Securing women’s access to land: Linking research and action. An overview of action-research projects in Southern Africa.

This work was carried out as part of a 3-year collaborative project entitled “Securing Women’s Access to Land: Linking Research and Action”, coordinated by the International Land Coalition (ILC), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of Western Cape in South Africa.

Its overarching aim was to learn from women and respond to their needs through action-oriented research. The purpose of the research carried out under this project was not only to provide an evidence-base for advocacy on women’s rights, but also to strengthen the research and advocacy capacity of civil society organizations, and to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including the building of linkages with the wider advocacy relationships and programmes of the ILC.

This report is part of a wider initiative on Women’s Land Rights (WLR). If you would like further information on the initiative and on the collaborating partners, please feel free to contact the International Land Coalition.
The opinions expressed in this report are those of the author and do not necessarily constitute an official position of the International Land Coalition, nor of its members or donors.

ILC would appreciate receiving copies of any publication using this study as a source.

© 2011 the International Land Coalition

ILC wishes to thank the International Development Research Centre (IDRC) for its support.
Securing women’s access to land:
Linking research and action.
An overview of action-research projects in Southern Africa

By the
Institute for Poverty, Land and Agrarian Studies (PLAAS)

March 2011
Acknowledgements

This work was made possible through the cooperation of many individuals. The Institute for Poverty, Land and Agrarian Studies (PLAAS) extends its gratitude to the people who facilitated the research by co-coordinating the country studies. These are: Ritu Verma (southern Africa Project coordinator), Phides Mazhawidza, Eva Mutenga and Jeanette Manjengwa (Zimbabwe); Maggie Banda, Gift Mauluka, Veronica Kamanga-Njikho, Grace Malera, Martino Kamwano Mazinga and Stephen Ndhlovu (Malawi); Daniele Ramarosonana and Mino Ramaroson (Madagascar); Irene Almeida and Nzira de Deus (Mozambique). Thanks are also due to the various researchers, institutions and communities who participated in the research project in the selected countries. PLAAS extends its gratitude to the International Land Coalition1 (ILC), and is also grateful to the International Development Research Centre (IDRC) Canada for its financial support of this project.

---

1 The International Land Coalition is a global alliance of inter-governmental, governmental and civil-society organizations working together with the rural poor to increase their secure access to natural resources, especially land, and to enable them to participate directly in the policy and decision-making processes that affect their livelihoods at local, national, regional and international levels. http://www.landcoalition.org
Table of contents

Acknowledgements ii

Introduction 1

1. SWAL project partners 2

2. Findings 3

3. Innovations 6

4. Gaps 7

5. Methodology 8

6. Case study findings summaries 9

WOLREC - Women’s access to land and household bargaining power: A comparative action research project in patrilineal and matrilineal societies in Malawi 9

FOFIFA, Plateforme SIF, FVTM, Réseau SOA and HARDI - Promoting women’s access to and control over land in the central highlands of Madagascar 12

Fórum Mulher - Empowering women through access to and control over land in the context of gender-biased green revolution processes: An action research project in Manhiça District, Mozambique 14

WFA/CASS - The social, political and economic transformative impact of the Fast-Track Land Reform Programme on the lives of women farmers in Goromonzi and Vungu-Gweru District in Zimbabwe 18

Learning Route 21

7. SWAL partners’ reflections on securing women’s access to land 25

8. SWAL project outputs 26

9. Policy implications of SWAL project 27

List of abbreviations

AMUDEIA  Associação das Mulheres Desfavorecidas da Industria Açucareira

CALI  Collaborative Action on Land

CASS  Centre for Applied Social Studies

CSO  Civil Society Organizations

FOFIFA  Foibe Fikarohana Ampiharina Amin’ny Fampandrosoana ny eny Ambanivohitra (National Research Centre on Rural Development)

FTLRP  Fast-Track Land Reform Programme

FVTM  Fikambanan'ny Vehivanyakantsaha Eto Madagaskara (Federation of Rural Women’s of Madagascar)

HARDI  Harmonisation des Actions pour la Réalisation d’un Développement Intégré

GAMWI  Gatundu Mwirutiri Women Initiative

GROOTS  Grassroots Organisations Operating Together in Sisterhood

IDP(s)  Internally Displaced Person(s)

KLA  Kenya Land Alliance

MISR  Makerere Institute for Social Research

NGO  Non-Governmental Organizations

PLAAS  Institute for Poverty, Land and Agrarian Studies

Réseau SOA  Sendikan’ny Orina Ambanivohitra (Rural Organizations’ Union)

SIF  Sehatra Iombonana ho an’ny Fananan-tany - Plateforme Solidarité des Intervenants sur le Foncier

SWAL  Securing Women’s Access to Land

ULA  Uganda Land Alliance

WDG(s)  Watchdog group(s)

WFA  Women Farmers Association

WOLREC  Women’s Legal Resource Centre
Introduction

The Securing Women’s Access to Land (SWAL) project had four objectives:

i. to fill critical information gaps;
ii. to produce credible research findings;
iii. to carry out action and action-oriented research; and
iv. to link findings to policy on women’s land rights, access and control over land in the southern African region.

SWAL project activities included action research, dialogues, a writing workshop, as well as participation in conferences and a Learning Route. This synthesis report is based on information gathered from the February 2010 writing workshop, which aimed to support researchers in their report-writing and gender-analysis capacities, and the March 2010 Learning Route. The Learning Route provided an opportunity for participants from Southern and Eastern Africa to share experiences through field visits to projects aimed at securing women’s access to land in Eastern Africa.
1. SWAL project partners

The project was a regional initiative that involved grant partners from Eastern and Southern Africa. There were small grant projects spread across organizations based in four countries in Southern Africa. The organizations were:

- Women Farmers Land and Agricultural Trust Association (WFA) and Centre for Applied Social Studies (CASS) in Zimbabwe;
- Forum Mulher, Cruzeiro do Sul, the Associação das Mulheres Desfavorecidas da Industria Açucareira (AMUDEIA), and Centre for Justice in Mozambique;
- The Plate-forme Solidarité des Intervenants sur le Foncier (SIF), Harmonisation des Actions pour la Réalisation d’un Développement Intégré (HARDI), Foibe Fikarohana Ampiharina Amin'ny Fampandrosaana ry eny Ambanivohitra (FOFIFA), Fikambanan'ny Vehivvytantsoaha Eto Madagasikara (FVTM) and Réseau SOA in Madagascar; and
- Women’s Legal Resource Centre (WOLREC) in Malawi.

The Institute for Poverty, Land and Agrarian Studies (PLAAS) facilitated the small grant partners’ collaboration with institutions in South Africa, and coordinated project activities with its counterpart in Eastern Africa, the Makerere Institute for Social Research (MISR).
2. Findings

The key findings from the SWAL project indicate that women’s access to land remains tenuous in the countries studied, despite efforts to secure it. Research in Southern Africa identified the following reasons for this situation:

- All land tenure systems in the four SWAL study countries are undergoing review. This process presents both threats and opportunities for women’s access to land. With the exception of Mozambique, the four countries studied are revisiting their land laws and policies. However, only Malawi’s land policy explicitly identifies the need to address gender inequality when considering access to land. As a result, women’s issues remain marginalized in most policy debates and action.

- There is a continued discord between rights conferred to women by law and customary practices. While the national constitutions accord women equal rights with men in all four of the countries studied, customary practices subordinate women’s rights to those of men. This tradition makes it difficult for women to enforce their legal claim to land rights and to benefit from the protection accorded them by law.

- The existence of many different laws and regulations increases the complexity of procedures to claim and protect land rights, and destabilizes existing land administration institutions. Land rights become uncertain as people, especially women, have to engage in constant negotiations to maintain access. The existence of many different state and non-state institutions, with competing laws and regulations related to land, makes it difficult for women to secure their claims.

- Although there are a number of overlapping laws and regulations deriving authority from the state, custom, religion and other non-state actors, policymakers and actors focus on state laws when making adjustments. Those customary and traditional laws that people live with and are close to continue to be marginalized. As the majority of vulnerable women depend on customary land rights, the changes to state laws have limited impact on their land access. The focus on state-led interventions results in ignorance of local-level innovations in securing women’s land access, and limited capacity to build on such innovations to address women’s land tenure insecurity.

