people from one part of the country to another (See section 3.1.4); the land tenure security that existed in matrilineal communities where the women lived with their husbands in their matriarchal communities may now not be possible. This is so because migration may now mean that the wife is to accompany and live with her husband in the new communities where she will be expected to access land through the husband and may probably lose her claim to any piece of land in her parental home. This is double tragedy for the women considering that they are not assured of inheriting land worked upon in the new places where they have settled and are not able to retain their land rights from their matrikin.

Therefore, as long as women continue to access land through their husbands and lose claims to pieces of land in their parental homes, there is need to empower the m in terms of access, ownership and control of land in their own right.

The general paucity of women in terms of household assets (such as lack of animal draught power, agricultural equipment) coupled with the high levels of poverty in rural areas, suggests that various interventions aimed at uplifting the socio-economic status of women populace have to be undertaken.

3.3 Land Disputes and Resolution Mechanisms

3.3.1 Land disputes

The research found out that land disputes do exist in most of the communities that were sampled. Of those interviewed 59.4% and about the same number (59.3%) in settlement/resettlement and village areas, respectively acknowledged the existence of land disputes. Table 10 below gives the types of the land disputes in studied areas.

Table 10 Types of Land Disputes in Studied Areas

Type of Dispute	Re/settlement		Village		Total
	Freq.	Percent	Freq.	Percent	%
Encroachment/ boundary	80	37.7	73	34.4	72.2
Land grabbing (by chief, committee etc)	5	2.4	6	2.8	5.2
Inheritance	3	1.4	9	4.2	5.6
Allocation of same land to more than one individual	3	1.4	7	3.3	4.7
Selling/trade in land	3	1.4	2	0.9	2.3
Conflict in land use	2	0.9	4	1.9	2.8
Ownership of land after borrowing land	1	0.5	3	1.4	1.9
Stealing crops	1	0.5	0	0.0	0.5
Re-allocation of land by headman	1	0.5	0	0.0	0.5
Access to common resources	1	0.5	0	0.0	0.5
Allocation of illegal land	1	0.5	0	0.0	0.5
Eviction from borrowed land	0	0.0	3	1.4	1.4
Occupation of other families' ancestral lands	0	0.0	3	1.4	1.4
Fight over fertile land	0	0.0	1	0.5	0.5
Total	101	47.6	111	52.4	100

Source: Field Data 2004

According to table 10, the most prevalent type of land dispute is encroachment or boundary dispute, which represents a total of 72.2% of the responses. Of this, 37.7% of the responses were from the settlement/resettlement and 34.4% of the responses were from the village areas. The other types of land disputes include land grabbing by

traditional authorities (2.8% in village and 2.4% in settlement/resettlement areas), inheritance problems (4.2% in village and 1.4% in settlement/resettlement areas) and allocation of the same piece of land to more than one individual (3.3% in village and 1.4% in the settlement/resettlement areas). Encroachment/boundary disputes still stand out as the most prevalent in each of the sampled communities as indicated in appendix 6. For instance, 81.8% of the respondents in Musisa, 63% in Chipangali, 62.1% in Lukonde, 45.5% in Kayoozi, 40.7% in Zemba, 35.5% in Kanakantampa and 25.7% in Davida-Chamandala stated that encroachment/boundary infringement was the major land dispute that they experienced in their communities.

The major explanation for encroachment was that there were no proper fixed marks that demarcate the boundaries of each individual's fields. Some neighbours do not respect the 'no man's land' that usually separates the neighbouring fields. In other cases, the small land sizes allocated to women especially are also the major reasons for encroachment so as to increase the land under cultivation. Furthermore, those responsible for allocating land at the village level were reported not to consult existing owners when portions of land are being allocated to new entrants. Because of this poor land allocation procedure, the same portion of land is sometimes allocated to two persons, thus creating encroachment disputes. The above scenario affects women in settlement/resettlement schemes as well as in village communities.

3.3.2 Dispute Resolution Mechanisms

The major mechanism for resolving land disputes in the village communities was found to be the traditional institutions of the chief/Headpersons as shown in table 11.

