

Women and Access to Land in the Context of the Fast Track Land Reform Programme

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By

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Introduction

In Zimbabwe as in most African countries, women occupy a subordinate position in society. Most problems affecting women in Zimbabwe emanate from flaws in the legislation of the country. Further, the general feeling that has been cultivated in society is that land belongs to men. Even in terms of production, it is often thought that most of it belongs to the husband except for selected crops like roundnuts and groundnuts. Women play a key role in subsistence agriculture in Zimbabwe. 86 percent of the women depend on the land for the livelihoods of themselves and their families, but women living in the communal areas are treated as dependants of men, not as landholders or farmers in their own right (Human Rights Watch, 2003). With reference to freehold land, most women cannot afford to buy. They therefore resort to communal land which is state owned.

Under the Fast Track Land Reform Programme (FTLRP), government committed itself to a ~~twenty per cent~~ (how did government arrive at this figure, considering the population of women and their contribution to the agricultural sector) quota for women. This was not achieved and the gender gap still persists in the ownership and control of land and other resources and this is the single greatest contributor to the gender differences in economic well being, social status and thus decision making power. A major weakness with agrarian reform or resettlement programmes in general is the use the head of household concept, usually a male, as the basis of land reallocation. Few have significant numbers of female beneficiaries or even pay attention to gender as a beneficiary category. Under the FTLRP however, women have gained better access to land through a well-defined state policy. Statutory reform of customary law is confusing and open to interpretation; when customary, religious or statutory systems coexist, the law least favourable to women is often selected, especially in communal areas. (This statement is confusing)

Related to the problem of equitable distribution of land to men and women is the system of land tenure that excludes women from direct access and control of land (how does it do this?) and hence their lack of control over the agricultural produce and the money realised there from. Because agricultural produce is a major resource and source of income in rural areas, women find it difficult to access finance and inputs. The husband, in whose name the land is registered by virtue of a permit/lease regards himself as having proprietary rights over all or any part of the agricultural produce from that land regardless of who worked for it.

Historical background to women and access to land (whilst the historical aspect is important in contextualising the current situation of women, this section is rather too long and goes into too much detail without linking this to the situation today).

Historically in Africa, women's access to land was based on status within the family and involved right of use, not ownership. In Asia, the most prevalent barrier to acquiring real property is inheritance laws that favour male inheritance over female. If a woman inherits property, her husband manages it. In Africa in general and in Zimbabwe in particular, custom excludes women from ownership; property is held in a man's name and passed patrilineally within the group. A widow's right to remain on the land is not secure (FAO, 2002).

In pre-colonial Zimbabwe, landholdings were held communally. It was vested in the hands of the headman (Jacobs, 1990:165). Under this scenario women possessed rights, which included having a socially defined minimum amount of land on which to grow women's crops such as groundnuts. Jacobs (1990) argues that it is during the colonial era that the position of women in Zimbabwe deteriorated. Under colonial law, women were deemed legal minors, unable to enter into contracts or to represent themselves in court without permission of and representation by a male guardian. Women lost customary rights of various sorts, including their rights to land for women's crops. The colonial state constructed its land allocation strategies through targeting males as farmers, whether white or black and until 1982 used traditional governance structures (chiefs, headmen) as the basis for local land management systems (Moyo 1995). Because of this, women's access to secure tenure in their own right became a problem. The colonial era eroded women's most important power bases (social and economic) that derived from their access to resources for agricultural production. Women who owned livestock for example, could not register such livestock because they did not have such registered land rights. Unmarried women and women in polygamous marriages were not allocated land. Divorced women and widows could be granted land rights, which they could register if they had custody of children (Mararike, 1996).

The government embarked on land reform and resettlement at independence. It is argued that post independence resettlement programme has been characterised by the continuity of sex discrimination (Zimbabwe Women's Bureau, 1981). An often cited example is that women who comprise the resettled population are there as wives of migrant husbands and not on their own right.

The resettlement schemes especially in communal areas, which are patrilineal, did not benefit women as much as men. This was mainly a result of the strength of patriarchal attitudes and government's reluctance to intervene actively to curb the powers of traditional authorities at the local level. There is a serious tension between the official commitment to gender equality on the one hand and reluctance to alienate traditionalist structures of rural local government on the other. This makes the situation of women in communal areas worse off than their counterparts in ex-commercial farms.

The fact that communal land is administered under the Traditional Leaders Act of 2000 and the Communal Land Act of 1982 is the reason for women's vulnerable position in these areas. The Chief of an area is given overall responsibility of allocating land through traditional leaders, i.e. village heads who are often the custodians of customary law. These are usually males whose patriarchal notions of women's social status women can further work against the allocation of land to women.

