



GENDER AND BROADENING ACCESS TO LAND AND WATER IN SOUTHERN AFRICA

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Introduction

THE COUNTRIES OF SOUTHERN AFRICA are undergoing radical change in policies on key factors of production: land and water. The impetus for change comes from several sources. One aim is to redress the history of racial inequity in the distribution of land and the associated pattern of allocation of rights to water. Another goal is to promote more productive use of land and water by instituting and clarifying rights to land (often with an emphasis on property rights) and to consider water as an economic good rather than as a type of social service. A third aim is to protect scarce environmental resources, while a fourth is to develop a more democratic political process by decentralizing government functions to lower levels. Ideally, there would be interactions across all these goals—thus, increased equity in access to key resources and more decentralized modes of governance would promote more effective use of resources and provide incentives to use resources in more sustainable ways.

One dimension of inequality in rights to land and water derives from gender differentiation, where women have fewer rights, authority, and decision-making over these key resources than do men. Even where explicit mention is made of the need to address women's needs and rights, far less systematic progress has been made in substantially improving women's roles in managing and benefiting from land and water use. There are errors of omission, particularly a failure of appropriate legal, legislative, and

policy initiatives, and errors of commission, where particular approaches either fail to achieve the stated goal of improving women's access and rights or have negative effects. Careful analysis is needed to identify and explain the often unintended negative effects produced by existing or new legislation and policy. While continuing problems for women are documented and although no single approach has proved effective in all circumstances, the complexity of the situation suggests that it is essential to learn from mistakes and to adapt methods.

Land reform and redistribution

BASIS-supported research on land was conducted in Namibia, South Africa, and Zimbabwe, where land policy reform and land redistribution aim to reverse the history of racial inequality. The research was based on samples drawn from the deeds registries of land transfers made between 1996 and 2000. Results show that in all three countries the rate of redistributing land to historically disadvantaged groups has been very slow through both government and private transfers. Though the latter have done rather better, all recorded land transfers represent a tiny proportion of farmland available for redistribution, averaging 4.7% per annum in Namibia, 1.8% in KwaZulu-Natal, South Africa, and 1.4% in Zimbabwe between 1996 and 2000, rather than the hoped for 5-6% per annum. The Namibian results are biased by an accelerated land purchasing program initiated by the government

in 1995. If these purchases are subtracted, then the Namibian figure falls to 3.3%.

Tracking the proportion of women receiving title to land is difficult. The only feasible method with deeds registry samples is to identify gender by the name listed on the land title. The largest percentage of female names is found in titles of joint ownership, usually wife and husband. Deeds in the names of a woman and man jointly or in the name of a woman solely made up 34% of sampled deeds in Namibia, 55% in KwaZulu-Natal, and 42% in Zimbabwe. In a small case study of a sub-sample in Zimbabwe, many sole female owners were found to be widows “holding” land for their sons as transitional caretakers. The case study and interviews in all three countries revealed that women faced greater difficulties than did men in financing land acquisition and in obtaining the wherewithal to use land productively. Women, especially independent farmowners/managers, face disproportionately more difficulty in obtaining bank loans and securing services from either government or private sources. The causes are a combination of social discrimination against women (in the most extreme cases, they were unable to obtain credit without a husband’s signature and/or were told outright that “women can’t manage these things alone”), a relative lack of experience with managing farms, finances, and other business activities, and a generally lower level of income and wealth.

Recommendations to help reverse the pattern of discrimination against women include promoting automatic inclusion of women’s names on property titles held by married couples, whether ownership, lease, or rental, including women’s names on all “household” lists of beneficiaries for such programs as delivering water supplies or setting up rights to land or landed resources, and improving women’s independent access to credit programs, especially those designed to increase access to land and the resources needed to use land productively. Wealth redistribution through equity-sharing schemes also could help correct gender imbalances because women are well represented among farmworkers in several countries. The more general recommendations also have gender implications, including improving macroeconomic conditions to reduce the high rates of inflation that have pushed capital out of the reach of many, especially women, and developing innovative financial products that help small to medium-scale farmers obtain capital to acquire and use land.

Water policy reform

Policy documents now almost automatically include discussion about the need to address gender differences in resource management and to increase efforts to identify women as key players in the reform process. For example, the Water Resource Management Strategy group established in the Zimbabwe Ministry of Rural Resources and Water Development included an economist whose expertise in gender analysis effectively brought gender issues into the water sector reform process and ensured an explicit attention to gender in the new draft water policy document.