Table 11 Land Dispute Resolution Mechanisms in Studied Areas

Resolution Mechanism	Se/ Resettlement		Village		TOTAL
	Freq	Percent	Freq	Percent	
Chief/headperson	40	16.7	114	47.5	64.2
Resettlement scheme management	33	13.8	0	0.0	13.8
Area committee/ village chairperson	16	6.7	0	0.0	6.7
Appointed government committee	13	5.4	0	0.0	5.4
Agricultural officers/ council	6	2.5	0	0.0	2.5
Courts of law	1	0.4	1	0.4	0.8
Farmers coordinating committee	1	0.4	0	0.0	0.4
Shifting/moving to elsewhere or another land	1	0.4	6	2.5	2.9
Mere dialogue between the two aggrieved parties	1	0.4	2	0.8	1.3
Police	1	0.4	0	0.0	0.4
Traditional committee	0	0	2	0.8	0.8
Consulting elderly people in the village	0	0	1	0.4	0.4
Human rights bodies	0	0	1	0.4	0.4
Total	113	47.1	127	52.9	100.0

Source: Field Data 2004

A total of 64.2% of the respondents indicated that the chief/headperson were responsible for dispute resolution in both community types. Of these 47.5% of the responses were from the village and 16.7% were from the settlement/resettlement areas. About 13.8% of the respondents in settlement/resettlement areas indicated that Scheme Management Committees resolved land disputes, 6.7% indicated that disputes were resolved by Area Committees/Village Chairpersons, 5.4% were of the view that government appointed committees resolve the land disputes and 2.5% indicated that Agricultural Officers/Councils were responsible for land dispute resolution.

Only 2.5% of the responses from the village areas stated that conflicts were resolved by shifting or moving elsewhere or moving to another piece of land. In other words, one of the parties to the land dispute would have to leave the village or find an alternative

piece of land within the village, as a way of resolving the dispute at hand. According to the same table, very few (i.e. 0.4% each in the village and settlement/resettlement areas) cases of land disputes are resolved in the courts of law.

Going by these findings, the roles of the chief/chieftainess and village headpersons are cardinal in resolving land disputes at the village level in contrast to the situation in settlement/resettlement where scheme management and other government appointed committees are responsible. It may however, be argued then that since women are not adequately represented on both village and settlement/resettlement committees and their almost total absence in traditional leadership (only 2 chieftainess and few headwomen), the resolution mechanisms may not favour the interest of women farmers. In view of the existing traditional attitudes towards women, the resolution mechanisms probably do not dispense justice to those in conflict.

3.4 Community Initiatives to Improve Women's Tenure Security

3.4.1 Village and settlement/resettlement Community Initiatives

At the community level, two dissenting views emerged out of the FGDs. On one hand, there was a minority perspective that argued that husbands according to tradition are implored to be sensitive to the needs of their spouses. On the other hand, there was a majority perspective that contended that women's tenure security depends on their marital status.

With regard, to the minor perspective, some men stated that they willingly allocated land to their wives and supported them in making decisions on land use as well as on the use of proceeds from crop sales. For instance in Chikupi community in Kafue, the men only FGDs expressed the view that in the Goat Scheme loan given to women by Keeper Zambia, husbands managed the day to day requirements for the livestock. Likewise, in the marketing of livestock both husbands and wives participated in deciding when to sell and for how much. The proceeds from such a sale belonged to both of them but, if the proceeds were used to purchase an item such as a radio, cattle

or other movable property, it would belong to the women-the initial beneficiary of the Goat Scheme loan.

Another example from the Zemba settlement in Chadiza revealed that one farmer; a Mr. Phiri gave a portion of land to his wife to grow Virginia and Burley tobacco. The wife harvested tobacco worth K2million gross and netted K1.4 million after input loan deductions. Mr. Phiri stated that this was the third year of such an exercise. He added that they have been married for 21 years and he thought his wife was happy, and would have called her to testify about these facts. He then concluded that he thinks his fellow men could do likewise.

