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## MEASURES FOR THE IMPROVEMENT OF WOMEN'S LAND HOLDING AND LAND RIGHTS



46

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## I. INTRODUCTION

### 1.1 Land Tenure and African Agricultural Development

The problem of low productivity is fundamental to the long-term deteriorating trend in agricultural and per capita food production that has characterized African agriculture during the past decades. Widespread desertification and degradation of African farmlands and the present heavy dependance on natural rainfall which are some of the causes of low productivity, reflect the inability of African member States to sufficiently invest in and develop technologies and farming systems suitable for adoption by small farmers. Inadequate land tenure systems and lack of economic incentives to small farmers have been other major contributory factors to low productivity which over the years has slowly led to the current food crisis in Africa.

Of particular relevance to this report is the issue of land holdings, land rights and security of tenure. Access to productive assets especially land is the most important determinant of income distribution and welfare in most parts of Africa. Primary production at present holds the key to the development of African economies. The legal and other conditions under which land is allocated and held and passed on from one generation to another greatly affect production. Secure tenure opens the way to increased short- and long-term investment, contributes to conservation of soil and provides optimum conditions for maximizing production. Because land tenure systems affect the patterns and types of agricultural production as well as access to and control over production inputs and other resources, they have important implications for productivity, output and household food security and welfare.

The achievement of overall agricultural development and the alleviation of the African food crisis in particular, therefore significantly rests on the provision of appropriate and incentive tenurial arrangements to the multitude of small farmers who constitute the backbone of Africa's food and agricultural sector.

### 1.2 The Role of Women in African Agriculture

The majority of sub-saharan Africa's small farmers are rural women. In sub-Saharan Africa, they constitute more than 50 per cent of the agricultural labour force (table 1) and provide as much as 80 per cent of the labour related to food production, processing and local trading. Inegalitarian intra-household relations and sexual differentiation of roles in agriculture which characterize most of Africa, assigns men and women unequal, though, complementary tasks, obligations and responsibilities. In particular, they allocate to women the primary responsibility for food production and household food security.

**Table 1 - Distribution of agricultural population by sex**

| Countries            | Period  | Men<br>(percentage) | Women<br>(percentage) |
|----------------------|---------|---------------------|-----------------------|
| Cameroun             | 1972/73 | 43.1                | 56.9                  |
| Congo                | 1972/73 | 38.6                | 61.4                  |
| Cote d'Ivoire        | 1973/74 | 47.3                | 52.7                  |
| Ethiopia             | 1974/75 | 66.6                | 33.4                  |
| Lesotho              | 1969/70 | 49.3                | 50.7                  |
| Malawi               | 1968/69 | 48.3                | 51.7                  |
| Mali                 | 1977/78 | 49.7                | 50.3                  |
| Central African Rep. | 1985    | 44.4                | 55.6                  |
| Tanzania             | 1971/72 | 46.4                | 53.6                  |
| Seychelles           | 1960    | 63.2                | 36.8                  |
| Swaziland            | 1971    | 45.5                | 54.5                  |
| Togo                 | 1970    | 42.3                | 57.7                  |
| Zaire                | 1970    | 46.5                | 53.5                  |
| Zambia               | 1970/71 | 52.1                | 47.9                  |

Source: National Agricultural Censuses. (In ECA; Report on Measures to be taken to improve basic statistics on women in Agriculture in Africa, 16 March 1989. Submitted to the Twenty-Fourth Session of the Commission/Fifteenth Meeting of the Conference of Ministers, Addis Ababa, Ethiopia, April, 1989)



Such agricultural tasks as land preparation, planting, sowing, weeding, storage, processing and marketing of food crops are traditionally regarded as women's tasks for which they provide between 60 per cent and 95 per cent of the labour input. (Table 2) In most countries, women also perform such operations as felling, clearing, pruning and grazing of livestock which are regarded as men's tasks.