The Communal Land Act (Chapter 20:04) 1982 provides for the classification of land as communal. In accordance with Section 8(2), access to and use of communal land shall be in accordance with customary law. Yet, customary law has, in many instances, been deemed discriminatory towards women in that it curtails their access to and control of resources. Hence, this provision is sometimes seen as perpetuating the marginalisation of women in the allocation of land under communal tenure. *The Traditional Leaders Act (Chapter 29:17) 2000* provides for the appointment of traditional leadership, i.e. chiefs, headmen, village heads, and other subsidiary functionaries such as the village assembly, and spells out their duties, functions and powers. In terms of Section 23, all communal land is to be surveyed and boundaries drawn demarcating each village. Each village shall then be issued a village registration certificate describing its boundaries. The Rural District Council will be required to prepare a land use plan for each village and shall issue a settlement permit to the head of each household in the village. According to Section 24(4), each settlement permit shall bear names of all spouses. In terms of Section 24(4), unmarried women who are heads of household can have permits in their names as can widows and girls or child headed households. However, while these provisions would seem to be sufficient to protect women's rights, other provisions requiring the permit holder to have consent of adult members of the household and the Rural District Council would nonetheless compromise gender rights.

There was no legislation governing or regulating tenure issues in resettlement schemes (Ncube et al 1997:56). The legal instruments empowering settlement of people in the resettlement areas were the Agricultural Land Settlement Act, Chapter 20:01 and the Rural Land Act, Chapter 20:18). In practice, the state has relied on Section 6 of the Rural Land Act for purposes of resettling people in resettlement models A and B (Ncube and Nkiwane 1994:151). It is important to emphasise that for Ncube et al (1997:56) the criteria and principles governing allocation and granting of resettlement land is not specified in any law. Similarly, the rights and obligations of resettled people are not contained in any law. In Model A resettlement schemes instituted after independence, settlers held land through permits which enable them to reside, graze their stock and farm. Under this scheme land was assigned to household heads, and this excluded married women. The land belonged to the state but the permits were issued in the names of the predominantly male settlers. The bulk of the permits were issued to men as heads of households. Female heads of households comprised 2 to 15 per cent at best (Gaidzanwa 1995). However, it is important to state that policy documents have not stipulated that heads of households are to be male. It is simply that the social expectation is that men are heads of households. Accordingly, most women did not feel that they could apply for resettlement.

In Zimbabwe, unless a woman is unmarried, widowed or divorced or unless very unusual circumstances exist, the head of household is always considered to be the husband. Widows or divorcees with children are eligible to apply and some are resettled but their numbers are small. Jacobs (1990:171) has argued in relation to Model A resettlement that if one intent of resettlement is to allow certain groups to become or remain middle or wealthy peasants, then women are excluded from entry into these strata of the peasantry because they do not hold permits, they remain dependants of men. In case of divorce, a married female settler loses any right to stay on the Model A scheme. A research done by Zvobgo et al (1994) shows that despite

the fact that government settlement policy states that not just men but also women with dependants qualified for permits in their own right, 87 per cent of permit holders were men. Furthermore all permit holders were married while almost all women permit holders were widowed or unmarried.

In Model B cooperatives however, women are included as formally equal participants. Membership in state production cooperatives is on an individual basis regardless of marital status. Accordingly, a divorced woman does not lose her right to remain on a cooperative.

In the early and mid 1980s the policy was generally to give preference to landless married men with dependants, with the permits being issued in the name of the man. Also preferred were refugees from the liberation war, with dependants. Women could be allocated resettlement land in their own right and in their own names only if they were either widowed with dependants or divorced with dependants or simply unmarried with dependants (Ncube et al 1997:57). As a result of this policy large numbers of women were excluded from being allocated land in their own right. Very few women were allocated land as widows, divorcees or unmarried mothers. A study carried by Ncube et al (1997) in Matabeleland in Nyozani resettlement scheme showed that the largest beneficiaries of this programme were married men. Out of 60 families resettled, only three widows were allocated land in their own right. No divorced or unmarried mothers were allocated any land. Clearly, under this policy women did not have direct primary land rights in resettlement areas.

With the introduction of the Economic Structural Adjustment programme (ESAP) the focus shifted to productivity. The new policy in force since 1992 has sought to emphasise productivity and farming skills as evidenced by possession of a Master Farmer Certificate as well as secondary level education. Ncube et al (1997) have argued that the emphasis on secondary education has prejudiced a number of rural women who only have the minimum primary school education and who do not have the time to attend the training workshops to get a master farmer certificate. Suffice to say that while this new policy seems gender neutral, theoretically favouring married people of either sex; in reality it still favours married men. This is because when a family qualifies for resettlement, the permit is almost always issued in the name of the husband. In the case of divorce, it is the wife who loses access to the land that she and her husband had jointly qualified for mainly because of the operation of the traditional patrilocal system. Ncube et al (1997) interviewed a resettlement officer who confirmed that as resettlement officers they advise divorcing wives to look for land elsewhere. They have to qualify anew.

