

# Women's land rights, access to land and perceptions on land tenure in Southern Africa: the case of Zambia

PhD Project by Rachel Spichiger

## 1. Problem formulation

Women's land rights and access to land are at the core of women's livelihoods in rural Southern Africa. So far, research has suggested that women's access to land is constrained in both customary and statutory tenure systems, although in different ways. Within customary tenure systems in Southern Africa, women's access to and control of land tends to be indirect, and mediated through their male kin. However, recent research has challenged assumptions about women lacking rights to land within customary tenure: women may exercise "land rights in their own right" (Derman et al. 2007:11).

Research has also pointed out that privatisation processes have actually undermined traditional rights and caused women to lose access to land (WLSA 2001), and that titling processes may exclude women (e.g. for social reasons: women fear losing family support by asking for an individual title). Another issue is that women may have strategies of access other than direct rights to land, which might be jeopardized by a statutory tenure system.

Zambia provides a very relevant case for the proposed research: a new land policy is currently reviewed which aims at both converting customary land (94-96% of the total land) into state land (i.e. land available for leasehold tenure) and allocating 30% of the land to women, in an attempt to redress the current gender imbalance in land rights. According to the Government of Zambia's policy, "women still lack access to land in comparison to their male counterparts. The reason for this lies in customary practices [...]" (GRZ 2002:10). Interestingly, civil society in Zambia has expressed a wish for both customary and statutory tenure to continue (ZLA 2005) and so far, since 1995, titles have mainly been acquired by outsiders (foreign or national), benefiting "local elites and outside investors" (Brown 2005:100).

The overall objective of this PhD research is to investigate women's strategies of access with regard to land in rural Zambia in order to assess the extent to which current gender imbalance in land rights can be redressed through the promotion of statutory land tenure.

The specific objectives are:

1. To analyse women's own perceptions of their access to land and security of access.
2. To investigate the constraints and opportunities determining access to land within the current customary land tenure system, as well as the strategies women can or do use in order to access land, including both negotiation processes and other diversification opportunities in case of lack or loss of access.
3. To analyse the potential impact the policy would have on land access for women including women's own perceptions about obtaining a title deed.

The main hypothesis on which the proposed research is based is that in customary as well as statutory systems, wealthier women would be more able to access land and a title to land than poor women, and that this is mainly due to social factors (e.g. access to networks and social relations, status) mediating access.

## 2. Analytical framework

The research is framed by a gender perspective and the analysis will investigate ways in which access to land depends on power relations and social capital or institutions. It will build on the body of research and theories on land tenure.

On the one hand, gender relations are not fixed and “social relations and their corresponding actors are living, dynamic, and thus, re-creating gender inequality” and that gender inequality is based on unequal distributions of power (Richey 2003: 420). On the other hand, gender is but one aspect of social and power relations. Too often, policies fall in the trap of “essentialising” women (Cornwall 2000). By investigating the ways women in different social situations can access land and perceive their access, power relations underpinning land tenure and affecting and involving women will be investigated, since they “are key to understanding how contemporary tenure systems work in practice” (Cousins & Claassens 2006: 2).

The research will assess the extent to which access to social institutions and networks mediates access to land (Berry 1989), within but also beyond the influence of the customary tenure systems. In particular, the notion of social capital (de Haan 2000, Bebbington 2007) is central in investigating how women can use the current customary system to their advantage. Social capital plays a central role in access to land, as networks shape both “individuals’ access to and control over resources” (Griffiths 2000:93) and the ability to negotiate (Griffiths 2000).

Looking at case studies in depth and focussing on processes of inclusion and exclusion, the research will analyse the role of membership in social networks and participation in both formal and informal institutions, which “does not guarantee anyone access to land but [tends] to blur the impact of legally sanctioned processes of exclusion” (Berry 1993: 104).

Theory on land tenure and privatisation, as well as the debate on the constraints faced by women in customary and statutory tenure are at the heart of the proposed analysis.