- Customary practices are flexible and have mechanisms for protecting the vulnerable that have yet to be fully researched. Examples from the SWAL project in Southern Africa identified provisions for land inheritance in Madagascar that women can access in the event of marital dissolution. In Malawi, mechanisms exist that oblige patrilineal societies to maintain widows’ access to marital land. Women also have opportunities to negotiate access to land which is contingent on other people’s land rights in customary tenure areas.

- The state laws are accessible to people who can read and write and have means to travel to the available government offices. Women who live further away from the government offices are disadvantaged and marginalized as they have limited literacy and little understanding of state law. Where they exist at the local level, government offices have expensive and complicated procedures that make it difficult for women to navigate through the registration systems in order to improve their land access.

- The state’s limited capacity to mediate in cases involving local communities and multinationals increases the vulnerability of the poor, and especially women, who have limited capacity to mobilize legal resources to protect their interests.

- In light of the problems experienced with government institutions, governments in the region have taken steps to make land administration offices more democratic by diversifying membership to include more women, by revising existing laws and by decentralizing law enforcement offices to make them more accessible.
Women's Land Rights to marginalized people. Although governments have attempted to increase the representation of women in land governance institutions, men continue to dominate structures and institutions that marginalize women's land concerns. There is also a dearth of information on the extent to which the increase in the number of women in land-governance institutions has influenced women's land access.

- Women's land access remains insecure and negotiated because women secure land based on a variety of conditions that include marital status, age and child-bearing status. As these conditions are constantly changing (for example, when a marriage ends or is dissolved), women have to renegotiate their land access, continually. It is difficult for them to secure their land access in the long term.

- Although marriage is increasingly unstable due to high and increasing divorce rates, AIDS-related deaths and economic pressures, a large number of women depend on marriage as the institution through which they negotiate access to land. This fact makes the formalization of marriage a strategic policy intervention. Although the number of women who live without a man is increasing, land allocation institutions have not recognized the need to accommodate single women. These women are left to negotiate institutions that view them as transient, which negates their capacity to secure long-term interests.

- Increasing poverty and pressure on livelihoods have resulted in reliance on and pressure for subsistence land. The pressures are exacerbated by the high demand for land. When land comes under commercial pressure, for example, through greater integration with markets, men assume control so they can maximize the benefits. This trend undermines access for women who rely on the land for subsistence.

- The focus on women as a homogenous group by the various institutions and laws involved in adjudicating land access means that a one-size-fits-all policy is adopted for women that does not represent the different experiences of women in terms of land access. The SWAL research shows that this failure to account for variation in women's experience in land tenure, limits policy effectiveness and inhibits the policymaker's ability to design more responsive policy interventions.

- The findings indicate that although state rhetoric is generally progressive and gender-sensitive, there are few mechanisms to enforce it. As a result, women in Southern Africa continue to be marginalized.

- Government and its institutions have limited capacity to enforce and implement gender-sensitive policies and legislation. There is a need for decentralization of powers and the involvement of diverse stakeholders.
<table>
<thead>
<tr>
<th>Country</th>
<th>Legal provisions</th>
<th>Land reform motivation</th>
<th>Implication for Women’s land access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madagascar</td>
<td>The constitution accords equal rights to all citizens. The State laws, which govern inheritance and land access, treat men and women equally. Customary law recognizes men as having stronger land rights than women.</td>
<td>Solve land tenure crisis caused by bureaucracy and ineffective systems. Stimulate investment. Reduce incidence of and resolve backlog of land conflicts. Restore state credibility.</td>
<td>Does not address gender issues and women’s tenure. The process marginalizes women’s concerns and changes can potentially undermine existing claims for poor women. Richer women can formally register claims and secure recognition.</td>
</tr>
<tr>
<td>Malawi</td>
<td>The constitution treats all citizens as equal, but formal laws on inheritance are silent on land succession. Depending on cultural practice, women in matrilineal communities have primary land rights; in patrilineal communities, women’s interests are subordinated to those of men. Men dominate and control all land transactions outside of the home.</td>
<td>The Land Amendment Act is aimed at increasing tenure security for people on customary land, as well as accountability, representation of women, democracy and good governance in customary land tenure governance institutions. It also aims at addressing gender disparities in land ownership and inheritance.</td>
<td>Potential to address some of the sources of women’s land tenure security if provisions can be implemented. Resistance from traditional leaders who are supposed to enact provisions. Women lose land rights as those with knowledge of land markets engage in speculative behavior.</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Men and women are considered equal in the constitution. Customary law subordinates women to men.</td>
<td>Stimulate economy. Increase agricultural production. Restore viability.</td>
<td>Increased competition for land. Commercialization pressures marginalize women and lead to loss of non-formalized land rights. Women have some access to employment and productive resources.</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>All citizens have equal rights though there are contradictions in the constitution which undermine women’s claims. Custom subordinates women’s claims and privileges men.</td>
<td>Address colonial and racial land distribution imbalances. Frustration with slow pace of state-led reforms. Political pressure to reform. Civil society frustration at being marginalized in the debate.</td>
<td>Fast-track land reform marginalized women. Women obtained insecure rights that have yet to be legally recognized or enforced in a court of law. New institutions, established under the FTLRP, increased opportunities for women to negotiate access to land.</td>
</tr>
</tbody>
</table>
3. Innovations

Although women continue to be disadvantaged in terms of land access, the SWAL project and the ensuing Learning Route identified some innovations that can be built upon and disseminated to increase tenure security for women:

i. Local-level organizations have a role in creating community awareness of women’s situation and empowering women to control and defend their land against violation.

ii. Collaboration between state and non-state actors increases women’s land tenure security by increasing their access to institutions of justice through decentralization of government offices and the establishment of local-level institutions to adjudicate in land disputes and administration.

iii. The experience showed the potential gains to be made by advocates for women’s land rights who work with and complement the state, instead of confronting it.

iv. The experience of the ILC’s Collaborative Action on Land Issues (CALI) project in Uganda, in particular, demonstrated how to engage strategically with Government on policy that affects women’s land rights, such as constitutional review, referenda, and land reform processes, to bring women’s land interests into mainstream policy dialogue.

v. Multilevel, multipronged approaches to secure women’s land access by women’s associations and institutions working to secure women’s land rights are more effective when available resources are used. They also have more sustainable outcomes.

vi. There is potential for women to use their agency and the resources at their disposal to engage in activism, thereby influencing policy at the local level.

vii. There are opportunities to secure women’s land rights by manoeuvring through spaces in the current legal pluralism.

viii. Women’s land tenure security can be increased by working with newly-created land administration institutions, such as the cooperative committees in Mozambique, the committees on the Fast-Track Land Reform Programme (FTLRP) in Zimbabwe and the decentralized offices in Madagascar and Malawi (to be established) following a reform of land administration processes.

ix. Women working together in groups can bring collective pressure on land administration institutions to secure women’s existing land entitlements and make them more responsive to the plight of women, for instance, in the case of those who lose their spouse.

x. Local-level institutions can mediate between women and policymaking and land-governance institutions to influence policy and facilitate women’s claims under existing laws, as well as to speed up the revision of existing laws that render women’s land claims vulnerable to socio-economic processes like the AIDS pandemic and the land market.

xi. Local institutions can proactively increase the community and women’s awareness of women’s land tenure status and build responsive initiatives to protect women’s land rights. Community-based approaches that highlight the plight of women and illustrate how gender-blind land transactions undermine the social capital of all, can induce a change in attitudes to women’s land claims at the local level.
4. Gaps

The following gaps were identified:

i. Although there is evidence of proactive work by advocacy organizations in the region to secure women’s access to land, this was not evident in the SWAL research projects.

ii. Madagascar and Zimbabwe experienced periods of political instability during the project period. The impact of this instability on women’s access to land was not interrogated.

iii. There is need for a broader analysis of women’s land access to examine the availability of resources to use the land productively. The livelihood frameworks could provide a more accurate analytical context within which women’s land access could be linked to their livelihoods. The findings could inform more responsive policies.

iv. There is inadequate attention given to women’s agency, innovation and windows of opportunity, especially in customary tenure systems.

v. Although there is evidence that customary tenure provides some protection for vulnerable groups like women and children, this area was not explored in the SWAL project research where custom was largely presented as static and unresponsive to the plight of vulnerable groups.

vi. Given the socio-economic processes that are undermining marriage and increasing the number of single women, inquiry into women’s fate outside marriage, and community-level adjustments made to respond to this growing class of marginalized women, have been inadequate.

vii. There is little clarity on how to sustain and to follow up the initiatives of the action research.

viii. The advocacy plans which SWAL partners developed during the May and June 2009 advocacy workshops had not been implemented at the time of writing.
5. Methodology

The researchers used a literature review, social mapping, interviews, focus group discussions, case studies and workshops to collect information. The use of various methods enabled researchers to triangulate the methods and complement the various data. Researchers faced a number of challenges in collecting information through the use of various normative research methodologies. These challenges included fielding sensitive questions, accessing officials, extracting information from women and exploring land administration issues that questioned the conduct of traditional leaders and customary land governors. Issues like witchcraft and inheritance proved to be difficult to discuss in the research sites.