Resettlement land tenure is state dominated and hence insecure for settlers because it provides loose permits to use land. Few women have individual rights to such land and suffer land deprivation where divorces and the death of males occur. This discussion has shown that previous resettlement schemes have therefore benefited men more than women. Women in Zimbabwe have therefore continued to access land indirectly through men as a result of Shona customary practice which allows a woman direct access to a part of the land they jointly own with the husband, in the form of a field set aside specifically for her use and control. Such a field, which was common among the Shona, is known as *tseu*. However, such access is left entirely to the discretion of the husband and can be withdrawn at any time, for any reason (Ncube et

al, 1997). The male centred registration of land rights in resettlement areas is a colonial legacy inherited and continued by the present state. This problem is compounded by a growing proportion of men controlling the mechanics of land administration.

The Policy and Legal Framework governing Land Reform

Post-colonial states have accepted the principle of gender equality. The Constitution of Zimbabwe states that all people are equal before the law. Of late the constitution of Zimbabwe Amendment (No. 17) has amended section 23 of the constitution by the deletion of “or gender” wherever it appears, and the substitution of “sex, gender, marital status or physical disability; and by the insertion of subsection 3. Part (a) of which states that notwithstanding subsection (3b), in implementing any programme of land reform the government shall treat men and women on an equal basis with respect to the allocation or distribution of land or any right or interest therein under the programme. The Administration of Estates Act of 1997 gives a widow the right to retain rights to land on the death of her husband. In practice however, women still occupy a subordinate position in communal areas and in general, only have access to land through their husbands. In general, gender sensitivity has been part of the Zimbabwe government’s agenda as seen in areas such as access to education and the affirmative action policy (Women and Land Lobby Group 2002). However, not enough has been done to redress the gender inequality question in other areas of concern, for example, land. Zimbabwe has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), but lip service to the convention has been the norm. A gender policy for Zimbabwe has been launched that articulates gender mainstreaming in all areas of life. (has this been happening with regards to land redistribution? If so in what ways?)

The policy documents and laws setting out the basis of the fast track programme make no mention of gender issues. (What could be the reason for this discrepancy, considering that there is a gender policy, and that we are signatories to CEDAW)

Objectives of the Fast Track Reform Programme

The following are the objectives of the Fast Track Land Reform Programme:

- To begin by acquiring 841 farms (2.1million ha) which had previously been designated and contested
- To follow this up by other acquisitions in tranches to make up to 5million ha. This would take three to five years.
- To acquire for resettlement, 125 000 ha per province
- To resettle 30 000 families for the 125 000 ha per province.

The objectives of the Fast Track Land reform do not include the resettlement of women. However, the government was aware that the programme should ensure food security, decongest communal areas, decrease pressure on land, increase employment and ease existing political pressure.

Policy documents governing the Fast Track land reform in Zimbabwe

The government of Zimbabwe has produced the following documents to facilitate the conceptualization, planning and implementation of the land reform programme:

- Land reform and resettlement Programme Phase 2 (1998)
- The National Land Policy Framework Paper (December 1999)

- Inception Phase Framework Plan (1999-2000)
- Accelerated Land Reform and Resettlement Implementation Plan- “Fast Track” (2000)

The Inception Phase document made reference to gender sensitivity, targeting women as a special group, training women to cater for special needs and mainstreaming gender through out but the Fast Track implementation plan does not specify all these.

The Land Reform and Resettlement Programme Phase 2 argued that selection of beneficiaries was intended to include special groups, for example women, and referred to poverty alleviation of which the majority are poor. Table 1 below shows household poverty by household headship and that female-headed households are extremely poor compared to male-headed households. Households under *de facto* females (*de facto* headship arises when a woman becomes a head of the household because her husband is absent) are mostly better off than those with *de jure* female heads (*de jure* heads are women who are single, widowed or divorced) because the former probably receive remittances from absentee spouses unlike the female *de jure* heads that have to stand on their own.