But in addition to their agricultural production activities, they also play a multiplicity of other roles. They participate in wage labour, non-farm income generating activities as well as reproductive processes. These and other responsibilities keep women busy from dawn to dusk and compared to men, women have little time for rest and sleep. Figure 1, although depicting a woman's day in Burundi reflects the general situation of women in sub-saharan Africa. Due to a variety of circumstances, women are also increasingly assuming major responsibilities as heads of household. In Kenya, Swaziland and Mali for example, 33 per cent, 70 per cent and 16 per cent respectively of households are headed by women<sup>1</sup>. In Lesotho, 60-80 per cent of all rural households may be de facto and de jure female headed<sup>2</sup>.

Jennie Day<sup>3</sup> provides a more succinct account of women's role in and responsibilities through out the continent for cash and staple food crop and fisheries production and food handling which should leave policy makers in no doubt as to the need to focus development efforts on women. Such focus should aim at improving their access to resources, inputs and other support services so as to maximize their contribution to the development process and increase benefits to them and their families. Women's limited access to and control over land and other productive assets, (credit, labour, improved technology), linked to security of tenure and the tendency to marginalize them in farm management decisions have played a significant role in the slow growth of productivity and food security in Africa.

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<sup>1</sup> ECA; Women and Cooperatives: Egypt, the Libyan Arab Jamahiriya and the Sudan. ECA/ILO Handicrafts and Small-Scale Industries Unit; African Training and Research Center for Women; Addis Ababa, Ethiopia, 1980, p.1.

<sup>2</sup> Government of Lesotho; Lesotho Country Report on Progress in Agrarian Reform and Rural Development with selected Rural Development Indicators. Maseru, March, 1983, p. vi.

<sup>3</sup> Jennie Dey, Women in Food Production and Food Security in Africa, Human Resources, Institutions and Agrarian Reform Division, FAO, Rome, 1984. See especially Chapter 2.



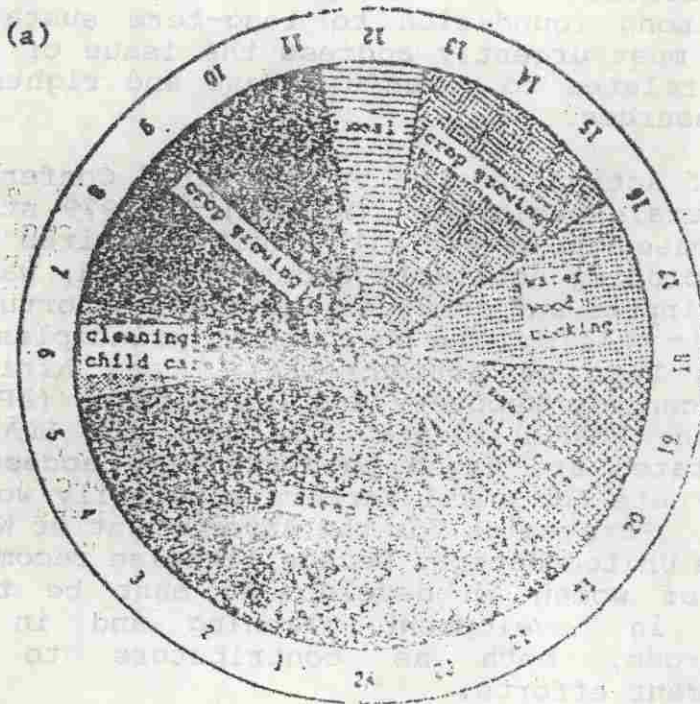
Table 2 - The division of labour in Africa

|   | Percentage of total work in hours |       |
|---|-----------------------------------|-------|
|   | Men                               | Women |
| Tree felling and field fencing                            | 95                                | 5     |
| Tilling   | 70                                | 30    |
| Sowing and pruning  | 50                                | 50    |
| Hoeing and weeding  | 30                                | 70    |
| Harvesting  | 40                                | 60    |
| Transport of the harvest from field to house              | 20                                | 80    |
| Storing the harvest                                       | 20                                | 80    |
| Processing food crops                                     | 10                                | 90    |
| Selling the surplus (including transport to market)       | 40                                | 60    |
| Tree pruning  | 10                                | 90    |
| Carrying water and firewood                               | 50                                | 50    |
| Care of domestic animals and cleaning stables             | 50                                | 50    |
| Hunting   | 90                                | 10    |
| Feeding and care of the young, the men and the old people | 5                                 | 95    |