The majority perspective is that, any attempt to empower women especially the married women with own land, would destabilize rural households and eventually lead to the break up of marriages.

Irrespective of the two perspectives and with the exceptional one case in Nzemba, neither the FGDs nor the household interviews revealed any current community initiatives that are being undertaken to improve the land tenure security of women. However, there are a number of Non Governmental Organisations (NGOs) that have embarked on intervention measures to improve women's livelihoods. Examples include Cooperative League of the United States of America (CLUSA), Care International, World Vision, Keeper Zambia Foundation and Lutheran World Federation.

The interventions include micro financing, conservation farming, the Goat Scheme, Agricultural Extension, formation of clubs in which women are sensitized about gender issues, nutrition, health and income generation etc.

By implication, women tenure security continues to be influenced by customary norms and power relationships between men and women.

4.0 CONCLUSIONS AND RECOMMEDATIONS

1. Despite some conditionalities, there are various ways through which women access land that include access through husbands, headpersons, inheritance from parents in village areas and application through the settlement/resettlement schemes. The majority of the woman access between 1.5 to 3 hectares of land.

It is recommended that, women in village areas should be allowed access to land in their own rights without having to be represented by any male adult. In settlement/resettlement areas, women should be assisted through adult education and extension training to improve their capacity to apply for and utilize land.

2. With the exception of women that inherit land from their matrikin and those allocated and have purchased land in settlement/resettlement communities, generally women do not own and control land in study areas because of firstly, the traditional attitudes and practices that assume that land as a resource should be owned by men who are the household heads, secondly the gendered power relationships in which men fear that if women own and control land, then they would have economic power and this would undermine the status of men and thirdly, the internalized cultural expectations that women uphold the established hierarchical relations with regard to decision making in land use, ownership and control of land.

It is recommended that the government, NGOs, the Church, private sector and the traditional authorities should sensitize both men and women through radio, drama, theatre and discussions to work together towards removing the internalized attitudes based on traditional practices particularly, on the attitudes held by societies that perceive women as being inferior to men.

3. Rural women farmers experience the following constraints; land shortage; inadequate capacity to utilize land; small land sizes, land grabbing particularly in villages; exclusion from accessing common property resources and destruction of field crops by wild animals particularly in Chiawa area.

a) With regard to land shortage and small land sizes, it is recommended that the government should open up more settlement/resettlement areas where people including women can find serviced land.

b) With regard to land grabbing in villages, it is recommended that deliberate efforts by both the government and customary institutions should be made to recognize the rights of women in the lands that they have worked on. In order for this to occur, there is need to harmonize both statutory (e.g. the Intestate Succession Act 1989) and customary law provisions that are contradictory with respect to women's rights to land.

c) In order to improve the capacity of women to utilize land, it is recommended that the government, NGOs and the agribusiness companies should assist especially female-headed households in providing agricultural packages such as farm inputs, modern implements, micro financing and markets. In this regard it is strongly recommended that the current interventions such as the Fertilizer Support Programme and the Targeted Food Security Pack be encouraged and extended to more women farmers.

d) With respect to the exclusion of women from accessing common property resources, it is recommended that the government, NGOs and various stakeholders should engage in dialogue with the affected communities and investors (local or foreign) and find best possible means to ensure that the needs of both the community people and investors are met.

e) With regards to the destruction of crops by wild animals, it is

recommended that the current attempts being made by ZAWA in managing wildlife should be revisited and strengthened.

4. All categories of women strongly expressed the desire to own and control land in order to be able to make independent decisions with respect to land-use, marketing of produce and control of crop sale proceeds.

It is recommended that the attempts being made by the government to undertake land reforms and the enactment of relevant legislation in order to empower both men and women with secure land tenure should be supported. The output of the reform process should incorporate provisions of the National Gender Policy.

5. The majority of women lack knowledge of the existing Lands Act, the procedure and place of issue of title deeds; and about written wills. Generally, very few women, most of who were found in settlement/resettlement areas owned title deeds. Of these no single female household head had any such title deeds.