Action research provides an opportunity for participating organizations to close the gap between research and action, yields more immediate results and uses resources to simultaneously serve academic and policy-making purposes as well as communities. The research teams in the respective countries gave advice on their land rights and processes for securing access to land to participating women. Depending on their expertise, some members of the research teams extended agricultural advice to women to help them improve their production. The researchers also sensitized communities about women’s land rights and some facilitated peer exchange and knowledge-sharing between the various women’s groups. The researchers increased women’s knowledge about and access to influential people in land governance and administration structures in the research sites. The researchers used opportunities for interaction with communities and administrators to lobby the various land administration institutions as well as to sensitize people at the community and household levels about the current status of women’s land tenure.

The use of action-oriented research methods in the SWAL project illustrates the need for research and advocacy organizations to work together in order to bring about effective change. The partnership between researchers and NGO activists was a useful innovation as it enabled them to learn from each other, to complement their efforts and, most importantly, to bridge the gap between the research and advocacy. These efforts resulted in a process of reflection for both the advocacy and research institutions. The reflection was a learning curve as both adjusted to each other in meeting community needs, thus increasing the relevance of their work. Researchers and NGO activists were able to network and explore synergies in their work. This innovation of partnering researchers and advocacy institutions should be emulated in future research efforts to increase effectiveness and reduce the knowledge gap between researchers and advocacy organizations. The partnership also improves the capacity of researchers to collect and disseminate information to the community.
6. Case study findings summaries

WOLREC
Women’s access to land and household bargaining power: A comparative action research project in patrilineal and matrilineal societies in Malawi

By Maggie Kathewera-Banda, Veronica Kamanga-Njikho, Grace Malera, Gift Mauluka, Martino Kamwano Mazinga and Stephen Ndhlovu for the Women’s Legal Resource Center

Malawi is a landlocked country in Southern Africa with an agricultural economy that accounts for over 40 percent of gross domestic product (GDP) and employs about 85 percent of the labour force. Land is a primary livelihood asset in Malawi where 85 percent of the population live in rural areas and are subsistence farmers. The research aimed to contribute to the debate on women’s access to land and to enhance women’s agency to influence policy and practice. It also sought to establish the extent to which women’s access to land influenced their domestic bargaining power in matrilineal and patrilineal communities.

Regulatory framework
Land access in Malawi is governed by different institutions, including the state, religion and customary practices and beliefs. The Registered Land Act, Adjudication of Title Act, Constitution, Deeds Legislation Act, the Malawi National Land Policy 2002 and the Wills and Inheritance Act are some of the more prominent state laws governing land use. Men and women have equal rights in the constitution, but customary law on land accords different rights to men and women. The failure of the Wills and Inheritance Act to address land issues results in default to customary law that perpetuates the marginalization and dispossession of women.

In 2003, a Law Commission was established to review all land-related laws. This review resulted in the passing of the Land Amendment Act, which aimed at secure tenure for people on customary land, and increased accountability, representation of women, democracy and good governance in customary land tenure governance institutions. An important goal to address is gender disparity in land ownership and inheritance.

Research findings
The type of customary marriage, whether matrilineal or patrilineal, determines customary practice governing land tenure in Malawi. The matrilineal custom gives primary land rights to women. There are two variants of matrilineal marriage in Malawi: chikamwini, in which the man moves to his wife’s village and lineage is traced through the woman, and chitengwa, in which the woman goes to live in her husband’s village, but the children belong to the woman’s lineage. The matrilineal research site is in Zomba district where chikamwini marriage is practised. Husbands relocate to their wife’s village on marriage, and land is bequeathed to daughters. Children belong to the woman and her brothers. The death of a male spouse does not destabilize the land-holding status of a widow and her children. However, if a wife dies the man is expected to return to his village as the land reverts to the wife’s family. Although women in matrilineal systems of marriage have the legal right to make decisions on land, men, as clan leaders, control decisions on transactions outside the household.

1 SADC Gender Protocol Barometer Baseline Survey, 2009
2 The policy associates increased insecurity in land with ‘fraudulent disposal of customary land by headmen, chiefs and government officials’ (GoM 2002: 2.4.2, 4.18.2).
3 The sites were in Ngakula, Disa and Chilimani villages.
Chitengwa is practised in the northern region as well as Nsanje and Chikwawa districts in the south.\(^4\) Under such patrilocal marriage, woman relocate upon marriage and land inheritance is passed through the males. Women hold secondary rights to land in patrilineal practices.

**Summary of comparison between women’s land access in matrilineal and patrilineal communities**

<table>
<thead>
<tr>
<th></th>
<th>Patrilineal Lobolo (wife price) paid</th>
<th>Matrilineal No Lobolo is paid</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community, Village level administration</strong></td>
<td>Male elders administer land.</td>
<td>Village chiefs administer the land.</td>
</tr>
<tr>
<td><strong>Land acquisition</strong></td>
<td>Father allocates to male children on marriage.</td>
<td>Mother allocates land to both sons and daughters. Sons lose their access when they move out to marry. Daughters maintain their access even when they move out.</td>
</tr>
<tr>
<td><strong>Ownership of land</strong></td>
<td>Derived from husband through marriage.</td>
<td>Women allocated land regardless of marital status.</td>
</tr>
<tr>
<td><strong>Access to land</strong></td>
<td>Depends on marital status and position.</td>
<td>Unconditional access, although decisions outside household level e.g. commercial transactions, are controlled by men, usually by the woman’s maternal uncle.</td>
</tr>
<tr>
<td><strong>Married women</strong></td>
<td>Secondary land rights through spouse.</td>
<td>Primary land right holders.</td>
</tr>
<tr>
<td><strong>Widows</strong></td>
<td>Renegotiate and may lose land rights. Can inherit through their children. First-born son is customary heir. Widows may have use entitlements as long as they do not remarry.</td>
<td>Maintain land rights after changing marital status.</td>
</tr>
<tr>
<td><strong>Divorcees</strong></td>
<td>Evicted from marital home. Allocated land by their brothers.</td>
<td>No impact on land access.</td>
</tr>
<tr>
<td><strong>Determinants of land use</strong></td>
<td>Marital status, fertility. Married women control kitchen garden. Husband controls the larger field for growing commercial crops.</td>
<td>Marital status, fertility and family ties.</td>
</tr>
<tr>
<td><strong>Threat of dispossession</strong></td>
<td>Divorce, widowhood.</td>
<td>By uncle and/or brother for market disposal.</td>
</tr>
<tr>
<td><strong>Control over household resources</strong></td>
<td>Men control cash crops, income, equipment and valuable assets like radios and bicycles.</td>
<td></td>
</tr>
</tbody>
</table>

\(^4\) The research participants were drawn from Labani Chirwa, Mtezi, Zibande Ngwata and Joseph Mumba villages.
Theoretically, the matrilineal social organization acts as a levelling mechanism in gender relations as it is supposed to award women primary land rights. However, the lived reality is much more complex as decisions to lease or sell household land cannot be made by women alone. In matrilineal communities, a woman’s brothers and uncles are consulted. In patrilineal communities, a man’s brothers and paternal uncles are consulted prior to a decision to transfer or alienate household land. The research also highlighted the following:

i. Although women in matrilineal societies have less tenuous land rights than those in patrilineal societies, their control of land does not necessarily result in increased household bargaining power.