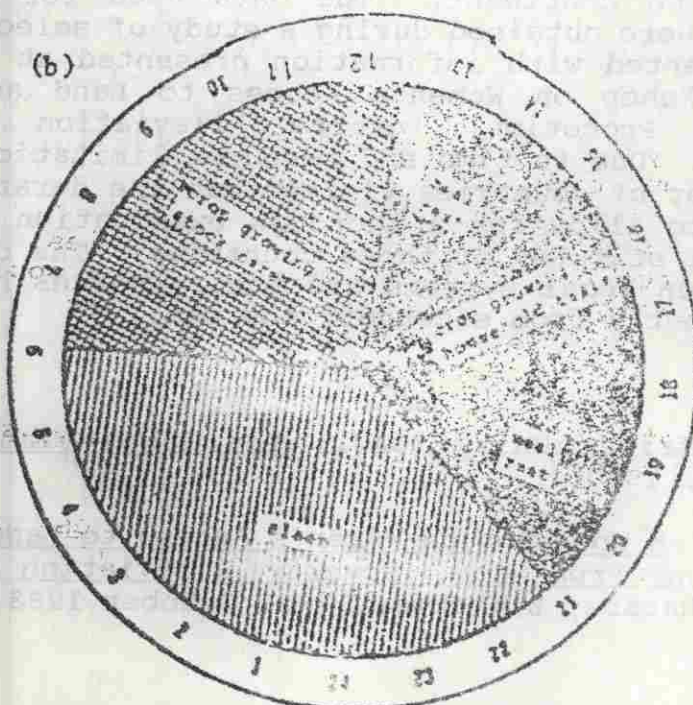
Source: INADES. (In ECA, Report on measures to be taken to improve basic statistics on women in agriculture in Africa, op. cit, p. 4).

Figure 1

A WOMAN'S DAY IN BURUNDI



A MAN'S DAY IN BURUNDI





### 1.3 The Need for Increased Access of Women to Land

Current efforts to rehabilitate the agricultural sector in Africa and provide a strong foundation to long-term sustained growth and food security must urgently address the issue of land tenure especially as it relates to women's access and rights to land and control over resources.

In fact, the Plan of Action adopted by the World Conference on Agrarian Reform and Rural Development (WCARRD) in 1979 states that "rural development based on growth with equity requires full integration of women, including equitable access to land, water, other natural resources, inputs and services and equal opportunity to develop and employ their skills. The philosophy, principles and objectives of the Lagos Plan of Action (LPA)<sup>1</sup> and Africa's Priority Programme for Economic Recovery and Development (APPER) (19) similarly reflect the WCARRD ideals. In both the LPA and APPER, African member States are urged to facilitate access to land, credit and other inputs for small farmers especially women. The Arusha Forward-looking Strategies for the Advancement of Women in Development beyond the United Nations Decade likewise recommend that the pivotal role of women in development must be taken seriously into account in development planning and in the disbursement of resources, both as contributors to and beneficiaries of development efforts.

### 1.4 Background, Sources of Data and Plan of Report

This report on measures for the improvement of women's land holdings and land rights has been prepared by ECA within this context and in pursuance of its role in promoting the socio-economic development of the continent. The data used for the preparation of the report were obtained during a study of selected African countries supplemented with information presented at the ILO Regional African Workshop on Women's Access to Land as a Strategy for Employment Promotion, Poverty Alleviation and Household Food Security<sup>2</sup>. Due to time and resource limitations, not only was a small number of countries visited but the duration of visits was too short to allow for a thorough examination and documentation of the legal statutes of those countries. The data presented in chapter two on legal systems and their sources have therefore been obtained mostly from secondary sources.

