Women and Land in Zimbabwe

By

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Background

Land issues have dominated the discourses and practices of development in post-independence Africa. The primary goal of land reform in Zimbabwe has been to redistribute land to black people. Most of the discourses on land have paid scant regard to the internal social stratification of the colonized peoples especially with respect to land entitlement. Concerns over equity of access across age, class and gender differentiation have been relegated to the background while issues to do with commercial viability, efficiency of land-use and the effects of tenure on productivity have enjoyed much attention (Gaidzanwa, 1995). Throughout the various phases of evolution, land reform in Zimbabwe aimed at redistributing land to black people and the number of women beneficiaries has been very low in comparison to that of men (Gaidzanwa, 1991; Utete Presidential Land Review Committee Report, 2003:35; Ruuswa, 2007).

The disparities in the composition of the beneficiaries of various land reform programs is a result of policy-makers’ continued promotion of the productivity of the poor by targeting men, yet women have historically managed and shouldered the responsibilities of domestic labour, family care and nutritional security (World Bank, 2008) despite the presence of over 35% women-headed and women-managed households nationally (Gaidzanwa, 2004). Compared to men, women have weaker property rights and tenure security and despite this awareness, there still is no defined mechanism that is structured to ensure that women acquire secure tenure (Manjengwa and Mazhawidza, Unpublished paper). Land reform strategies in Zimbabwe have incorporated processes of exclusion, worsening social divisions and class disparities. (Chingarande, 2008). Land reforms continue to apply inheritance and land allocation rules that discriminate against women such that single, married, divorced and widowed women are particularly vulnerable to losing the land upon the death of the man in whom the land is registered (Gaidzanwa, 1995). Historically, women have comprised the bulk of family, contract, seasonal and casual labour in Zimbabwe. The majority of the labourers in agriculture before and after land reform are women yet they rarely control the land (Manjengwa and Mazhawidza, Unpublished paper). Land reform has actually been shown to marginalize women and reduce their commitment to agriculture (Gaidzanwa, 1991).
There is now a need for women farmers to acquire more than mere land access rights to concrete land control rights (Kachika, 2000). This paper discusses the various cultural, political and administrative factors that lead to the limited number of women beneficiaries in the land reform program, the absence of effective tenure security given for women and how this lack of security demotivates women from investing in the land and agriculture as a sustainable livelihood.

**Gender issues in land allocation and reform**

The primary goal of the land reform in Zimbabwe has always been to create racial parity in access to land for settlement and farming. The targets of the first phase of the land reform and resettlement program were landless families, the unemployed and poor families with dependants between the ages of 18 and 55 years and the returning refugees (Gaidzanwa, 1981 and Masiiwa, 2004: 2). The rural poor depended on state subsidies to acquire inputs for their operations. These inputs which were subsidised by the state were inaccessible due to the bureaucratic processes of state departments. This prompted many resettled farmers to return to their rural areas and practice subsistence farming. Inevitably, if the men, who are better positioned within patriarchy, gave up on the resettlement areas, many of the women who had squeezed their way into resettlement also gave up, leaving the men who could use their agency to negotiate their way within the bureaucratic processes. These reforms only gave the beneficiaries permits to reside and work on the land and not to dispose or transact the land (Gaidzanwa: 1981 and Masiiwa, 2004:7). As a result, the legal control of the land was vested in the hands of the government. Over time, in the event of divorce or widowhood, many women lost this land to the male relations of their husbands, the registrants of the land (Gaidzanwa, 1991).

**Communal areas**

The Communal Lands Act of 1981 changed Tribal Trust Lands to Communal Areas and switched authority over land from traditional leaders to District Councils who were supposed to allocate land. However, land continued to be allocated to household heads by the chief or headman reflecting the lack of clarity on which law, customary or statutory, was applicable in the reformed land. Such land could not be transacted since it was held in trust by the chief/headman while the registrant/recipient of the land only had use rights which allowed cultivation, grazing and residence. According to customary law, the male head of the household
is the one who is recognised as the holder of the land. This precludes women from holding primary land rights, relegating them to holding secondary rights derived from and negotiated through the husband. Underlying the land reform program is the pervasive influence of patriarchy in the institutions and functionaries involved in the program. (Jirira and Halimana, 2008). Upon the death of the male registrant of the land, the land was fragmented and shared among his wives or kin. Gaidzanwa (1981: 123) argues, with reference to women’s experiences with land rights in the small scale commercial farms and the communal areas:

“In Zimbabwe, the customary inheritance laws will apply whether land is held ‘communally’ or privately”.