It is recommended that the government should as a necessity promote adult education in order to raise literacy levels among women. By so doing, it would help women to understand land laws; government land policies; the role of written wills and the importance of title deeds.

It is further recommended that the current land administration systems and land application procedures be decentralized and that affordable land delivery systems be created to empower all categories of women.

6. There exist differences in perception of women's tenure security. While women in village communities perceive land tenure security as being enshrined in customary law, those in settlement/resettlement communities regard offer letters, title deeds and other documents as the basis for tenure security.

a) With regard to women's tenure security in village communities, it is recommended that the government should continue to dialogue with the traditional authorities so that the forces of land reform and modernization are accommodated in order to allow conversion of customary land into leasehold.

b) Based on the encouraging trends in the current settlement/resettlement communities, it is further recommended that more such schemes be opened up, so that women can benefit from more secure tenure systems based on 14-year leaseholds and title deeds.

7. Due to varying soil qualities in the various agro-ecological zones and because of continuous cultivation over many years in some study areas, some soils have become exhausted and infertile.

It is recommended that the government and other stakeholders should continue to promote good agricultural land use practices such as agro-forestry, conservation farming, zero tillage etc and extend it to sampled communities such as in Davida-Chamandala in Chadiza (Eastern province).

8. There is no significant relationship between women's level of education and access to land in both the village and the settlement/resettlement communities. The married women constituted the majority category of women that have some education more so at primary level.

It is recommended that, similar attempts of raising literacy and education levels of women by the government be made. This would enable women become knowledgeable and assertive about their rights that go beyond simply accessing land to include ownership and control of the resource.

9. Except for the young women (i.e. < 24 years) that are not allocated land and are expected to access land through parents, age for all other categories of women was not a determinant to accessing land.

It is recommended that the various traditional land allocation institutions should allocate land to young women with the capacity to utilize the resource in their own right.

10. Married women in rural areas raised relatively higher incomes from agricultural activities than the other categories of women, because they benefited from husbands land, labour, managerial skills including investments made in family land. However, as women farmers and regardless of marital status, women own very few productive assets. Lack of animal draught power in particular has serious implications on women farmers' agricultural productivity. In this regard, the female-headed households are among the most impoverished people in the studied communities.

It is therefore recommended that, similar attempts earlier made with regard to the government, NGOs and the agribusiness institutions should improve the capacity of women to utilize land and assist especially female-headed households in providing agricultural packages such as farm inputs, modern implements, micro financing and markets be made.

11. A larger percentage of women are involved in rural-rural migration as compared to urban-rural migration in search of land in study areas. These rural-rural migrations have undermined the traditional matrilineal virilocal marriages and replaced such marriages with the traditional patrilineal uxurilocal marriages. Thus, women (especially married women) have now to depend mostly on their husbands for all their needs including access to land.

It is recommended that land be made available to both men and women wherever they settle regardless of marital status.

12. Despite the study not having generated adequate data on HIV/AIDS and women's tenure security, it was established that HIV/AIDS and other long illnesses are prevalent in all the studied communities. These illnesses however do not undermine the tenure security of women and family members and in the event of death; family members would inherit the land.

It is recommended that further studies be undertaken to probe further on the HIV/AIDS and women tenure security issue.

13. Land disputes exist in both village and settlement/resettlement communities. The most prevalent type of dispute is encroachment or boundary disputes due to there being no proper fixed marks demarcating the boundaries of each individual field. Land disputes are mitigated through the traditional institutions of the chief/headpersons in villages and by scheme management in settlement/resettlement areas.

- a) With regard to land encroachment, it is recommended that communities should ensure that individual's rights are protected through participatory and transparent demarcations of properties.

- b) With regard to the fixing of marks demarcating individual fields it is recommended that the government and traditional leaders through their established local institutions (such as village land allocating committees and scheme management teams) should be encouraged to promote visible and immovable landmarks that separate neighbouring fields.