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<sup>1</sup> Organization of African Unity (OAU); The Lagos Plan of Action (LPA), Addis Ababa, 1980.

<sup>2</sup> ILO; Regional African Workshop on Women's Access to Land as a Strategy for Employment Promotion, Poverty Alleviation and Household Food Security; Harare, Zimbabwe, 17-21 October 1988.



The study essentially attempted to identify the constraints in land tenure systems in Africa which affect women's access to land and their activities in food and agricultural production.

In this respect, after reviewing the position of women in agriculture in section I, the report examines in section II the land tenure systems in Africa and the laws, traditions, policies and other factors governing women's access to land.

Section III examines the implications of women's limited access to land for food and agricultural production and the strategies which women have usually adopted to enable them cope with some of the problems posed by inadequate access to land. Section IV, on the other hand, assesses the impacts which some of the major rural development and agrarian reform policies, programmes, and schemes which have been or are being implemented by African Member States have had or could have on women's access to land. The findings of these last three sections are summarized in section V on which basis some proposals for improving women's land holdings and land rights and the ultimate long-term goal of increasing their productivity, output, incomes and household food security are made in the sixth and final chapter.

It is hoped that the report would provide a better understanding of the problem of women's access to land and therefore throw some light on the related problems of low agricultural productivity, hunger and malnutrition in Africa.

In Ethiopia, before the Revolution of 1974, the Federal Government land tenure did not discriminate between the sexes in the acquisition, ownership and administration of land. However, it was only a few aristocratic women who had a share of the land. The vast majority of women had no landed property and depended on their husbands. The Royal Land Nationalization Proclamation of 1974 which transferred all rural lands to state ownership provided that "without discrimination of the sexes, any person who is willing to personally cultivate land shall be allocated land sufficient for his maintenance and that of his family". Even

1. ECAT - Centre for Research on Women in North Africa, Middle East and Tunisia, by Dr. Fatma Mervat (Consultant), African Training and Research Center for Women, 1980, p. 26.

2. Public Ownership of Rural Land, Proclamation, Negarit Gazeta, 22nd Year No. 10, (1975) Article 4 - Distribution of Land to the Tillers. In E.A. 1975 and the Status of Women in Ethiopia, Addis, 1980, pp. vii and 47.

## II. LAWS AND OTHER FACTORS GOVERNING SYSTEMS OF TENURE AND WOMEN'S ACCESS TO LAND IN AFRICA

Land tenure refers to the rights and relationships between men that govern their behaviour in the use and control of land and its resources. These rights and relationships are often defined by law, traditions or customs. The position of any individuals including women in the land tenure system of a country could therefore be examined within the context of these laws, traditions and customs.

### 2.1 Statutory and Customary Laws Governing Women's Rights to Inheritance, Ownership and use of Land

Statutory laws governing the rights to land ownership and tenancy in many African countries make no distinction between the rights of men and women. On the other hand, customary laws which derive from a complex interaction of social, religious and traditional values and customs link women's ownership rights to those of their male kins and thus tend to exclude women from access to land. A brief survey of land acts and customary and family laws in a few African countries illustrates this point.

In Morocco, the Agricultural Land Reform Act of 1973 grants land rights to those for whom agricultural activity is their main occupation<sup>1</sup>. Many women farmers would be excluded from this definition because cultural values overlook their agricultural labour.