Under such social construction of inheritance laws and practices in patrilineal systems, the application of customary law divests women of the access to land they had during marriage upon the death of the male registrant of the land. This forms the basis of women’s insecurity of tenure which reduces their commitment to and investment in agriculture (Gaidzanwa, 1991).

**Small scale commercial farms**

Small-scale commercial farms were developed to cater for the small group of black people who could afford to buy land from the state. This was facilitated by the Land Apportionment Act of 1930 and the Native Land Husbandry Act of 1951 which set aside Purchase Areas where black people could purchase freehold land. Women’s access to land was mediated through their relationships with men. The men who could afford to purchase land would internally sub-divide some land for use by their wives. In many cases, women had to ‘earn’ use rights to the land by first working on their polygynous husbands’ land and then working on the pieces of land allocated to them by the husband (Cheater, 1980 cited by Gaidzanwa, 1981). Simple agnatic or affinal entitlement could not acquire them access to this land.

In land allocation, the colonial laws blatantly discriminated against women where they specified only the married men as holders of farming rights while married women were only eligible if the whereabouts of their husbands were unknown or their husbands were living outside Rhodesia.
(colonial Zimbabwe). This made it doubly difficult for a woman since she then had to commandeer male agnatic kin to help her fight the pro-male administration and to prove that she had been deserted by the husband while male divorcees and widowers were eligible for land allocations whether or not they had dependent children (Gaidzanwa, 1980). Therefore, the colonial laws on land rights followed and perpetuated the traditional marginalization of women and their relegation to non-monetized domestic work which confined them to the same livelihood options that were dependent on being related to and subservient to the men. Thus, women would always be threatened by divorce, widowhood and other socially marginalising life events which stripped them of male protection and access to land use rights at critical points in their lives.

Inheritance was governed by customary law and the Native Wills Act of 1933 but in practice, the customary law was applied in the purchase areas. When a man died, the customary inheritance law was applied even though the man had a will. The Native Wills Act was “pro-male” and ignored ethnic variations and treated all people as they did the patrilineal Shona and Ndebele yet among the matrilineal Tonga, for example, women could inherit land from their fathers and mothers’ brothers. Under the Native Wills Act, the heir had to be approved by the District Commissioner who could override the man’s written or verbal will. Wives, children and daughters of the deceased men lost their land rights which the District Commissioners bestowed on the men’s surviving male relatives (Gaidzanwa, 1981)

Thus, the non-inheriting males, junior wives and sons lost all incentive to invest in land, preferring to invest in movable assets and urban or other investments. In addition, litigation over land in the event of the death of a male land owner tended to be long-drawn out and debilitating, in many cases halting farm operations for six to seven years while sons, wives and other relatives struggles over inheritance related to the farm. (Rukuni Land Commission).
Table 1. Showing comparison of land distribution in 1980 and 2000 before the fast track land reform

<table>
<thead>
<tr>
<th>Tenure category</th>
<th>Area in million hectares in 1980</th>
<th>Area in million hectares in 2000</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large scale commercial (freehold)</td>
<td>15.5</td>
<td>11.8</td>
<td>30</td>
</tr>
<tr>
<td>Small scale commercial (state lease)</td>
<td>1.4</td>
<td>1.4</td>
<td>4</td>
</tr>
<tr>
<td>Resettlement (state permit)</td>
<td>-</td>
<td>3.7</td>
<td>9</td>
</tr>
<tr>
<td>Communal areas (customary tenure)</td>
<td>16.4</td>
<td>16.4</td>
<td>41</td>
</tr>
<tr>
<td>State owned farms</td>
<td>0.3</td>
<td>0.3</td>
<td>1</td>
</tr>
<tr>
<td>National parks and urban settlements</td>
<td>6</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>39.6</strong></td>
<td><strong>39.6</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Government of Zimbabwe; Ministry of Lands, Agriculture and Rural Resettlement