Table 1: Household poverty by household headship

Headship	Prevalence Percentage of	
	Poverty	Extreme Poverty
Male headed	59.5	32.3
Female headed	71.2	42.6
De Facto	76.4	48.4
Divorced	57.5	30.5
Widowed	76.5	44
Never married	35.2	14.1

Source: CSO (1998), Poverty in Zimbabwe

In October 2000, the government stated that it would ensure a 20 percent quota for women to benefit from the fast track resettlement programme. This was not attained as only 18 per cent benefited. [\(Source?\)](#)

Selection of beneficiaries under the FTLRP

According to the Women and Land Lobby Group (2000) the fast track programme was intended to benefit the landless. Priority was going to be given to successful candidates selected from the Rural District Council waiting list, successful candidates selected from other farms and 10 percent to war veterans or ex-detainees selected by the war veterans association. Because men dominate these institutions, women from the start were at a disadvantage.

Resettlement Models

In the Fast Track phase, two resettlement models were used, Model A1 and Model A2. Model A1 was intended as decongesting communal lands. Settler selection and emplacement for A1 was the responsibility of the Provincial Land Identification Committee (PLIC) and District Land Identification Committees (DLICs). The Governor chaired the PLIC while the District Administrators (Das) chaired the DLICs. The model was for the generality of landless people, with a villagised and self-contained variant. The acquired farm was to be divided into a number of villages. The village was to be further divided into residential, arable and grazing land. The

government was to provide a borehole for every 20 to 25 families, a clinic for 500 families, a dip tank for 1400 head of cattle and a blur toilet per household. This model was to be the largest. Model A2 was aimed at creating a cadre of black commercial farmers and was based on the concept of full cost recovery from the beneficiary. Settler selection was made on the basis of applications submitted to the Ministry of Lands, Agriculture and Rural Resettlement. It was a commercial resettlement scheme, comprising Small, Medium and Large scale Commercial resettlement (The Herald 29 October 2003 pp9). The acquired farm was subdivided in such a way that each farmer was allocated a self-contained unit with varying sizes. The land would be divided into residential, grazing and arable land.

The process of land allocation and gender

There was an official structure for allocating land through the civil service and elected officials such as the rural district council. However, in many cases informal processes governed by the war veterans superseded this system. Working with the militias, the police and army were identified as coordinating some of the land occupations. The extent to which real need has been a criterion has been difficult to assess because of the difficulties of accessing fast track resettlement areas or talking to the ruling party militia often led by war veterans that control most resettlement areas. For example, The Utebe commission's report [\(2003\)](#), revealed serious violations of the one-man one-farm policy by top government and ruling party officials, which, in some cases, had disenfranchised the small-scale farmers that land reform was supposed to benefit. The politicized nature of beneficiary selection has gender implications especially considering the [peripheral/inactive](#) role of women in the political arena. Their activity is mainly when supporting men.

According to the Human Rights Watch (2003), the process of land distribution itself raises serious concerns. There was party political control of access to the forms for applying for land and partisan discrimination in the allocation of plots. History has shown that most women have phobia when it comes to application forms especially when they are written in English because of the illiteracy rates among this category of the population. [\(Whilst this may be true, are there any case studies or evidence to support this?\)](#) This part of the process therefore short-changed many women. In several areas, according to cases reported to Human Rights Watch, the fast track land was handed out not only to landless people from the communal areas or war veterans (for whom government policy officially reserved 20 percent), but also to the police, army, CIO, civil servants such as agricultural extension workers (who were involved in demarcating plots), and traditional leaders.

Some accounts indicated that some women seeking allocation of a plot under the fast track scheme have been forced to exchange sexual favours to get on the redistribution lists and that war veterans and some militia members had raped women in the course of the land occupations (Human Rights Watch 2001).

Affecting women's decisions on resettlement are the lack of basic [social](#) infrastructure and this has contributed to lower numbers of women applying for land. For example, where there are no grinding mills women would resort to manual preparation of ground foodstuffs. With reference to boreholes, there has been a poor implementation record since independence and it was not clear how government would now achieve implementation at a much higher scale and in a shorter space of time and this again

impacts more on women than men. The lack of provision of basic social infrastructure in the resettlement areas would impact on women specifically because they are the caregivers of children (schools) the sick (clinics and families (water and others), this therefore affects women's decisions on resettlement. The government would however, provide infrastructure including the pegging of the plots, access and egress roads, provision of clean, potable drinking water, land preparation and crop packages (including seeds and chemicals).

Beneficiaries of the FTLRP

Both men and women have benefited from the FTLRP albeit at different scales. Table 2 below is an analysis of statistics on resettled farmers under the A2 Model as at January 2002. For model A2 the uptake was low for females in all the provinces, as most women do not have the needed resources to qualify for land allocation under this model.

Table 2: Analysis of Statistics on resettled farmers under the A2 Model

Category	Total Number	Percentage
Male	28 560	86
Female	3 793	11
Joint	744	3
Total	33 841	100

Government has instituted a policy on joint registration/ownership of land by both spouses as table 2 above indicates. Although this is included in the policy documents, it seems there is a gap between policy provisions and practice. Government has not effectively implemented joint registration, as land continues to be registered in the husbands' names, excluding women from ownership of land (What reasons explain this).