In Ethiopia, before the Revolution of 1973, the Feudal Laws governing land tenure did not discriminate between the sexes in the acquisition, ownership and administration of land. However, it was only a few aristocratic women who had a share of the land. The vast majority of women had no landed property and depended on their husbands. The Rural Lands Nationalization Proclamation Act of 1974 which transferred all rural lands to public ownership provides that "without differentiation of the sexes, any person who is willing to personally cultivate land shall be allotted land sufficient for his maintenance and that of his family"<sup>2</sup>. Even

<sup>1</sup> ECA; Country Reports on Women in North Africa: Libya, Morocco, Tunisia, by Dr. Fatima Mernissi (Consultant), African Training and Research Center for Women, 1978. p. 26.

<sup>2</sup> Public Ownership of Rural Lands Proclamation, Negarit Gazetta, 22nd Year No. 26, (1975) (Article 4 - Distribution of Land to the Tiller). In ECA. Law and the Status of Women in Ethiopia, ATRCW, 1980 pp. vii and 47.



before this, the Civil Code had provided that there will be no sex discrimination in regard to the inheritance of land<sup>1</sup>. This notwithstanding, customs and traditions in many parts of the country still do not allow married women to inherit land.

The three legislations governing land tenure in the Gambia i.e. the Banjul and Kombo St. Mary Lands Act chp. 102, the Lands Provinces Act Cap 103 and the Physical Planning Act accord equal rights of ownership for freehold lands and use rights for leasehold and customary lands to both men and women. All Gambians except minors have the right to own land. In particular, the 1979 Commission of Inquiry on abnormalities in land allocation stressed and recommended that women should be accorded same rights as men and that in the allocation of land they should be considered on their own merit irrespective of whether their husbands have been allocated land or not<sup>2</sup>.

In Cameroon, registered lands, freehold lands and lands acquired under the transcription system are all subject to the right of private property. The three principal texts dated 6 July 1974 governing land tenure and access to land contain no provisions which are intended or likely to dispose women of their ownership of land or disqualify them from getting access to land<sup>3</sup>.

Under the customary land tenure system in Kenya all land rights are, by the Kenya Constitution, vested in the country's councils and they hold the trust land for the benefit of persons ordinarily resident on that land and give effect to such rights, interest or other benefits in respect of the land as may, under the African customary law for the time being in force and applicable thereto, be vested in any tribe, group, family or

<sup>1</sup> Civil Code of Ethiopia, Negarit Gazetta, 19th Year, No. 2 (1960) in ECA, Ibid, pp. 29 and 47.

<sup>2</sup> From interviews with a lands officer in Banjul, October 1988.

<sup>3</sup> Ordinance No. 74/4 governing land tenure (private property and national lands); ordinance No. 74/2 governing state lands and ordinance No. 74/3 regulating expropriation for public purposes and the conditions for compensation. See contribution by Agatha Nji (Cameroon) on Women's Access to Land as A Strategy for Employment Promotion, Poverty Alleviation and Household Food Security presented to the ILO Regional African Workshop, Harare, Zimbabwe, 1988, op. cit. p.1.



individuals<sup>1</sup>. This notwithstanding, women in general do not inherit land according to customary inheritance laws but acquire rights of land use through marriage. Women who fail to marry or are divorced or separated are without rights to land.

In Zimbabwe, like many other African countries, the traditional patriarchal society defines the man as the head of the household and owner of all the property arising therefrom<sup>2</sup>. Rural women are seen merely as farmers wives and for the most part they have no rights to ownership but acquire use rights through a male kin. "Zimbabwean women have not and do not own land on their own right and this is a grievance that has been expressed by rural women on many occasions".<sup>3</sup>

The Mozambican Constitution and the land law provide for the inalienable character of the state's ownership of land while recognizing the right of every Mozambican citizen to land. Priority in the allocation of land is given to farming co-operatives in Communal areas which are encouraged by the state to replace isolated family plots. Given that the majority of the co-operative membership are women, women thus tend to benefit more than men in having use rights to communal lands. However, the vast majority of mozambican women still live out of the Communal villages cultivating food and some cash crops in the traditional family sector. In this sector, customary law places women under the control of a senior member of their patriarchal or matriarchal families<sup>4</sup>.