ii. The customary rights given to women to use (both matrilineal and patrilineal systems) and transfer land (mainly matrilineal systems) are not sufficiently defensible in law. This reality may be due to the ambiguities and contradictions that exist between various laws and the constitution.

iii. Women in matrilineal communities have more secure access to their land, particularly those in vulnerable positions, such as single mothers, divorced and widowed women, than do women in patrilineal communities.

iv. Distance from urban areas, fear of witchcraft and victimization by community leaders discourage some women from utilizing customary institutions to challenge practices that threaten their land tenure security.

v. Women fail to secure entitlements that have been assigned due to ignorance and opportunistic behaviour by those in power and authority.

vi. Institutions designed to defend interests of weaker community members, like widows, are failing to defend women’s land rights from the pressure of population growth, speculative behaviour by traditional leaders and the growing land market.

vii. Widows in patrilineal societies are not helpless victims as they use lobolo (wife price) to maintain land access in the deceased husband’s village, and to resist eviction.

viii. Land policy reforms and proposed new laws, while aiming to increase security of land tenure, might result in new forms of tenure insecurity for those with tenuous and mediated rights to land, such as women.

ix. The proposed reforms entail too much dependence on official processing of rights, so those who are not competent to navigate the process will be left out, such as the poor and women.

x. Failure to incorporate and harness community-level organizations into the reform process results in the continued marginalization of these important institutions that could play a strategic role in implementing and mediating policy effects on women’s access to land at the community level.

xi. Differences that exist among women in relation to land access are inadequately recognized and addressed.

xii. There is a lack of community-level and non-governmental initiatives to complement state-led efforts to address women’s tenure security. The experiences of community-based organizations in East Africa are indicative of the potential gains to be made by efforts outside of the state machinery.

**Action research:** Through advocacy and theatre, the research increased community awareness of the problems of women’s land tenure security. The research team met with and lobbied key people in local land administration such as traditional authorities. This sensitization provided a basis for future advocacy work.
FOFIFA, Plateforme SIF, FVTM, Réseau SOA and HARDI
Promoting women’s access to and control over land in the central highlands of Madagascar

By Mino Ramaroson, Daniéle Ramiaramanana, Lilia Ravoniarisoa for FOFIFA, Plateforme SIF, FVTM, Réseau SOA and HARDI

The research analyzed and built on efforts to support women’s struggles for land in two rural regions of the central highlands of Madagascar. The researchers assessed how different women access and negotiate land rights through customary and statutory laws. They focused on understanding how the relationship between the gendered division of labour and use of land impacts on women’s tenure security. They also informed the ongoing land reform processes and increased women’s voice by raising women’s awareness of their rights and disseminating their experiences.

Regulatory framework

In Madagascar, women’s access to land is governed by the state. It is also determined by customs involving men’s social obligations of constructing and maintaining tombstones and the performance of exhumation ceremonies, which can account for up to 30 percent of a household’s annual income. Numerous laws govern land and resource access, including recent laws under the land reform policy. These reforms responded to the tenure crisis arising from ignorance of the law by users, long registration processes, limited resources for land administration and a centralized estate-management system. The reforms also aimed to stimulate investment and restore public confidence in the state, which had lost credibility because of limited resources to carry out its mandate in terms of land governance.

Key findings of the research include the following:

i. While both state and customary laws have been evolving, customs have more social legitimacy to inform people’s land status than does state law.

ii. Women’s land rights are determined by their gendered responsibilities, marital status and wealth. Women do not inherit land, but may be assigned a small piece by their brothers in the event of a divorce or widowhood. Men and women of different social classes use land differently:

• Rich people control the most land and hire out land to people in the middle and poor classes. They produce surplus food to meet their annual household needs.

• Rich men own eucalyptus plantations on which poor men work. Poor women may have access to land, but work as laborers because of the small size of their farms.

• Medium-wealth households own land. They practise fahatelony, a form of sharecropping in which tenants rent land in exchange for one third of their produce. People who practise fahatelony do not produce enough food for their family’s subsistence needs.

• The process of inheritance which traditionally favours men is evolving as women are increasingly inheriting the same amount and quality of land as men in Miadanandriana, one of the research sites. The evolution of land inheritance practices has been accelerated by proximity to the city, access to information, administrative offices, monetary wealth and increased knowledge of the law and processes governing land. In the Sambavy site that was located further inland, research revealed that men inherit more and better quality land than do women. Here, men inherit the rice land while women’s inheritance is confined to land on hill slopes.

---

5 The research sites were a commune in the north, in Analamanga region, located 70 km to the east of the capital, and Sahambavy, located 25 km from Fianarantsoa, the capital of Haute Matsiatra Region.
• Local inheritance practices provide land as security for women to fall back on in the case of marital dissolution. However, the land is often bequeathed to a woman’s brothers who holds the land in trust. The land is usually too small to meet subsistence needs. As a result, the woman has to work as a laborer to supplement her income and food production.

• Married women with children do not inherit, but women with no children inherit a share in the deceased husband’s land along with the husband’s relatives.

There are a number of causes of women’s land tenure insecurity in Madagascar:

i. Societal attitudes negate women’s access to land. For example, it was generally believed, by both men and women, that issues of land registration and titling are men’s business. Consequently, women had relatively little interest and capacity to participate in formal land transaction and registration processes.

ii. The productive and reproductive obligations made it difficult for women to participate in village-level meetings and other decision-making fora. This factor further marginalized women from participating in community-level processes and decisions that affected their land tenure.6

iii. In addition to domestic responsibilities and societal attitudes, other factors that had a negative impact on people’s attempts to secure their land through formal state procedures were:

• lengthy procedures;
• high financial costs of the transactions;
• numerous documents that one has to produce in order to comply with the registration requirements;
• gendered attitudes towards land registration by both men and women; and

• limited accessibility to offices (2 offices in Miadanandriana serve 14 municipalities; there are 312 local land offices nationwide for 1,410 municipalities). As a result of the obstacles identified in the research, relatively few women compared to men have land certificates in Madagascar. The few women with land certificates are in the wealthy class and have the resources to secure the registration as well as the support of their men.

Action research: The research team raised community awareness on women’s land rights, disseminated agricultural extension where possible and engaged key policymakers in discussions. The team also engaged communities in a property mapping exercise, enabling people to clarify boundaries and reduce land-related disputes, encouraging them to initiate processes to formally register their land rights. The next step was to work with government to acquire freehold titles to the land. This initiative complemented government efforts and increased women’s access to land tenure security as communities were sensitized on the gender disparities in land access. Women who were reluctant to engage in public discussion and engagement over land issues were encouraged to participate. Women were given advice on the local land office and information on the importance of procedures to register their land claims.
Existing laws related to control of land were clarified.

6 Women’s participation in land tenure sensitization workshops by FIANTSO, a local NGO, was minimal.
Fórum Mulher
Empowering women through access to and control over land in the context of gender-biased green revolution processes: An action research project in Manhiça District, Mozambique

By Ximena Andrade, Andre Cristiano, Isabel Casimiro, Irene Almeida, coordinated by Maria da Graça Samo and Nzira Sofia de Deus for Fórum Mulher.

Land supports the livelihoods of at least 70 percent of the people of Mozambique. Three main legal instruments regulate land access: the constitution, the 1997 Land Law and the Rural Development Strategy. Mozambique is also a signatory to international conventions governing women's land access, like CEDAW. The Mozambican research focused on identifying the problems faced by women in accessing land in Manhica district.

The research analyzed:

i. how women negotiate land access under formal and customary systems;

ii. how women secure land for subsistence production given the increasing pressure from commercialization; and

iii. how women build on existing initiatives to increase their land tenure security.