Currently a total of 2740 farms measuring 4 137 058 hectares were allocated and settled to 140 698 beneficiaries under Resettlement Model A1. Under the A2 resettlement model 2280 farms with a total area of 2 681 642 hectares were allocated to 14 856 beneficiaries. A total of 2066 women were allocated land under the A2 model in their own right. Over and above the 2066 women who were allocated land in their own right, women also benefited when they were jointly allocated land together with their spouses. A total of 11071 offer letters were issued jointly to spouses

There has been the production of gender-disaggregated data each time people are resettled. Available statistics from all the provinces indicate that for both Model A1 and Model A2, women did not benefit as much as men from the Fast Track Land reform exercise. In Matabeleland South the take up rate for females has been low for both models (13 per cent for Model A1 and 21 per cent for Model A2). Statistics for Manicaland province also show that females did not benefit as much as their male counterparts from the fast track land reform exercise for both models with 18 per cent allocated land under Model A1 and 9 per cent under Model A2. Statistics from all the districts in Masvingo depict that a very low percentage of females (16 per cent for Model A1 and 8 per cent for Model A2) were allocated land under the Fast Track Land Reform programme. Despite differences in culture and other belief systems in the various provinces, women in all provinces have not accessed land as much as men.

Despite government commitments to addressing gender inequality in land distribution, women, whose rights to land under customary law are weak, have also failed to benefit proportionately from the Fast Track process. It is important to give statistics of land allocation by gender in all the provinces in order to show that despite variations in belief systems and practices, women all over Zimbabwe did not benefit much from the Fast Track Land reform exercise. The following table shows allocation patterns under the fast track land resettlement programme by gender and province.

**Table 3: Summary of all provinces
Allocation patterns by gender per province**

Province	Model A1				Model A2			
	No of males	%	No of females	%	No of males	%	No of females	%
Midlands	14800	82	3198	18	338	95	17	5
Masvingo	19026	84	3644	16	709	92	64	8
Mash Central	12986	88	1770	12	1469	87	215	13
Mash West	12782	81	5270	19	1777	89	226	11
Mash East	12967	76	3992	24	*	*	*	*
Mat South	7754	87	1169	13	215	79	56	21
Mat North	7919	84	1490	16	574	83	121	17
Manicaland	9572	82	2190	18	961	91	97	9
Total	106986	82	22723	18	6043	88	796	12

(Source: The Presidential Land Review Committee Report (TPLRCR), 2003)

The breakdown of figures by gender for Mashonaland East Model A2 were not readily available. Statistics above indicate that the number of females allocated land under the Fast Track was very low countrywide. Women headed households who benefited under model A1, constituted only 18% while women beneficiaries under Model A2 constituted only 12% (The Presidential Land Review Committee Report, 2003:25). It is unfortunate that available statistics do not show whether households headed by women that were allocated land are a result of death or divorce. There are cultural, legislative and traditional explanations that account for the low number of women that have been allocated land under the Fast Track Land Reform Programme and previous resettlement exercises. In terms of land rights, women's land rights are marginalised in both models. A host of structural and market forces (for example, lack of access to finance or credit for the purchase or leasing of land), which derive from historical and contemporary disadvantages facing women, in particular explain this, especially for Model A2.

Compared to previous land resettlement programmes soon after independence it seems there is a reduction of the number of female beneficiaries of land when it was estimated that 25% of the beneficiaries were women (Jacobs 1989, 1998) and now it

is estimated that female beneficiaries are close to 20%. The problem has emanated from targeting the ‘family’ and ‘households’ as unitary units, which does not address prevailing property relations and rights in the family. One can also probably conclude that the hurdles to accessing land delivery services for women are higher than for men, and for women that have been widowed or divorced, their ability to pay has been further disadvantaged by their weak economic status. In October 2000, the government stated that it would ensure a 20 percent quota for women to benefit from the Fast Track resettlement programme. This was barely attained.

It is also important to consider the category of female farm workers and how they benefited from the FTLRP. Official government statistics as of the end of March 2002 indicated that only 2017 former farm workers or 0.5 per cent of all farm workers have been resettled (GoZ, 2002). Female seasonal farm workers have been more affected by the FTLRP, as permanent workers are monopolising piece work employment opportunities, affecting their security and livelihoods thereby justifying their need for land. However, as statistics below show, male-headed farm worker households benefited more from the FTLRP than female headed and even child headed households.