14. In most cases, women were not adequately represented in both the village and settlement/resettlement committees that are responsible for allocating land and

resolving land disputes. This type of land administration tends to exclude women from decision making pertaining to accessing, owning and controlling of land. The exclusion of women from these land administration institutions means that the interests of women farmers are not adequately addressed.

a) Where village land allocation committees and scheme management teams do not exist, it is recommended that communities should be encouraged to establish them.

b) Where village committees and teams exist it is recommended that there should be adequate representation of women in order to safeguard the interests of women with respect to land allocation and resolution of disputes.

15. Except for the NGOs that have embarked on intervention measures to improve women's livelihoods, there are no community initiatives that are being undertaken to improve the land tenure security of women.

It is recommended that GIDD and other stakeholders in the communities undertake pilot interventions on empowering of women with access to, ownership and control of land where the baseline study was undertaken. This is so in order that we reduce the credibility gap that exists between the researchers and community people.

People in the communities strongly expressed the view that they have been over researched without receiving any tangible benefits.

5.0

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6.0

APPENDICES

Appendix 1: Population Size In Selected Districts

1990 Population			2000 Population			Average Annual growth rate (%)			
District	Male	Female	Total	Male	Female	Total	Male	Female	Total
CHADIZA	33,183	33,498	66,681	40,918	41,482	82,400	2.1	2.2	2.1
CHIPATA	128,705	132,395	261,100	179,450	182,682	362,132	3.1	3.3	3.2
CHONGWE	48,021	47,717	95,738	72,735	72,001	144,736	4.2	4.2	4.2
CHOMA	83,288	87,399	170,687	99,001	104,304	203,305	1.7	1.8	1.8
GWEMBE	19,405	20,380	39,785	16,485	16,906	33,391	1.6	1.9	1.7
KAFUE	59,668	57,686	117,354	83,421	78,841	162,262	3.4	3.2	3.3

(Source: CSO, 2001, Annex 1, p 9-10).

Appendix 2

Secondary Economic Activities

Activity	Frequency	Percent
None	86	24.1
Trade (retail/grocery/ other products)	71	19.9
Gardening	60	16.8
Cash crop farming	57	16.0
Not stated	29	8.1
Weaving/knitting	18	5.0
Selling livestock	13	3.6
Beer brewing	11	3.1
Fishing	5	1.4
Formal employment	3	0.8
N/A	2	0.6
Piece work/providing labour	1	0.3
Community work	1	0.3
Total	357	100

Source: Filed Data 2004

Appendix 3 Factors Enabling Women Access Land In Studied Communities

What enables women access land	Frequency	Percent
Access through marriage	48	15.0
Inherit from parents	47	14.7
Obtain from headman	43	13.5
Purchasing land/ renting/ income levels	38	11.9
Hard work/ capacity to develop land	31	9.7
Free access everyone can obtain land	19	6.0
Applied to the council/ section chairperson/ resettlement dept.	16	5.0
Inherit from relatives	13	4.1
Inherit from husbands	11	3.4
Marital status	9	2.8
One's problems or need for land	8	2.5
Borrowing land	7	2.2
Indigenous or born in the area	6	1.9
Settled in the area for along time	5	1.6
Just clearing idle/ free land	5	1.6
Relation with headman/ leader or staff at scheme management	5	1.6
Good personal behavior	2	0.6
Having children	2	0.6
Problems with husband	2	0.6
Level of enlightenment	1	0.3
Depends on age	1	0.3
Total	319	100