The Mozambican research used case studies to highlight women's land vulnerability in the face of commercial pressures on land from multinational corporations interested in biofuel production as well as the demand for land for peri-urban expansion. The selected cases show negative outcomes for subsistence farmers with insecure tenure in the face of an agricultural revolution accompanied by commercialization and privatization of land and labour. Within those communities, women farmers are more vulnerable because of their reliance on marriage as the institution for negotiating access to land. The cases illustrate the need for mediation and strong advocacy action to mobilize vulnerable people to defend their land rights as provided for them by Mozambican law.

Case study 1. Eduardo Mondlane Cooperative
This cooperative was founded in 1997 by 47 members, 45 of whom were women. The cooperative utilizes 60 hectares for crop production. Some of the income is reserved for purchasing fertilizer for the members. The remaining production is divided equally among members of the cooperative. All members have been allocated individual portions of land by the cooperative, but they have neither formally registered title to the land, nor the money to secure the title. As a result, the municipality has been encroaching on the cooperative's land parcel and disposing of it on the market. Consequently, the cooperative had lost two thirds of its land.

Case study 2. Subsistence and commercial agriculture in the context of green revolution in Mozambique. The impact of public policies on women's access to land in Maragra
The commercial production of sugar cane was introduced in Mozambique at the end of nineteenth century and was one of the country's most important export crops by the 1970s. In the 1980s, the sugar industry collapsed because of the war, and cost of production increased. After the war, the Government encouraged investment of multinational corporations in agriculture through privatization of landholdings. As a result, the area under production has steadily increased. In 2007, the Government approved the strategy of the green revolution, undertaken in 2008 with an action plan for food production to stimulate the increase of agriculture production, rural development and the alleviation of poverty. These sugar manufacturers are located in those rural areas where levels of poverty are high. These programmes introduce opportunities for employment, training and access to financial loans to facilitate individual investment in sugar cane production. Peasants were organized into associations to enable them to participate in the programme. Women
comprised 80 percent of the association membership, but their participation in these intensive labour-demanding programmes was curtailed by their domestic responsibilities. The intervention undermined women’s land access in the following ways:

i. increased demand on women’s labour;

ii. women’s capacity to produce subsistence food and look after their families is undermined;

iii. women’s domestic roles limit their capacity to benefit from the programmes;

iv. women resort to contract and seasonal employment in the sugar plantations, which reduces their benefits and gives them inferior conditions of service compared to people in longer-term employment;

v. the programme creates demand for land that results in increased rents for women who are the majority of the tenants. They struggle to pay these rents and are often forced to farm smaller pieces of land;

vi. the increased competition for land has led to an increase in inheritance-related disputes as relatives of a deceased man seek to dispossess widows of land in order to take advantage of the land market; and

vii. people’s reluctance to present land disputes to formal courts results in the loss of land by women whose interests are not a priority in the family.

One of the strategies that women in Maragra are taking to secure their land is to formalize marriage with their husbands. However, this option is not available to widowed and single women, who remain vulnerable.

Case study 3. Conflicts of land: The case of Mapatuine and Urukhunine Communities and Maragra Company

The increasing pressure on land by commercial companies and related market activity has increased the incidence of land disputes. The conflict involves Maragra and is focused on the buffer land the company reserved to separate its concern from the surrounding peasant holdings. The communities of Mapatuine and Urukhunine united to form the Maciana association, representing 150 peasant families. These families united to negotiate for their land rights and resettlement after the government had granted the land on which they were settled to Maragra Company. The Maciana association has about 1.5 hectares of land, where they grow bananas for commercial purposes. In addition to the communal fields, each family has 0.15 hectares of land. The resettlement process was partially a result of a peasant relocation programme to accommodate Maragra Corporation’s need for more land to extend its sugar plantation and create a buffer zone between the peasants and the plantation. The displaced families claimed an historical entitlement to the land that dates back to the period before Maragra abandoned the land in 1975 because of the war. The peasants claim that the previous owners allocated the land to them. This land has remained in their families, passing from generation to generation. After the war, Maragra, which was taken over by the South African company, ILLOVO, attempted to dispossess the land from the peasants who were occupying it. The peasants refused to move without compensation. The company engaged government officials and the municipality, and threatened to use force to evict the peasants. The company subsequently agreed on a land swap, which resulted in the current settlement arrangement.

The peasants’ land rights remain vulnerable because they do not have a formally registered claim to the land. The peasant association exploits members by evicting them from the site if they fail to work in the common field. Single women are more vulnerable as they have limited resources to contribute to work either their own or their association’s fields. They also lack information on how to go about registering individual land rights to increase their tenure security. The Government’s capacity to mediate is limited by lack of resources and the corrupt tendencies of local level officials. There is need for advocacy and mediation. The group’s land rights can be protected by the titling process, which would enable them to register the land in their own names. The community can also explore options to acquire a joint title to the land in the short-term, and individual pieces of land in the longer term. The community could benefit from capacity-building initiatives to educate and empower them.
on their rights and obligations. This initiative could protect them from exploitation by the association.

Case study 4. Biofuels: Rhetoric and reality - Tsakane site

The growing interest in biofuels is related to the need to reduce dependence on fossil fuels. Currently biofuels can be derived from crops through which ethanol (sugar cane and maize) and biofuel (jatropha, palm tree, peanuts, sunflower, cashew nuts, amongst others) are produced. The other option is to exploit the plant’s cellulose. Many African countries have been adapting or deepening specific policies on biofuels. In 2005, Mozambique adopted biofuel production as a safe and sustainable alternative to fossil fuels, and as a way to increase local food production and improve the livelihoods of rural populations. In June 2008, Brazil, Italy and South Africa delivered 21 new projects to the Government, which were linked to agro-fuels (Action Aid, 2009). In 2007, investors requested about 5 million hectares. In 2008, the numbers increased to 12 million hectares (Ribeiro and Matavel, 2009). Contrary to claims by Rosi and Lambrou (2008), jatropha is produced in large extensions of land with plenty of water, competing with the resources available for survival of communities. Jatropha is cultivated on the most fertile land, which puts pressure on peasants to reduce the area used for subsistence food production. The market for the product is not guaranteed. During the political campaign for jatropha cultivation in 2006, it was expected that jatropha seeds would cost 50MT/kg (nearly US$2/kg), a price about 75 percent higher than food crops such as maize, beans and cassava. These estimates have stimulated greater interest in jatropha in rural communities, but the project was not sustainable (Ribeiro and Matavel, 26). The experience of the Tsakane association in Manhiça district is illustrative.

The Tsakane association is based in Mitelene community. Mitelene is a small agricultural community and is one of nine communities in Manhiça village. Members of Tsakane association practice rain-fed subsistence agriculture. Although all members have land parcels to cultivate, the reliance on rain-fed irrigation, shortage of labour and limited access to technology mean that less than a third of the land is under cultivation at any given time. The settlement density is low and there are no land disputes. Women gain access to land easily as it is not a contested resource. It is against this background that production of jatropha has emerged as an opportunity to improve the livelihoods of Mitelene residents. In 2006, some members of Mitelene settlement formed an association to venture into jatropha production. The local authority ceded land, and Government and UNICEF provided agricultural extension and input. The community members formed an association to make themselves eligible for project support. They cleared the land and worked without remuneration. They were given food subsidies, but these were not sustainable. The community did not have adequate information about the marketing and storage of jatropha. As a result, the community could not sustain the project or realize benefits from it.

Case study 5. The law of land: 200 families, Bairro Cambeve of Maciana

Bairro Cambeve de Maciana, which is the most populated slum in Vila de Manhiça, faces two problems related to land and agriculture resource ownership. Women’s access to land in the southern region is regulated by a customary system. Men have primary rights to land and women gain access to land through marriage. A woman’s rights can be lost in the event of a divorce or death of her husband. More than 70 percent of the widows in the study sample from this site lost their land after the death of their spouse. The land in question is not formally registered, which makes it difficult for widows to seek formal arbitration in court given the high costs of securing title to land. The other threat to the community is the appropriation of land by the municipality to cope with the demand for urban expansion. More than 200 families
have experienced displacement, loss of customary rights to land and destitution.