Table 4: Analysis at the District Level by Household Type

District	Female headed	Male headed	Child headed	Total
KADOMA	88	273	*	361
Percentage	7.5%	23.3%	*	30.8%
CHEGUTU	62	440	4	508
Percentage	5.4%	37.5%	0.3%	43.3%
KWEKWE	78	220	3	304
Percentage	6.6%	18.8%	0.3%	25.9%
TOTAL	229	933	7	1173

(Source: Farm Community Trust of Zimbabwe, FCTZ)

(what are the statistics in this table supposed to illustrate?)

As of October 2001 the following statistics were on the ground concerning the former farm workers (both male and female) and other resettled farmers who benefited from the FTLRP. There was also a general exclusion of farm workers from the benefits of land redistribution of which the majority of the labourers on farms are women (Amanor-Wilks (1996).

Table 5: Analysis of statistics on resettled farmers, June to October 2001

Category	Male	Female	Total	Percentage for female
Farm Workers	1799	258	2057	13
Others	90 645	18 093	108 738	17
Total	92 444	18 351	110 795	17

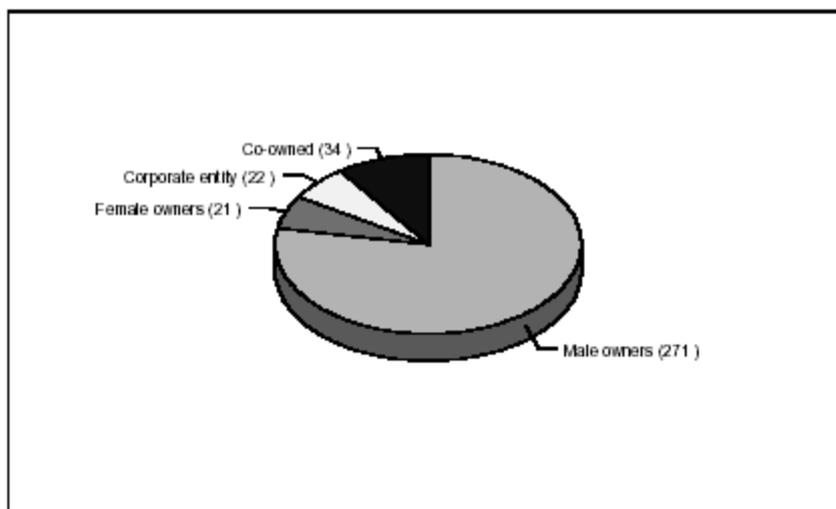
Source: Women and Land Lobby Group, 2002

Gender and Land Tenure

There is no accurate data on gender and land leases in Zimbabwe. As Rugube et al (2003) argued, “the data on public land leases did not contain information on the gender of the beneficiaries except in few cases, hence gender had to be deduced solely

on the basis of names.” However Rugube et al (2003) have shown that land leases from the period 1986 to 2001 have been mainly issued to males. The majority of beneficiaries under the government public leasing program were males, accounting for 76 % of all transactions, while females, as sole owners were just fewer than 6 %. Women also benefited as joint lessees with their husbands, which accounted for only 34 transactions. When gender is disaggregated it is disheartening to note that during the period 1987 to 1994, not a single female benefited on the public land leases market. Access to land is still heavily biased towards the males, both in terms of number of transactions, and the total area and market value of farmland redistributed. Since males dominated the transactions of government farmland leases, it follows that the largest area was leased out to males than all other categories. During the 16-year period, 238,166 ha or 75 % of land redistributed through government leases was redistributed to males. During the early years of independence, government policy made it very difficult for females to have title to land. This is clearly reflected in public land market, where no single female benefited from the government farmland-leasing programme between 1987 and 1994 (Rugube et al 2003). Figure 1 below shows the distribution of the leases for the period 1986-2001 as explained above.

Figure 1: Distribution of public land leases by gender, Zimbabwe 1986-2001



Source: Rugube et al (2003: 29)

One of the most serious obstacles to increasing the agricultural productivity and income of rural women is their insecurity of land tenure (FAO, 1996). Land tenure refers to a set of rights which a person or organization holds in land. Security of tenure is not limited to private ownership but can exist in a variety of forms such as leases on public land or user rights to communal property. If tenure is secure, the holder can reasonably expect to use the land to its best advantage in accordance with the right, reap a timely and fair return and be able to enforce the right against non-holders. Tenure enables the holder to make management decisions on how land-based resources will be used for immediate household needs and long-term sustainable investment.

In order for women farmers to use land more efficiently and thereby make a greater contribution to food security, they need access to land, management control of land-based resources, and the economic incentives that security of tenure provides (FAO,

2002). Without land and secure tenure, a woman cannot access credit and membership of agricultural associations, particularly those responsible for processing and marketing. With reference to security of tenure under the FTLRP, resettled farmers had only been given offer letters but could not apply for bank loans using those letters. If tenure is secure, a woman can invest in, rather than exploit, the land's productive potential and is more likely to adopt environmentally sustainable farming practices (Juma and Ojwang, 1996). She can plan and quickly adjust resource allocation decisions under changing climate or economic conditions and rely on the productive results of her labour.