The first phase of the land reform was carried out under the framework of the Lancaster House constitution under which the Zimbabwean government was to receive funding from Britain to pay the commercial farmers for developments made on the land. However, this funding was erratic throughout the 1990s prompting the Zimbabwe government to free itself of the restrictive and slow willing-buyer-willing-seller clauses of the constitution. The government undertook some resettlement of people with the specific aim of addressing the viability of the farmers under this phase. The farm uptake figures for this period point the model’s failure to redress the land imbalance meaningfully due to the lack of adequate finances to buy land. The government also pursued donor funding from the United Nations Development Programme and many other countries in the European Union as an alternative to British funding. This process was slow and vulnerable to donor conditionalities and technical and administrative structures. The 1998 donors’ conference adopted a 20% quota for women (Manjengwa and Mazhawidza, Unpublished paper). It is not clear why and how this quota was arrived at and what justification was given for 20% as a benchmark of fair allocation of land to women. The focus in this period was purely land redistribution to black people and there was no meaningful attempt at gender equity. The
gender dimension appears to have been a later addition after the violent farm occupations of the early 2000s. Upon the realisation that aid was not forthcoming, the government designated 1,471 farms for compulsory acquisition through the Land Acquisition Act of 1992 that was amended in 2000. However, there was little actual activity on the ground. The pace of land and settler identification, allocation and actual resettlement of people remained slow. Such factors dissuaded women from investing their hopes, time and resources in agriculture, given the difficulties which even the men had to face to remain viable under this phase.

**The Jambanja (chaos) occupations**

The reforms failed to convince the landless peasantry that they were going to acquire land. The process was also hindered by the international lobbying by the Commercial Farmers’ Union (CFU) and the British press for a slower land reform process, the drought, the rigidity of the resettlement processes, the rivalry between ministries involved in land administration and with overlapping authority on land and lack of funds (Mushimbo, 2005: 89). The “willing buyer, seller clause”, of the constitution, lack of funds to buy land and develop it for resettlement, corruption within government and general bureaucracy were some of the reasons for the government’s failure to meet the targets for land resettlement. (Logan and Tevera, 2001). The white commercial farmers contested the designation of farms for compulsory acquisition by the government. The issue of land redistribution had almost vanished from the national agenda during the late nineteen nineties due to this inactivity (Masiwa, 2004). This, together with the lack of funds to buy land, pushed the peasantry and the war veterans to begin the violent “Jambanja” unauthorized occupations of commercial farms. Land scarcity and general economic suffering of the masses with the program brought moral pressure to bear on the government. The government was not in a position to halt these occupations through the use of riot police in the face of the impending 2000 parliamentary elections. The strength of the opposition Movement for Democratic Change party spurred the government to accelerate the land reform amidst the occupations by peasants. The state can alter the legal code and the customary law to deal with pressing political, socio-economic and financial problems confronting it to the extent where land reform can have very little to do with social realities of the people (Barraclough, 1999). The fast track land reform program resulted in significant shifts in landholding by race, class and to a
lesser extent, by gender. The fast track land reform in Zimbabwe did not manifestly target gender equity but racial parity, the most pressing socio-economic and political issue of the time.

**Gender issues in the A1 and A2 models of the fast track land reform**

Allocation of model A1 farms is by a user permit issued by the District Administrator on the recommendations of the village head or local councilor. These people are mostly men who are adherents of the patrilineal culture and dominant party, Zimbabwe African National Union-Patriotic Front (ZANU-PF) that privileges men’s land rights over those of women (Manjengwa and Mazhawidza, Unpublished paper). As a result, in the A1 model, women only obtained rights to use the land but were not given these as separate individuals. Rather, the user permits were given to the men because of the overarching dominance of men in the selection process.