The second problem is related to privatization and commercialization of the spring water by a private urban investor. The water spring is a resource traditionally used by the local population for drinking and for irrigation of the lowlands. In Bairro Cambeve, there are two types of land and agrarian resource related conflicts, which affect communities and threaten their access to land and water resources. In the first case, communities took over land belonging to a person who abandoned it during the war. The land also hosts a freshwater spring, which the community uses for domestic purposes and for irrigation of their fields. In 2007, an individual claimed ownership of the land, privatized the spring and began bottling the water for sale. The community was denied access to the resource. As a result, women had to walk further to fetch water and farming land became more difficult without irrigation.

The research found that:

i. Women’s land access vulnerability arises from their reliance on marriage as a way of negotiating access to land. As a result, unmarried women are more vulnerable and have weaker land rights. Thus, there is a need for women to diversify to seek resources to secure land through the market, to obtain group title and to negotiate with authorities to make policy responsive to the situation of women in the community.

ii. The case studies highlight a monopoly on land allocation and adjudication by state institutions. This monopoly marginalizes communities and makes them vulnerable to the bureaucracy and corrupt practices of central government officials. Community-based organizations and NGOs should play a more active role to widen the action space and diversify the decision-making power base. Examples from Kenya and Uganda illustrate how community-level institutions can influence policy from below to strengthen women’s land rights and reduce vulnerability.

iii. The cooperative model of land holding by the poor does not afford them adequate entitlement to defend their interests in the face of globalization pressures by multinational corporations, civil service corruption and pressures on land for urban expansion. There is an urgent need for a policy review to protect the land rights of these communities who pursue subsistence-level livelihoods on the land.

iv. In order to strengthen marginalized people’s land rights and protect the poor, Mozambique needs a strong umbrella organization to lobby the state and multinationals to monitor and raise awareness about the consequences of their action or inaction on the land rights and livelihoods of the poor.

v. The cases examined show that customary practices are inadequate to protect the land rights of women and vulnerable groups from globalization pressures like land grabbing by multinational corporations.

**Action research:** The project improved community awareness of their problems and allowed them to reflect on possible solutions. The research teams also assisted a group of women and their husbands to formalize their marriages, so that they could obtain marriage certificates, which would allow them to register land titles. Women can also use marriage certificates to claim access to land in the event of divorce and/or widowhood.
The social, political and economic transformative impact of the Fast-Track Land Reform Programme on the lives of women farmers in Goromonzi and Vungu-Gweru District in Zimbabwe

By Phides Mazhawidza and Jeanette Manjengwa for the Women Farmers Land and Agricultural Trust (WFA) and the Centre for Applied Social Sciences (University of Zimbabwe).

The Zimbabwe study focused on women’s land tenure security under the FTLRP launched in July 2000. This widely-debated programme, preceded by spontaneous and sometimes violent land invasions (jambanja) for commercial farmland by indigenous Zimbabweans, aimed to correct historical racial imbalances in terms of access to land in Zimbabwe. The Government of Zimbabwe amended the constitution and Land Acquisition Act, set up new land governance institutions and introduced new types of land tenure, such as the user permit, offer letters and a 99-year lease. Beneficiaries of the FTLRP who held 99-year leases had the most secure tenure. In addition, new land governance institutions, which drew their power from political and historical experiences, were introduced. The influence of these institutions on land access changed significantly during the transition from jambanja to the FTLRP. The FTLRP increased access to land for the indigenous population. The SWAL project focused on women beneficiaries in order to explore the inherent gender barriers to women’s land access and to identify the strategies used by women to secure access to land gained under the FTLRP.

The research made clear that access and rights are linked to security and barriers to land access and productivity faced by women beneficiaries of the FTLRP. It identified opportunities for the economic, social and political empowerment of women farmers, and examined problems encountered by women when accessing and securing land. The research provided a platform for dialogue with relevant stakeholders, including policymakers and the private sector.

The FTLRP offered two different models for resettlement, namely the A1 village and A2 commercial models. Under the A1 model, a single commercial farm was subdivided into several units and individual beneficiaries were allocated residential and arable land. The resettled group shared and managed common resources like grazing areas, firewood and water. In some regions, former commercial farms were divided into A1 plots where beneficiaries had all their grazing, agricultural and residential resources in a self-contained unit. The people who secured land on A1 models submitted applications to the traditional leaders, who forwarded these to the District Administrator’s office for allocation of plots to successful applicants. In the A2 Model, individuals were settled on self-contained farms. Applicants had to submit applications to the Ministry of Lands, Land Reform and Resettlement through the office of the Provincial Governor, including a business plan and proof of their capacity to mobilize resources and to carry out farming activities (financial resources, collateral, agricultural knowledge or capacity to employ a qualified farm manager).

Preliminary indications from site studies suggest that, proportionally, more women have benefitted from the FTLRP than under any other post-independence Zimbabwe land redistribution programme, with between 5 and 21 percent women beneficiaries. More women have benefitted from the A1 model for resettlement because of less stringent criteria applied in the selection of beneficiaries.

The research indicated the following:

10 The study sites were in Goromonzi and Vungu-Gweru in Midlands provinces. The small sample and unique local socio-political dynamics of each site make it impossible to make countrywide generalizations from this study.

i. Although the main challenges facing both A1 and A2 women farmers were access to resources such as finance, agricultural inputs, social capital and infrastructural and technical support, women farmers generally produced less than their male counterparts.

ii. Women used several strategies to secure the land gained under the fast-track land reform programme. These included taking advantage of the chaotic land invasions to secure land, relying on networks to secure information about available opportunities, using liberation war credentials to make and defend claims for land under the FTLRP and insisting on joint spousal registration of land rights to protect women's rights upon the dissolution of a marriage.

iii. The FTLRP was accompanied by the establishment of new land-governance institutions at the farm level. These included the district land committee, the committee of seven, which operates at the farm level, and the political party. The local institutions, which administer land allocation and disputes in A1 and A2 schemes, have discretionary powers. As a result, some of them rule in favour of continued land tenure for widows and allocate land to divorced women. The new institutions are gender blind, and although they may be subject to manipulation by the powerful, they provide opportunities for women to negotiate secure land tenure outside the predominantly patriarchal customary institutions.

iv. The study identified several factors that accounted for differentiation among women. These were literacy, experience, origin, liberation war credentials, connection to civil servants and networks and marital status.

- **Literacy**: The potential beneficiaries had to complete forms, submit applications and negotiate cumbersome administrative procedures. This finding may indicate the marginalization of relatively uneducated women from the FTLRP.

- **Experience**: The women who benefitted from the FTLRP were aged between 40-50 years. They had garnered experience and had accumulated assets to engage in farming. Because most of these women were also beyond child-baring age, they also had more flexibility to move as their domestic demands were reduced.

- **Geographical origin**: The majority of women came from communal areas surrounding the commercial farms, which rendered the land more accessible to them than to those women who were located further away.

- **Civil service and/or liberation war linkages**: The links to civil service and liberation war veterans gave women access to people in authority and to FTLRP decision-making structures. The women who worked and/or were connected to people in the civil service had relatively better access to more information compared with other women in the FTLRP.

- **Marital status**: Single women had more autonomy and were better placed to negotiate individual land allocation. Women who were married also benefitted and registered land in their own name and/or jointly with their spouse.

**Factors that limit women’s land tenure access under the Fast-Track Land Reform Programme in Zimbabwe**

i. The FTLRP’s focus on addressing racial imbalances perpetuated the marginalization of women’s interests in land in Zimbabwe.

ii. The FTLRP lacks an enabling environment to redress gender imbalances when it comes to land redistribution issues. The lack of policy guidelines on marital dissolution means that institutions can default to customary practices that disadvantage women. Findings indicate that there were conflicts over inheritance issues.

iii. Lack of a strong women’s movement to harness and advance the gains of the FTLRP and exert pressure on institutions of the state and the political party mean

---

12 The war-like style of *jambanja* land invasion resonated with Zimbabwe’s liberation struggle. This struggle strengthened the role and capacity of war veterans. As a result, women ex-combatants were in a better position to negotiate for and claim land allocation under the FTLRP.
that women remain in weak positions when negotiating land rights.

iv. The lack of certainty of land rights acquired under the FTLRP made beneficiaries vulnerable to displacement by more powerful people, and, pending tenure issues with evicted farmers, means that FTLRP beneficiaries have insecure tenure status. As a result, beneficiaries struggle to use the land as collateral or to seek recourse in courts of law when their rights are violated. The more secure the lease type under the FTLRP, the fewer women have access to that tenure type. Women also have limited access to information about the 99-year lease, which is the most secure type of leasehold.

v. The use of traditional institutions and formal government institutions in beneficiary selection perpetuates existing gender bias, as these are comprised mainly of men.

vi. Delays, bureaucracy and lack of transparency in land allocation, increased transaction costs, expenses and uncertainty among the applicants, which have led some people, especially women, to abandon their claims.

vii. The condition that potential FTLRP beneficiaries had to produce proof of income, agricultural assets and agricultural production records, discriminated against many women who did not meet these requirements.

viii. Some married women who secure land in their own right under the FTLRP are subject to pressures outside the law by, for example, their husband and/or male relatives who view it as a threat to their authority. As a result, some FTLRP women beneficiaries who secured land in their own right surrendered their land, or registered it in their husband’s name in order to maintain harmony in the marital home.