The Herald (4 November, 2006) stated that the 99-year leases giving security of tenure to A2 farmers would be issued on the 9th of November 2006. Rent would be payable to the state. It was stated "those A2 model farmers who have been on the land for the last three years and have been assessed by the National Land Board will be issued with the leases. It is those who have qualified, who have demonstrated ability, competence and commitment and satisfied the National Land Board that would be issued with leases." A research by Mutepfa et al (1998) revealed that this Land Board was not popular among people because the institution is foreign and was accused of being corrupt. Just as the process of allocating land was met with various problems, there is bound to be no objectivity in terms of assessments for who gets the lease and who does not. Political and other biases would affect the whole process. This would not only affect women but men as well.

According to Buka (2006, unpublished) the Ministry of State for Special Affairs responsible for Land and Resettlement is currently processing documentation for the issuing of joint leases to beneficiaries under the A2 resettlement model so that the lease document bears the names of both spouses. Under the A1 resettlement model, the permits will also bear the names of both spouses. In the case of death, the ministry will register the name of the surviving spouse. There has however been the argument that banks can not lend to an individual against a lease that belongs to the state.

A gender critique of the FTLRP

Zimbabwe's legal framework is two pronged, consisting of Customary Law and General law. In the case of land rights, usually the customary law is applied, meaning that women are left at the mercy of traditional leaders as traditional leadership administers customary law. It is a generally accepted fact that where customary law has been applied, it has worked against the interests of women. As Gwaunza (1991) notes, customary rules are defined by men, even where they affect women. The continued application of customary law through various practices has resulted in injustices especially to women. The Communal Land Act and its administration within a framework of customary law preclude women from having rights over land and property. This is in view of the fact that customarily land is allocated to heads of households who are primarily males (Tsanga 2001).

Communal land, which is where most women are located, is state land that cannot be inherited should the woman be widowed. Access to this land is hampered by the enforcement of traditional customs in the allocation of procedures and customarily, land is allocated to males, which automatically excludes women from the qualification criteria.

Single women are better placed than their married counterparts who still have to access land through their husbands and have no security of tenure should their husbands die. Furthermore, there are not many women who own land in small-scale commercial farms, as most women do not have the resources required. The legal and policy framework has not incorporated inheritance rights pertaining to land for widows. The fact of women's lack of access and control over land leads to them being excluded from credit, marketing facilities, decision making powers over agricultural production activities and benefits, negatively impacting on the productive capacity of women (Women and Land Lobby Group, 2000). These are the problems that women are currently experiencing under the fast track resettlement programme and this is exacerbated by the fact that there is no legal or administrative framework in place to ensure gender equality in the distribution of resettlement land.

According to The Utete Report, A1 beneficiaries indicated that they required inputs such as seed, fertilizer and tillage services. Although the problem of access to input and finance affect both men and women, the burden becomes heavier for women who because they do not have permits and leases in their names, cannot access credit. The issue of collateral also comes in when discussing access to credit especially by women who in most cases find it a problem to access credit. Private sector credit is generally biased against women because of the manner in which it is organized. Generally, access depends on the satisfaction of certain demands such as availability of collateral. Because in agriculture collateral is generally in the form of immovable property, few women qualify under these conditions. Thus private sector funding is generally male biased.

Public sector funding fails to meet the needs of all because of its amenability to political interference and corruption. It is therefore more likely to be accessed through political patronage. It is however difficult in the absence of figures to assess the extent to which women are able to mobilize such networks to access inputs and other credit facilities and the extent to which such means ensure justice. In order to benefit women group lending remains the most exemplary good practice that has been tried with success by the former Agriculture Finance Corporation (AFC). The process requires changes in the organization of commodities and inputs making them more affordable to men and women.

In summary, women have had little access and control over land in resettlement areas both in previous land reform programmes and under the FTLRP. Although females heading households can access land and be given permits in resettlement areas, their married counterparts still had to access land through their husbands and have no security of tenure should their husbands die. Furthermore, there are not many women who own land in small scale commercial areas as most women are poor and the legal and policy framework has not incorporated inheritance rights pertaining to land for widows. Access to other resources and services also hinges upon lack of access to land. Despite the fact that the Zimbabwe government is a signatory to CEDAW and is required to report on Article 14 Section (g) which states that women have the right to 'have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes' women still fair lowly in relation to access to these services.