While the effects of both privatisation and customary tenure on poverty reduction through agricultural productivity have been debated (Bruce & Migot-Aholla 1994, Peters 2002, Kingwill et al. 2006), both tenure systems have been shown to produce patterns of exclusion, especially with regard to women and the poor (Whitehead & Tsikata 2003, Peters 2004). Women losing access to land upon the death of their husband are a striking illustration of gendered exclusion.

Findings of interest to the proposed research are that privatisation processes recognised by the state could also occur within customary tenure forms (Lund 2000, Lund 2002, Chimhowu & Woodhouse 2006). On the other hand, official legal change from customary to statutory can have little impact in reality and “indigenous values concerning land” can persist within a statutory land tenure system (Bruce & Migot-Adholla 1994: 138).

Concerning women, the assumption that women owning land in their own rights would contribute to better investment and efficiency (ultimately contributing to reducing poverty), has not adequately taken into account women's own interests (Whitehead & Kabeer 2001, O'Laughlin 2007). Women, at least within male-headed households, may not necessarily want to claim individual rights to land "because membership in a household provides them with a range of material and non-material benefits, and hence they are more interested in strengthening their household's access to resources, including land." (Razavi 2007: 1497). Women heads of households may also be reluctant to apply for titles for fear of jeopardising their relations with the family they depend upon.

The research will build on these theories and findings and take them further by looking specifically at poor and less poor women's opportunities, strategies and perceptions, testing the assumption that "a title to a poor voiceless remotely-based woman, may not necessarily be a means to accessing wealth [and] may not necessarily mean that one is going to use it" (Machina 2002:7) and whether titling would be perceived as a benefit by poor women (Kajoba 2005).

### 3. Relevance

On the theoretical level, the research will inform the current debate on land tenure by allowing a deeper understanding of the power relations underpinning land access in a gender perspective. Empirical and gender-focused research into the issues outlined above, especially into women's perceptions of their access to land and the importance of direct access to land is still sparse. This research proposes to clarify these issues, including women's strategies within the current situation and their perceptions on a titling process, and on how far they perceive this as a benefit, and the role of access to institutions shaping their access.

### 4. Methodology and work plan

Data will be gathered through standard qualitative methods: participant observation, explorative and semi-structured interviews (individual and in groups). The main data collection will be carried out during seven months of fieldwork in the Monze district, a rural area in the Southern Province.

Participant observation and semi-structured interviews (individual and in groups) will be undertaken in selected villages as well as in the capital. Research in the field will be conducted with the help of a field assistant.

#### ○ Interviews with women:

To be able to compare women from different social categories, a stratified sample will be used and interviews will be undertaken with 15 women coming from de jure female-headed households, 15 from de facto female-headed households, 15 women from poor male-headed households and 15 women from less poor male-headed households. This stratification is based on results of some studies showing de jure female heads of households are often poorer and/or own less land than both de facto female heads of households (e.g. husband working and living somewhere else but contributing to the household) and women in male-headed households (Ravnborg et al. 2004).

#### ○ Interviews with chiefs and headmen

- Interviews with experts on land and gender in Zambia and sub-Saharan Africa, government officials (local and national level), civil society organizations.
- Case studies of women having acquired or lost access to land in different circumstances will be analysed. Data for the cases will be collected through interviews and life-histories.

The analysis of the data collected during fieldwork will be analysed (in part by using NVivo), followed by writing and disseminating

#### 5. Qualifications of researcher

I have an MA in social and cultural anthropology. In 2001, I lived a year in a rural area in southern Botswana and worked for seven months on a CBNRM project, conducting interviews and holding discussions with local villagers and linking villages with governmental and other institutions (at local and regional level). From 2003 until 2007, I worked as an anthropologist on projects related to land use and landscape, investigating the mechanisms behind the success or failure of land related regional development processes and conflicts arising from land use. I have gained extensive experience in designing, conducting and analyzing interviews and survey-based fieldwork. Since May 2007, I have been working as a research assistant at DIIS for the Natural Resources and Poverty Unit.

#### 6. Institutional affiliation

I will be enrolled at the Graduate School for International Development Studies (University of Roskilde) and based at the Danish Institute for International Studies (DIIS). My supervisors are Associate Professor Lisa Richey and senior researcher Helle Munk Ravnborg.

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