Appendix 4 Factors Enabling Women Access Land According To Provinces

Factors that enables women obtain land	Lusaka	Eastern	Southern	Total
Obtain from headman	17.2	8.2	10.3	12.0
Purchasing land/ renting/ income levels	11.7	16.4	2.8	10.6
Free access everyone can obtain land	10.9	-	4.7	5.3
Hard work/ capacity to develop land	7.0	2.5	17.8	8.7
I don't know	6.3	2.5	1.9	3.6
Not stated	6.3	2.5	6.5	5.0
Access through marriage	5.5	12.3	24.3	13.4
One's problems or need for land	5.5	-	0.9	2.2
Marital status	4.7	-	2.8	2.5
If indigenous or born in the area	3.9	0.8	-	1.7
Just clearing idle/ free land	3.9	-	-	1.4
Relation with headman/ leader or staff at scheme management	3.9	-	-	1.4
If settled in the area for along time	3.1	0.8	-	1.4
Inherit from parents	3.1	27.9	5.6	12.3
Borrowing land	1.6	2.5	1.9	2.0
Inheritance through family lineage	1.6	-	0.9	0.8
Not sure	0.8	1.6	2.8	1.7
Good personal behavior	0.8	-	0.9	0.6
Having children	0.8	-	0.9	0.6
Problems with husband	0.8	-	0.9	0.6
Depends on age	0.8	-	-	0.3
Level of enlightenment	-	0.8	-	0.3
Inherit from husbands	-	6.6	2.8	3.1
Applied to the council/ section chairperson/ resettlement dept.	-	6.6	7.5	4.5
Inherit from relatives	-	8.2	2.8	3.6
N/A	-	-	0.9	0.3
Total	100	100	100	100

Source: Filed Data 2004

Appendix 5 Possession of Title Deeds per Community

Village/Community	Yes		No		N/S		Total	
	Freq	%	Freq	%	Freq	%	Freq	%
Chipangali Resettlement Scheme	4	1.1	23	6.4	0	0.0	27	7.6
Kanakantampa Resettlement Scheme	15	4.2	15	4.2	1	0.3	31	8.7
Zemba Tobacco Scheme	3	0.8	24	6.7	0	0.0	27	7.6
Chiyota Village	0	0.0	29	8.1	0	0.0	29	8.1
David Village	0	0.0	35	9.8	0	0.0	35	9.8
Kayoozi Village	0	0.0	33	9.2	0	0.0	33	9.2
Lukonde Village	0	0.0	29	8.1	0	0.0	29	8.1
Musisa Settlement	0	0.0	22	6.2	0	0.0	22	6.2
Sikalongo Resettlement	5	1.4	26	7.3	0	0.0	31	8.7
Dundwa Village	0	0.0	25	7.0	0	0.0	25	7.0
Chiawa Village	3	0.8	28	7.8	0	0.0	31	8.7
Chikupi Settlement	0	0.0	37	10.4	0	0.0	37	10.4
Total	30	8.4	326	91.3	1	0.3	357	100.0

Source: Filed Data 2004

Appendix 6 Types Of Land Disputes Per Community

Type of dispute	Chipan gali	Kananka ntampa	Zemba	Chiyota	Dauida	Kayoozi	Lukonde	Msisa	Sikalongo	dundwa	Chiawa	chikupi	Total
Inheritance			11.1		17.1	3.0					6.5		3.4
Encroachment/ boundary	63.0	35.5	40.7	17.2	25.7	45.5	62.1	81.8	54.8	60.0	35.5	16.2	42.9
Land grabbing (by chief, committee etc)	11.1	3.2		10.3	5.7	3.0						2.7	3.1
Ownership of land after borrowing land		3.2			5.7		3.4						1.1
Allocation of same land to more than one individual	7.4	3.2			5.7	15.2							2.8
Eviction from borrowed land					2.9	3.0					3.2		0.8
Conflict in land use		3.2	3.7		2.9	3.0	6.9						1.7
Selling/trade in land			11.1			6.1							1.4
Occupation of other families' ancestral lands							3.4				6.5		0.8
Stealing crops												2.7	0.3
Re-allocation of land by headman												2.7	0.3
Access to common resources		3.2											0.3
Allocation of illegal land		3.2											0.3
Fight over fertile land				3.4									0.3
I don't know	3.7				2.9								0.6
Not stated			14.8	10.3	17.1	6.1		4.5			9.7		5.3
N/A	14.8	45.2	18.5	58.6	14.3	15.2	24.1	13.6	45.2	40.0	38.7	75.7	34.7
Total	100	100	100	100	100	100	100	100	100	100	100	100	100

Source: Filed Data 2004