Too often, however, general statements calling for attention to “women’s issues” or “gender difference” are not translated into specific actions. Commonly, policy documents refer to gender only at the end, reflecting a tendency to see gender as an “add-on” rather than a constitutive part of the social and economic process. Moreover, policies and legislation are mostly written in gender-neutral language using terms such as “people,” “stakeholders,” “households,” and so on. This convention prevents careful consideration of specific categories (of “people” or “stakeholders”), particularly women compared with men, as well as distinguishing among different categories of women (rich, poor, farmers, urban workers, and so on). Unequal outcomes of an apparently general law can result from indirect discrimination: a policy or law on resources may be neutral in language but may prove systematically inequitable for women in its implementation because of the failure to address gender-based differences in access to and use of resources.

The new water policies and programs are based on basins or catchments in all southern African countries. New institutions had been put in place only in some of the research sites, yet already gender discrimination is evident. In Zimbabwe, for example, women were scarcely represented—whether as participants, spokespersons, or officers—in virtually all new councils set up at various levels to manage water supply. In all the research countries, women are key players in village-level committees set up to manage taps or boreholes or other water supplies, yet this pattern has not been replicated at higher levels of administrative authority. If the move towards increasingly decentralized systems of management is to work, then much more needs to be done to ensure that women are incorporated as authoritative makers of opinions and decisions at all bureaucratic levels.

Research indicates a range of techniques for improving women's full participation as decision-makers in the reform and implementation process for water. Just as the land researchers suggest that wives' names ought always to appear on land titles (or rental or credit forms), so water researchers indicate the importance of requiring registration of both spouses in programs concerned with water supply and management. For example, researchers point to the need to revise draft policies such as the guidelines to the new Water Act in Zimbabwe, which do not require registration of both spouses where land is privately held.

Just as the land researchers found that women face greater difficulty in obtaining capital, credit, technical and other services for improving their capacity to use land productively, so the research in Mozambique found that women in small-scale irrigation schemes were much more likely to default on their service payments and to be forced to give up their irrigated plots. They experienced more difficulties obtaining credit and access to profitable markets than did men. Unless special efforts are made to secure women such access, the proclaimed goal to provide women with income opportunities through small-scale irrigation will be hollow.

Women's full engagement in the various policy reforms suffers from shifts in conceptual frameworks for incorporating gender into policy for resource management. The UN, for example, declared the 1980s to be the decade for water and sanitation. The resulting programs for developing and improving water supplies and sanitation have had positive effects for many poor people in southern Africa. The programs have given greater visibility to women's critical roles in the management of water and sanitation at household and community levels. The downside, however, has been a tendency to identify "women's roles" in isolation from those of men and to separate them from broader economic and social processes. The overwhelming focus on women's "domestic" uses of water obscured the important economically productive uses of water for small-scale irrigation, horticulture, or food processing. More generally, the concentration on "primary" water use contributed to relegating women to domestic and subsistence contexts. In turn, this contributed to stereotypes of women as "natural" caretakers of basic resources, inhibiting assessment of what responsibilities, rights, costs, and benefits were faced by women as compared with men.

The analytical framework to be used by policymakers concerned with redressing gender-based inequities

should privilege gender *relations* rather than *roles*; reliance on the latter tends to produce static stereotypes, whereas a focus on the former more easily reveals key social and economic differences among women and between men and women. Also, a human rights approach is proving effective. This combines the "capabilities" approach with an institutional analysis to legal and rights frameworks. This means not merely analyzing the formal statutory/legislative and customary norms and rules but also the actual practice. For example, a committee might be mandated to have a certain percentage of women among its members, but if they do not speak or their opinions are never translated into action, then this is a "paper" committee.

Conclusions and recommendations

1. The aim of achieving equity in the southern African land and water policy reforms puts most emphasis on erasing racial inequalities, then on class or wealth inequalities, with gender inequalities last.

When problems of gender inequality are mentioned in the land and water policy documents, generally it is pro forma, possibly resulting from donor and lobbying group pressures rather than strong commitments to broaden women's access to resources and legal rights.

2. Establishing new organizations and positions for decentralized water and land management structures does not in itself guarantee gender neutrality or women's access.

Newly instituted structures and roles are quickly shaped by existing gendered social relations and cultural norms. Measures must be taken to counter these preexisting social forces at the design and inception phases of the new organizations. Such measures might include: (i) legal frameworks that explicitly recognize women's rights to land and water resources, (ii) quotas for women's membership in key institutions and procedures, and (iii) means for overcoming obstacles women face in becoming full participants.

