Learning Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession
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Women's land rights and housing in Zimbabwe

Presenter: Norman Munyikwa
Women and Land in Zimbabwe (WLZ)
Women's Land rights and Housing:
Presentation outline:

1. Introduction
2. Overview of Women's Land rights & Housing in Zimbabwe
3. Land reforms and Women's land rights
4. Policy effects
5. Stakeholder analysis, power and voice.
About WLZ

Women and Land in Zimbabwe (WLZ), formerly known as Women and Land Lobby Group (WLLG), is a member-based organization, formed in 1998 by a coalition of activists and organisations whose vision was to advance and economically empower women.

Focus areas:

- Land and natural resource rights for women and girls
- Sustainable agriculture production
- Gender justice and women empowerment
- Marketing and trade justice.
Importance of women's land rights and housing

a. Dignity/respect/identity
b. Sense of belonging
c. Security – decent housing/ source of livelihoods
d. Protects women from staying in abusive relationships
e. Power to making decisions, choices
Introduction to women's land rights – current realities

• Rights to land, housing and property are essential to women’s equality and wellbeing. Women’s rights in, access to and control over land, housing and property is essential for their daily survival, economic security and physical safety. Despite the importance of these rights for women and women headed households, women still lack security of tenure.

• Policies and laws in Zimbabwe regulating access to land rights to housing are progressive, yet implementation is lacking, for example the current (political powers and administrative authority) is used to allocate land rather than using policies and laws causing confusions regarding allocation of housing stands, development and financing of decent homes.
Women’s land rights realities (cont’d.):

- This is often due to the fact that registration of property is done in a man’s name; the father, husband or brother.

- In case of separation or divorce, the man often retains rights to the property or land whereas the woman becomes homeless or will have to share the property with her in-laws without gaining control or rights over it.

- Discriminatory legislation on and lack of control over property, land and housing also mean that women are excluded from community decision making processes that are led by men who normally are the landowners.

- In rural communities, ownership of land determines both social status and the way in which control is exercised over a household’s resources and income.

- Women’s disadvantaged economic position in this regard creates a structural dependence on men for access to resources, which in turn can subject women to insecurity and violence.
Women’s land rights realities (cont’d.):

• Some women suffer from multiple forms of discrimination – e.g. older women, women with disabilities, women living with HIV/AIDS or women belonging to minority communities or indigenous groups face additional obstacles in accessing land and property.

• For instance, widows, often older women, in some places are blamed for killing their husbands by infecting them with HIV/AIDS and in-laws use this as a justification to dispossess them and evict them.
Women's land rights realities (cont’d.):

• Cultural and religious practices, as well as customary practices, also can have an impact on women’s rights related to land, property and housing.

• These practices often exist in parallel with statutory laws. These often discriminate against women in the fields of property, land and housing and sometimes trump national laws.

• In addition, the interpretation of statutory laws is influenced by customary laws or practices to the detriment of women’s rights.

• Women often have no access to participation in decision making with respect to land, property and housing even though these issues affect them directly and seriously.

• Gender bias within the official administration also leads to the exclusion of women from decision making on policies and programmes on housing and land.
Right to housing for women in Zimbabwe

• In 2012 the government of Zimbabwe with UN Habitat supported the completion of the National Housing Policy that had been a draft since 2000.

• Zimbabwe Constitution (2013) has a provision on the right to shelter and land resources along side other progressive provisions.

• However, constitutional provisions are not being implemented

• Political economy and women's access to housing:

  Political power, administrative power, traditional power hinder women's ownership of land and housing.
Historical background of land and gender

• Despite the rhetoric of empowerment and inclusive growth, it is argued that land reform strategies in Zimbabwe have incorporated process of exclusion, worsening social divisions and class disparities (Chingarande: 2008). Throughout the various phases of land reform, the number of women beneficiaries of land reform has been comparatively lower than that of men (Gaidzanwa: 1991; Utete Presidential Land Review Committee: 2003, 35; Ruswa: 2007).