**Action research** The research generated knowledge in a new area of land access, which can be used to inform FTLRP policy-making. It highlighted the obstacles faced by women beneficiaries and brought these to the attention of relevant government officers. The research also facilitated the engagement of policymakers and farmers. The generation of local-level strategies to secure land for women could be disseminated to the rest of the country.
Learning Route

The Learning Route is a process of in-the-field training focused on individual and collective learning that seeks to value the best experiences and knowledge of institutions, associations and communities through workshops, interviews, conversations and other activities in which local actors become trainers. The methodology developed by Procasur, is an innovative approach to peer-to-peer learning and a capacity-building tool that includes spaces for exchange, analysis and reflection in a continuous process of learning. The SWAL Learning Route took place between 8 and 16 March 2010. The participants drawn from the SWAL partners travelled across various communities in Uganda (Kampala, Kibaale and Kayunga) and Kenya (Nairobi, Gatundu and Kayole) to visit initiatives and learn about women's land access in East Africa. The Eastern and Southern Africa Learning Route explored the following issues:

i. The obstacles and opportunities to women's access to land and gender equality in resource tenure. The focus was on the gaps in legal frameworks, public policies and social practices.

ii. Stakeholder analysis of women's land access, which focused on the role of the state, role of the community and women's agency and strategies to secure land.

iii. Gender implications of socioeconomic transformations including HIV/AIDS impact on access to land, situations of armed conflict and post conflict, migratory tendencies and sedentarization processes of patrol communities.

iv. Challenges and contributions of women's action-oriented research to foster women's land access, including its impact on public policies and advocacy issues, and analysis of links between national land alliances and evidence from member organizations on the ground in influencing policy formulation.

The Learning Route provided an opportunity for SWAL partners to interact with and learn from the East African partners. The six projects visited afforded participants the opportunity to observe the challenges and strategies that women have with land tenure security in Eastern Africa.

Learning Route showed the SWAL partners the value of a coordinating agency to offer support and sustain efforts of community-based organizations. In particular, the efforts of Kenya Land Alliance (KLA), Uganda Land Alliance (ULA) and GROOTS Kenya umbrella non-governmental organizations (summarized in table below) can not be underestimated. They work at the national level to coordinate efforts of the community-based organizations, to provide support, mentoring and collaboration, disseminate innovations and facilitate interaction with state actors. The umbrella organizations gained the trust of all stakeholders in the land sector. As a result, they offered an alternative platform for organizing efforts, influencing policy, disseminating information and offering support to community-level organizations to identify and overcome the challenges to women's land access in their specific contexts. The experiences with internally displaced persons (IDPs) illustrated how KLA was better placed than Government to respond to the crisis. It was through KLA support that IDPs were able to conduct research and produce tangible evidence, which could be used to lobby government policy-making on the issue.
## Summary of activities carried out by umbrella organizations to secure women’s access to land in Eastern Africa

<table>
<thead>
<tr>
<th>Institution</th>
<th>Activities/Area of Work</th>
<th>Examples of activity that impacts on Women’s Land Access</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ugandan Land Alliance</strong></td>
<td>The Uganda land alliance is a consortium of national and international NGOs, lobbying and advocating for fair land laws and policies that address the land rights of the poor, disadvantaged and vulnerable groups and individuals in Uganda.</td>
<td>When the 1988 Land Act was passed, the ULA made a contribution towards the protection of land rights of tenants, women and children. The Alliance provided for traditional, alternative dispute-resolution mechanisms, a land fund and lobbied for the spousal consent clause to protect women’s land interests. The Alliance, together with member organizations, established land rights desks in six districts. The desks, managed by trained paralegals, meet the needs of the people at the grass-roots level, disseminate information, offer dispute resolution and promote community awareness.</td>
</tr>
<tr>
<td><strong>AURICA</strong></td>
<td>AURICA is an organization of community-based paralegals formed in 1998. AURICA provides: human rights intervention at a decentralized and accessible level to the community, monitoring and enforcement of civic rights work with courts and police, and civic education.</td>
<td>Complements government efforts by providing a decentralized office to offer information, support and paralegal services to the community. Provides community-awareness campaigns on provisions of spousal consent clause. Works with courts to enable women victims of clause violation to reclaim their land rights. Supports the formation of grass-roots initiatives to protect women from violations of property rights.</td>
</tr>
<tr>
<td><strong>Collaborative Action on Land Issues (CALI)</strong></td>
<td>CALI works with the Government and other stakeholders to develop national land policy, paying particular attention to issues important to help poor people overcome poverty.</td>
<td>CALI organizes regular round-table discussions with participants drawn from the community, government and private sector organizations to inform policy-making and review. This effort gives women’s organizations opportunities to bring their concerns to strategic people.</td>
</tr>
<tr>
<td><strong>Kenyan Land Alliance</strong></td>
<td>Umbrella network of CSOs committed to effective advocacy for reform of policies and laws governing land in Kenya.</td>
<td>Multi-pronged, multi-level approach. A resources-training institute offering courses in gender. Offers paralegal support to women and pastoralists whose rights have been violated. Assisted women IDPs to form groups, secure humanitarian support and secure shelter and land.</td>
</tr>
<tr>
<td><strong>Groots Kenya</strong></td>
<td>Network of women self-help groups and community-based organizations with a grass-roots membership of more than 2000 women across Kenya. Increases visibility of women at the grass roots in development and decision-making forums that directly impact on them and their communities.</td>
<td>Provided support to grass-roots organizations in Kenya to nurture the development of the community-based innovation of forming watchdog groups (WDGs). The WDGs are community-based organizations that have been formed in response to growing widespread violation of women’s property rights because of HIV and marital dissolution. WDGs support the bereaved, monitor succession and mobilize the community and legal institutions to protect widows and orphans from dispossession. The group also monitors local land administration institutions to ensure they uphold principles of good governance. This action has checked corruption in the adjudication of land disputes and reduced transaction costs for affected women. It has also increased women’s access to legal institutions and enhanced their capacity to benefit from legal provisions that protect widows’ property rights.</td>
</tr>
</tbody>
</table>
SWAL partners witnessed the experience and capacity of community-based organizations to effect change from within and increase women’s land tenure security by organizing responses to threats at the local level. The SWAL partners, with representatives from MISR and Asia, observed initiatives that illustrated how non-governmental organizations secure women’s access to land.