Conclusion and policy recommendations

Post independent Zimbabwe has embarked on the land reform programmes to redress colonial racial imbalances in access to land. Gender imbalances have however in the process been brushed aside, notwithstanding the role of women in subsistence agriculture. This paper has shown that women in Zimbabwe are discriminated against with regard to land allocation and that the reasons are cumulative and multi-dimensional including the pre-colonial, colonial and post-colonial combinations of custom, culture, by-laws and not putting gender discrimination associated with land, on the agenda. In Zimbabwe, land is definitely under male ownership and control and there has been little systematic focus on the question of women's access to and control over land despite the potential importance of land to the improvement of women's status and gender equity.

This paper makes a number of policy recommendations in recognition of the fact that women need to go beyond access to land, but also to consider control and ownership issues and that women's land and property rights should be an integral and inalienable part of human rights. However, interventions should ideally include men and women as opposed to women alone.

Land reform should be matched with legal literacy training for men and women, particularly on the relationship between law and rural productivity, for example, marital legislation like the Marriage Act 5:07 and 5:11 should be reviewed with respect to the needs of women in rural Zimbabwe. Land leases need to be registered in the names of the husband and wife regardless of the couple's type of marriage since under customary law most marriages are not registered (ZWRCN, 1994). In cases of widowhood, surviving spouses should have first option to take over the lease provided they can work the land productively. Agarwal (1999) notes that private title specifically for rural women is a way of ensuring their access to production resources if they are ever to escape the poverty trap.

There is need for a Zimbabwe Land Reform Gender Policy Framework aimed at creating an enabling environment for women to access, own, control, use and manage land as well as access credit for productive use of the land. There is therefore the need to come up with a Land Reform Gender Policy Framework which set out details of women's concerns together with solutions. This document would feed into the National Land Policy. The framework would assist to guide land reform in the aspects of gender.

Given that land redistribution is gendered, based on underlying inequalities in the Zimbabwean society, and given the significant involvement of women in the agricultural sector, all land redistribution documents need to be gender sensitive in addressing the needs of both men and women if all sections of society are to benefit from land allocation.

Furthermore, there is need to allocate and implement a quota system in relation to administrative structures that administer land, ensuring that women are adequately represented and that their needs are not overlooked at all levels, from the headman level, chief, Rural District Council and District Administrator levels.

Legislative and policy initiatives should reflect women's actual experience and needs. The reform process should be participatory. Gender sensitive indicators and gender analysis should be incorporated into all documents dealing with land as well as the National Land Policy. There is need for an elaboration of policy on equitable gender-based land rights, providing it with a firm legal basis, operationalising it and mobilizing capacity to ensure its implementation and effective monitoring. The government and all other stakeholders should comply with International instruments like CEDAW, the Beijing Platform for Action and the FAO Plan of Action for Women in Development, which make removal of barriers to women's access to land a high priority.

Provisions should be made for the domestication of conventions, declarations, and treaties that the government signs. Usefulness of these conventions becomes questionable if they cannot be invoked to address the environment of countries that are signatories.

Comprehensive tenure reform for women that considers marriage, inheritance and contract rights should be made a priority issue. A secure land tenure system needs to be developed to avoid problems with the land market and associated credit access. The current Agricultural Development Assistance Fund (an institution with a broad mandate for agricultural credit for small scale agriculture and with an extensive branch system) should be established as an independent, semi-public credit institution to serve small-scale farmers, especially women.

There is need for reform of marriage, inheritance and customary laws which favour men and contain obstacles to women receiving rights to land. There is need for clear mechanisms in both project planning, beneficiary selection and project appraisal to ensure equitable benefit for women and men. Furthermore, there is need for specific provision for women to enable them to access financial and other services. Specific mechanisms should be put in place to provide security of tenure for women, including the registration of assets gained through land reform in the name of women as direct beneficiaries.

In addition, training in gender awareness and participatory gender planning for all officials and organizations involved in implementing the land reform programme should be embarked on in partnership with non-governmental organisations (NGOs) and community based organisations (CBOs), who are often the key of support to women. This partnership can strengthen community-based women's groups who are engaged in campaigns to increase women's awareness of their rights. There is also need to ensure that those who are involved in land reform are equipped to undertake a gender analysis, which involves systematically examining the roles, relations and processes with a focus on power imbalances and access to resources. Focus should also be on ensuring that the monitoring and evaluation for land reform programme provides the information necessary to monitor women's participation.

There is need to learn from the Land Reform exercise, to come up with a gender sensitive land reform framework in order to assist in the creation of an enabling environment to redress gender imbalances in land redistribution and this could be informed by the Affirmative Action policy. However, the most important thing is to revisit the socialisation process as this continues to influence gender relations.

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