Under the A2 model the settlers practice small scale, medium scale, large scale or peri-urban farming (Roth and Gonese, 2003:271). Upon demonstration of ability to fund own operations on the farms, some farming knowledge, proof that they had capacity to utilize the land and to hire a farm manager, the A2 claimants were supposed to secure 99-year leases from the government (Manjengwa and Mazhawidza, Unpublished paper). The aim was to support the smallholder farmers to move away from subsistence farming towards market-oriented, profit-driven and self-sustaining farming (Rukuni 1992:21). Very few rural women who needed the land met such eligibility criteria and thus, only 13-22% of settlers in various provinces were women who were politically connected and could acquire A2 farms. Few women could produce a record showing that they had previously been in agriculture or that they had the basic assets and savings needed to run farming operations. In the family, assets and savings are usually registered in the name of men (Manjengwa and Mazhawidza, Unpublished paper). The names on the application forms were those of the men despite their marital status. Upon the death of the men, women could not change and register the land in their names.

The government departments such as the Agricultural Research and Extension and Local Government are male dominated especially in the middle and upper positions where decisions on
land allocation were made. The Presidential Land Review Committee acknowledged that most of the women beneficiaries of the land reform were in the A1, the villagised model while men dominated the A2 model (Gaidzanwa, 1994). Both A1 and A2 women farmers struggled to access inputs, seed, fertilizer, finance, labour, extension services and farming equipment. They often did not have collateral and had to compete with men for the limited credit that was available, yet men already owned properties and could draw on their social networks to support them (Women and Land in Zimbabwe, 2006). In their study in Goromonzi, Manjengwa and Mazhawidza found that none of the respondents managed to secure the 99-year leases which the government promised to the A2 farmers. Thus, the fast track land reform also perpetuated women’s insecurity of tenure. This was also compounded by the fact that the initial ‘allocation’ process of settling on the land, the Jambanja, invasions were not formerly structured but were based on political expediency and social networking which women were not strong at as compared to men.

Domestic division of labour

The main issues arising from the fast track land reform relate to land and farming systems, land size allocations, access to and control over labour, water and other factors of production, diverse forms of income, credit, markets while the factors that prefaced the fast track land reform namely, the demonstrations and spontaneous land settlements, were largely male dominated affairs. Thus, from the outset, men were better placed than women with regards to accessing land. Women’s mobility was limited by domestic division of labour which demanded that they to take care of the children and could not leave them for long periods of time to occupy land until it was designated, surveyed and allocated (Gaidzanwa, 1994). Men were able to settle on the land and stay on it long enough to ensure that it was allocated to them. Married peasant women assumed that they would share their husbands’ land as per custom so they stayed at home and looked after the fields, children and livestock while the men settled on the land. Politically active women especially in the ZANU-PF party were able to access land through the party while urban women activists in civil society took either a conflicting and ambiguous position or actively opposed land reform and dissuaded women from applying for land.

Inheritance laws
The dominant criteria for allocation of land assume that households centred on married couples or that women would seek land within the family context. The land is then held through registration in a permit system which does not specify time of its validity and the man is usually the registrant. The male-headed household is taken as the norm such that land permits are registered in the names of the men amongst married couples (Gaidzanwa, 1995 and Manjengwa and Mazhawidza, Unpublished paper). The male registrant is assured of tenure until he dies and thereafter the state determines whether the widow(s) and children of the holder can succeed to the land on the same terms as the original holder. Customarily, that heir is male. It is immediately evident that the registration system is biased in favour of men (Gaidzanwa 1995).

The Women in Law in Southern Africa (1993) and Chenaux-Repond in (1993) found that at least 25% of rural households are female headed but less than 15% of the resettlement households are female headed, indicating that fewer women were allocated land. Thus, women in resettlement schemes might become primarily land holders only in the event of the death of their husbands. This most likely occurred about ten years after settlement as Chenaux-Repond found in the three resettlement schemes that she studied. On average, the male permit holders were aged 51 while their first wives were aged 38. Since in Zimbabwe, women outlive men in general, these wives usually have to deal with succession issues with government personnel in order to inherit the land use rights that were originally granted to their husbands (Gaidzanwa, 1995). Women and men farmers face the same problems of bureaucracy, delays in allocation and sustained droughts these are grossly magnified for women because of the gender-insensitivity of the policies and general societal attitudes towards women’s empowerment (Manjengwa and Mazhawidza, Unpublished paper).