Strategies of non-governmental organizations to secure women’s access to land:

i. Complements government efforts to secure and improve women’s access to land, by enforcing specific legislations, which provide for women, but are ignored by the governance institutions. NGOs increase women’s awareness of their rights and help them to navigate the institutions of Government in order to claim and enforce the rights they are accorded under existing legislation.

ii. Enforces legal provisions without relying on increasingly scarce and inaccessible institutions of the state.

iii. Empowers marginalized, vulnerable women to change their individual circumstances in the short term and long term by changing community attitudes and harnessing resources at their disposal.

iv. Works with rather than against men to advance women’s land concerns and promote practices that reduce vulnerability of women’s land rights.

v. Focuses on available resources of grass-roots organizations to effect change from below.

vi. Uses both formal and informal land conflict resolution mechanisms when mediating between widows and a deceased husband’s family.

vii. Provides continuous support to vulnerable groups such as IDPs to secure women’s access to land in conflict and post-conflict circumstances. Examples include post-transit camp support and the provision of information to the state on IDPS. The information, packaged as a research finding, was used by IDPs in Kenya to lobby the Government to include IDP concerns in the constitutional review.

viii. Uses progressive innovations like collective land purchase through the pooling of group resources in the short term and long term. Division of the land into individual portions enables women and vulnerable communities to overcome risk by collaborating with other individuals in the same situation.

ix. Mobilizes whole communities to raise awareness of consequences of practices that undermine women’s access to land, to complement reactive work such as restoring property to victims of property grabbing.

x. Engages continuously with government and other stakeholders to influence debates and policy. This strategic engagement provides opportunities for non-governmental stakeholders to inform the state and lobby strategic interventions like constitution-making and land-policy drafting processes.

xi. Ensures women’s effective use of the land by supporting women’s capacity to secure necessary resources. An example is the Young Widows’ group in Kenya that helps evicted widows secure a place to live by giving them start-up capital to engage in businesses that will enable them to provide for their families.
Innovation plans - How to build on the Action Research Project and the Learning Route

At the end of the Learning Route, participants were able to reflect and learn from the tour by devising innovation plans. These plans allowed them to consider how innovations could expand their organization’s capacity to serve women with a focus on advocacy, at local as well as national levels, to promote women’s access to and control over land. The four organizations listed below have been selected to develop their innovation plans, and will receive support from the ILC over the next twelve months. Each of the organizations received a US$10,000 grant to implement their innovation plan.

Forum Mulher (Mozambique): Supporting women to acquire land titles.

Gatundu Mwirutiri Women Initiative (GAMWI) and GROOTS Kenya (Kenya): Secure land tenure for grassroots women through information sharing and influencing practice.

Plateforme SIF (Madagascar): Enhancing women’s agency in terms of access to and control over land in the central highlands of Madagascar.

Uganda Rural Development and Training Programme (URDT) (Uganda): Rural men and women advocate for access and control of land.
7. SWAL partners’ reflections on securing women’s access to land

The SWAL partners reflected on the changes they wanted to see in the region. Their ideas are summarized below:

- increased access to institutions of law and intermediary institutions;
- increased awareness in both policymakers and women about women’s land rights;
- policy that recognizes and acknowledges differentiation of women in impact and outcomes as women are heterogeneous;
- identification of threats and opportunities in various legislation to women’s access to land as well as policy action to maximize opportunities and minimize the threats;
- protection of communities and women’s rights from threats posed by globalization pressures in the region;
- more responsive regulatory institutions upholding women’s claims;
- empowerment of women and community through literacy, legal education and advocacy to enable them to make and enforce their claims and to challenge those who violate them; and
- generation of robust research data and statistics, which can be used to lobby decision-makers.
8. SWAL project outputs

i. Information dissemination

ii. Small grant partners’ research and writing, capacity-building

iii. Innovation dissemination

iv. Four research reports: Each of the small grant partners produced a research report, which describes the activities, findings and implications of the findings in each of the countries. The titles of the reports are:

• Women’s Access to Land and Household Bargaining Power: A Comparative Action Research Project in Patrilineal and Matrilineal Societies in Malawi

• The Social, Political and Economic Transformative Impact of the Fast-Track Land Reform Programme on the Lives of Women Farmers in Goromonzi and Vungu-Gweru District in Zimbabwe

• Promoting Women’s access to and control over land in the central highlands of Madagascar

• Empowering Women through access to and control over land in the context of gender-biased green revolution processes: Action research Project in Manhiça District, Mozambique

v. A synthesis report, which summarized the findings of the small grant partners, identified cross-cutting issues and policy implications of the SWAL Project.

vi. Two working papers aimed at a more academic audience. The two papers drew from the SWAL project findings to identify issues for academic and policy engagement:

• Working Paper 1: A Field not Quite of her own: Single Women’s Access to Land in Communal Areas of Zimbabwe

• Working Paper 2: Differentiation of Women’s Land Tenure Security in Southern Africa
9. Policy implications of SWAL project

The findings of the SWAL project highlighted that although women’s land tenure security is under threat, the responsibility and capacity to secure women’s land access rests with all stakeholders. The project’s action research and Learning Route identified the practical ways in which the government, non-governmental organizations, communities and affected women themselves, can potentially influence policy at the various levels to secure women’s access to land.

The SWAL project re-emphasized the need for practical action to back up and realize policy provisions and political pronouncements aimed at improving women’s access to land. In order to be effective, these interventions have to be decentralized as the state clearly lacks the capacity to enforce the provisions on its own. Decentralized responses also enable the policies to be adjusted to local conditions and the specific situations of women.

There is more room for involvement of other stakeholders from the non-governmental sectors, at different levels of decentralization. The women and communities at the grass-roots level could play a more effective role by raising awareness of women’s plight. The experiences from East Africa show how partnerships and support between non-governmental organizations and communities can go a long way towards influencing policy and making institutions more responsive to women’s land needs.

The need to pursue policy-influencing activities outside the state need to complement rather than compete with and/or expose state weaknesses. The latter will only antagonize state institutions and limit progress. Effective strategies may involve seconding staff to government offices, generating and providing accurate research data for use by the state and capacity-building of staff through formal training and advocacy. The Learning Route is a strategic and effective innovation that can be used to facilitate policy actors’ capacity to think and act outside of conventional assumptions. These exchange visits can be at various horizontal and vertical levels of institutional interaction. The same applies to non-governmental efforts aimed at addressing weaknesses in the traditional or customary institution arena.

Although there are policy and legislative provisions in place, women continue to lose land access. There is a need to invest in efforts to identify the specific bottlenecks and provide tangible mechanisms to ensure women realize sustainable benefits from policy provisions aimed at protecting their land rights. Initiatives include advocacy, increased access to institutions of law, legal-awareness and community-awareness campaigns to facilitate rapid responses to developments that threaten women’s land access.

Within agreements that relinquish large tracts of land for commercial exploitation, there should be mechanisms to evaluate impacts on local communities at the initiation, medium-term and end stages. At each of the stages, compensatory mechanisms should be put in place to force adjustments of the plans, as necessary. The Government, communities and private sector should work together to ensure that all stakeholders are represented and costs and benefits are apportioned appropriately.

Given the high incidence of marital breakdown, there is need to re-evaluate the role of marriage as a mechanism for securing women’s access to land. Policies should facilitate formal recognition of the diverse marriages and increase women’s capacity to secure land access through other means like purchase or lease of land.

There is need for policy intervention to support responsive customary practices and to check those that undermine women’s land tenure security. The SWAL project has shown that while custom is progressive and makes provisions for vulnerable women to secure their land rights, these rights cannot be guaranteed in the face of market pressures and corrupt practices by those entrusted to uphold these rights. Here, collaboration between the state and progressive traditional authorities can identify initiatives for incorporation
into policy changes aimed at upholding women's land rights in customary tenure areas.

The SWAL action research project's partnership of academics and advocacy institutions is a potentially effective innovation, which can improve the generation and packaging of information for continuous support to various users. These include academics, policymakers, central government, lobbying agencies and community-based organizations.
Our Mission
A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.

Our Vision
Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion.

International Land Coalition Secretariat
Via Paolo di Dono, 44
00142 – Rome, Italy
tel: +39 06 5459 2445
fax: +39 06 5459 3628
info@landcoalition.org
www.landcoalition.org
This work was carried out as part of a 3-year collaborative project entitled “Securing Women’s Access to Land: Linking Research and Action”, coordinated by the International Land Coalition (ILC), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of Western Cape in South Africa.

Its overarching aim was to learn from women and respond to their needs through action-oriented research. The purpose of the research carried out under this project was not only to provide an evidence-base for advocacy on women’s rights, but also to strengthen the research and advocacy capacity of civil society organizations, and to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including the building of linkages with the wider advocacy relationships and programmes of the ILC.

This report is part of a wider initiative on Women’s Land Rights (WLR). If you would like further information on the initiative and on the collaborating partners, please feel free to contact the International Land Coalition.