3. Policy reforms of water and land in southern Africa all emphasize features such as efficient management of resources, commercialization and market integration, and stakeholder participation. By failing to bring strong analytical and procedural attention to gender differences, the reforms reproduce and sometimes exacerbate gender inequalities.



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Too often women are associated solely with “primary,” or domestic, use of water and “subsistence” production, and not with “commercial” uses. Research contradicts these stereotypes. First, women are entrepreneurs either as sole producers (such as producing and selling vegetables, processing food crops and animal products for sale, making beer and other drinks for sale) or as partners with their husbands (producing major regional crops such as maize, tobacco, cotton, sugar cane, and vegetables for sale). The greater obstacles women face in gaining access to capital, credit, and markets must be addressed seriously. Second, more recognition needs to be paid to the critical role of women in social reproduction, which is undervalued by such terms as “domestic” or “primary.”

4. *A simple but effective means of bringing women's rights to a more equal level to those of men is to list wives' names on a par with their husbands' names on all land titles, lease or rental forms, registries of land, water leases or permits, programs of delivery of services, and so forth.*

5. *More appropriate analytical frameworks for policy to redress gender-based inequities in access to the key resources of water and land include (i) those that privilege gender relations rather than roles because this avoids static stereotypes and more easily reveals key social and economic differences among women and between women and men, and (ii) those that are based on a human rights approach that would entail analysis not only of the formal statutory/legislative and customary norms and rules but also of actual social practices.*



Suggested reading

- Chilima, Grace, Bryson Nkhoma, Geoffrey Chavula, and Wapu Mulwafu. 2001. *Community-Based Management Approaches in the Management of Water Resources in the Lake Chilwa Basin, Malawi*. Paper presented to the BASIS CRSP Southern Africa Synthesis Workshop, Magaliesburg, South Africa, July 2001.
- Das Neves Tembe, Joel, and Aristides Baloi. 2001. *Water Access, Policies and Irrigation Scheme*

Management in Mozambique: A Case Study of Umbeluzi Basin. Paper presented to the BASIS CRSP Southern Africa Synthesis Workshop, Magaliesburg, South Africa, July 2001.

Derman, Bill, Francis Gonese, Claudious Chikozho, Jim Latham, and Everisto Mapedza. 2001. *Water Reform Policies: The Zimbabwe Experience*. Paper presented to the BASIS CRSP Southern Africa Synthesis Workshop, Magaliesburg, South Africa, July 2001.

Ferguson, Anne. 1998. *Water Reform in Zimbabwe: Gender Equity Dimensions*. Paper presented at the American Anthropological Association Annual Meetings, Philadelphia, PA, 2-6 December 1998.

_____. 2001. *Decentralization and Environmental Reform in Zomba, Malawi: a Place-Based Critique of Participatory Strategies*. Paper presented at the American Anthropological Association Annual Meetings, Washington DC, 28 November-3 December 2001.

Ferguson, Anne, and Bill Derman. 1999. *Water Rights vs. Rights to Water: Reflections on Zimbabwe's Water Reforms from a Human Rights Perspective*. Paper presented at the American Anthropological Association Annual Meetings, Chicago, 17-22 November 2001.

Ferguson, Anne, and Wapu Mulwafu. 2001. *Decentralization, Participation and Access to Water Resources in Malawi*. Paper presented to the BASIS CRSP Southern Africa Synthesis Workshop, Magaliesburg, South Africa, July 2001.

Hellum, Anne. 2001. “Towards a Human Rights-Based Development Approach: The Case of Women in the Water Reform Process in Zimbabwe.” *Law, Social Justice and Global Development Journal (LGD)*, <http://elj.warwick.ac.uk/global/01-1/hellum.html>.

Hellum, Anne, and Bill Derman. 2001. “Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice Through an Integrated Human Rights Framework.” Paper prepared for Land Reform and Conflict Management in Southern Africa, United States Institute of Peace, Washington DC, 22 October 2001.

Petrie, Ragan, Kizito Mazvimavi, and Michael Roth. 2001. *Seeking Women Land Owners and Ownership in Zimbabwe: Case Studies of Deeds Registration Haves and Have-Nots*. Paper presented to the BASIS CRSP Southern Africa Synthesis Workshop, Magaliesburg, South Africa, July 2001.

Sithole, Bevlyne. 2000. *Devolution and Stakeholder Participation in the Water Reform Process in Zimbabwe*. Paper presented at the International Association for the Study of Common Property meeting, 2000.