• The colonial policies led to rural differentiation which led to the emergence of rich, middle and poor peasant. Even within the rural differentiation, women were marginalised.

• Underlying the land reform programme, in the pervasive influence of patriarchy in the institutions and functionaries, involved in the program (Jirira and Halimana: 2008; WLSA in Mushunje: 2001, 17) correctly noted that whether women's land rights are considered from historical perspectives or in the context of today, women have limited rights to land.
First and second phase of land reform.

- Strides to address racial inequalities, but limited advance on gender equality. Initial **settler selection criteria appeared to be gender neutral**, women did not benefit in practice (Thuma: 1997, 82);
- Second phase and fast track phases distributed land successfully (Moyo: 2011, 4): 1980–2009 over 13 of the 15 million hectares controlled by 6,000 white farmers in 1980 transferred to over 240,000 families of largely rural origin;
- FTLRP increased women's access to land [12% A1 and 18% A2] (Moyo: 2011, 6; Moyo: 2011, 13).
Land reforms and women's access to property

- The prohibitive high costs associated with formalization (documentation) of land rights—either during first-time registration/documentation, or the costs of updating records during land transfers (in the form of inheritance/gift or sale) also contribute to the further marginalization of women;

- Most of these processes lack transparency and operate in a top-down manner, meaning that vulnerable groups such as women run a higher risk of incurring informal costs;

- Land corruption affects women's land and housing rights.
Stakeholder analysis: Power and voice

Political-economy analysis illuminates positions and influence of various stakeholders, with other groups and their interest in women and land rights issues:

- **Traditional leaders**: Paramount chiefs, sub chiefs, headmen, village heads governed by the Traditional Leaders Act, promote and uphold community’s cultural values, exercise power to decide who owns land in the community, can hinder/facilitate women’s land rights;

- **Rural District Councils** (RDCs): Hold administrative power in the district as custodian of law at community level, answer to political leaders, can hinder women’s access to land;

- **District Administrator** (DA): Represents central government at district level, give needed permission to CSOs to operate first before approaching RDC;

- **Councillors**: Elected through political votes, represent their political party’s interests.
Policy effects

• Lack of proper implementation and enforcement mechanisms undermine the reforms’ potential positive social and economic outcomes;
• No matter how comprehensive the legal and institutional framework, women end up facing continuing discrimination at various stages of the implementation process and afterward;
• Potential impediments to proper enforcement and implementation of land reforms include—but are not limited to—lack of capacity (financial and technical), corruption, and social practices in customary laws that favor men;
• Despite some progressive constitutional provisions, laws and polices, women's rights to land have yet to be fully realised and reality still characterised by deeply entrenched patterns of exclusion buttressed by patriarchal tradition.
Conclusion: Current national process

- Realignment of land policies with Mines and Minerals Act, farmer-miner conflict should be resolved, process ongoing;
- Land audit to resolve issues of multiple land ownership, availed land to also benefit women (ongoing);
- Review and formulation of the national gender-sensitive land policy to secure land rights for women (ongoing);
- Review and formulation of Agriculture Policy.
Engagement with chiefs
Movement building – Rural women's assembly for collective advocacy and lobbying
Women are the real farmers; they grow crops to feed their families – Thulilishongwe irrigation scheme.
Recommendations

• Reform customary laws to give land titles to individuals, ensuring individuals’ legal power over their land. This will help women to secure legal rights to properties that they owned or inherited;

• Reform titling operations, whereby mainly men got their names on the documents (A1 and A2 farms), deemed “household heads”; widows lucky enough to get land were allocated the smallest plots;

• Uphold right of consent, while the land may be registered in the name of a man, barring sale without the consent of his wife(s) or other heirs;

• Implement SI 53 of 2014 to ensure that family land/property cannot be sold without others being informed, without the consent of other wives, or first wife;

• Another alternative would be for land to be put in the name of families or both men and women to have their names on the certificate/Joint registration.
Thank You