**Utilisation of customary and statutory law**

The fast track land reform made no effort to separate the customary and statutory law and to identify the sources of women’s oppression due to the application of each of these laws. Neither did the land bureaucracies seek to understand the compound effects of using both simultaneously as frameworks guiding land allocation in the land reform. Customary law treats women as minors while statutory law recognizes the age of majority principle. However, due to the
dominance of men in the land reform processes and in the positions where the major decisions are made and in the implementing structures, customary law prevailed. According to Jirira and Halimana (2008), the fast track land reform program did not produce any legal and policy framework that attempted to incorporate inheritance issues utilising the insights of statutory law. Both sets of laws became relevant and applicable because of the absence of gender sensitive planning to cater for widows, single, divorced or married women. The simultaneous utilisation of customary and statutory laws resulted in women not being treated as equal citizens with equal rights to claim land, credit and assistance from the government, land reform administration institutions and other stakeholders in the land reform process.

**Women as labourers not partners with their husbands**

Women enjoy use rights to land owned by husbands or sons (Lopi, 2004). Women lack motivation to invest in the resettlement areas because land is usually required by the men who own it, and women provide labour and are held to be equal partners of the men in the agricultural enterprise. Chanaux-Repond (1993) found that 14% of the male monogamous plot-holding household heads married one more wife after settling while amongst those men who settled as polygynists, 13% married a minimum of one additional wife after settling. Thus polygamy has increased from 26% to 36% among male plot holders since resettlement. In the absence of a succession policy for these farms, it is possible that these farms will be succeeded by two wives or eldest sons. However, the frequency of polygyny means that the junior wives of polygynists and their children might find that their livelihoods are only secure during the lifetimes of their husbands, since these junior wives are usually married for labour purposes (Chanaux-Repond, 1993). Upon realisation of the fact that the husbands only want them for agricultural labour, women thus become less keen to invest their resources in agriculture.

It is not surprising in contemporary Zimbabwe that young women and men migrate from rural areas in equal numbers. Thus, while in the past, women could be relied on to remain in rural areas and bear children, look after the aged and sick and provide agricultural labour, the situation has since changed as young women opt out of this system in favour of urban-based livelihoods where they have better opportunities to acquire freehold land, houses and assets, share movable
and immovable property with men on marriage and divorce and inherit assets acquired with their husbands.

**Possible policy options to improve women’s tenure security**

Engendering land reforms is needed to develop a policy framework that gives privileges to women in land reform through the identification of the implications and impacts of the criteria, procedures and delivery processes on married, single, divorced or widowed women and girls in comparison to men and boys. This should also highlight the gaps between policy statements and the actual resources channeled towards their implementation. Areas needing attention include farm mechanization and credit schemes. This will help increase women’s productivity and increase their ability to accumulate resources to use as collateral for credit.

There is need for clarification of which of the two sets of laws between customary and statutory law are used in land allocation. The use of statutory law will help women if they are recognized as capable plot-holders in their own right with or without the involvement of men.

Women A2 farmers can establish a national union and district-specific unions to represent them in credit and inputs negotiations, contract structuring and produce marketing.

The government needs to finalize tenure agreements and both the men and the women in marriage need to be recognized as legal registrants while those women seeking land in their own right must be allowed to be the registrants of the land which they apply for.

**Conclusion**

The land reform program accomplished its objective of redistributing land to black people although the internal composition of the black beneficiary population was skewed by gender. There is a need to develop land reform policies and tenurial structures that secure women’s access to land and their control over the land they are allocated. This implies that governments must recognize, promote the land rights of women who are married, divorced, widowed or single and facilitate women’s participation in the design of tenure systems because women’s labour is a major contributor to agriculture hence their land rights matter for development.
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