Under the Traditional Land Tenure System in Lesotho all land is vested in the Basotho Nation and held in trust by the King. Land allocations are made by chiefs in the villages on behalf of the king with rights restricted to arable land and with provision for inheritance. Among the criteria for eligibility for allocation, an applicant for arable land must be an adult male,

<sup>1</sup> Sections 202, Sub-section 5 of the Kenya Constitution of 1963. See Kenya's Perspective on Women's Access to Land as A Strategy for Employment Promotion, Poverty Alleviation and Household Food Security presented at the ILO Regional Workshop, Harare, Zimbabwe, 1988, op. cit.

<sup>2</sup> Speech by the Minister of Lands, Agriculture and Rural Settlement at the closing ceremony of the Regional African Workshop, Harare, Zimbabwe, 1988, op. cit. p.2

<sup>3</sup> Paper presented on Zimbabwe to the ILO Regional African Workshop, Harare, Zimbabwe, 1988. p.3.

<sup>4</sup> ECA; Mozambique: Women, the Law and Agrarian Reform. by Barbara Isaacman and June Stephen, ATRCW/Ford Foundation, 1980, Chapter V: situation of Rural Women.



married, resident in the chief's jurisdiction, pays taxes and has demonstrated his loyalty to the king<sup>1</sup>. The Land Act of 1979 which provided some important reforms to the traditional system, however gave for the first time, the rights of land ownership to women.

This brief review shows clearly that pursuant to the formal laws regulating land tenure and land rights, there is no discrimination pertaining to the acquisition, ownership and use of land. But the above review reveals clearly that the customary tenure systems, although differing from country to country and from ethnic group to ethnic group, have mostly tended to deny rights of land ownership to women and subordinated their land use rights to those of their menfolks.

However an issue of crucial importance because of its implications for overall food production and household food security is the question of women's access to and control over land for food production. Within existing laws and tenurial systems do women actually have access to and control over family plots for food crops cultivation, raising of livestock or other agricultural purposes? If not what factors limit or deny them this access and control and with what implications. These issues are examined below.

## 2.2 Women's Access to and Control over Land

Access, according to the Dictionary of English Law<sup>2</sup> means approach or the means of approaching something, in this case, land. Control on the other hand means general superintendence of matters relating to supervision, protection and control<sup>3</sup>. Given these definitions, the issue therefore is whether rural women have or are given the means, whether directly or indirectly, to acquire and use land for agricultural production and whether within existing practice, they do exercise general superintendence, supervision and control over land and how such land and the returns generated from it should be used. Access to land may be obtained through borrowing, sale or purchase, exchange, gift, pledging, rent or lease, inheritance or by law. In rural communities, access to land through inheritance or allocation by chiefs are the more common and important means to access.

It is evident from the survey of statutory codes above that both men and women have equal rights and therefore should have equal access to land. The customary laws of most traditional societies however may be said to deny women ownership rights by

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<sup>1</sup> See Kingdom of Lesotho; Sectoral Study on Rural Development: Prospects and challenges. 1988, p. 80.

<sup>2</sup> & <sup>3</sup> Earl Jowitt, The Dictionary of English Law, Sweet and Maxwell Ltd, London, Vol. 1, 1959. pp. 21 and 256.



not allowing them to inherit land from their husbands' families or having land allocated to them in their own right.

At this juncture, it is important however, to distinguish between two rights - ownership rights and usufructory (use) rights. It is true that within the household, most traditional laws and customs institutionalize male dominance in intra-household relationships and make the males the custodians of family plots. As heads of household and given the crucial role which women play as food producers, men, in practice, act only as custodians exercising such supervisory rights over family plots as are necessary. It is in exercise of such rights that they regulate and administer the land, share it among family members including women, take decisions on which crops to grow within the household and on which parcels of land and what inputs to use.

But once such decisions have been taken, women in general, given their role as the food producers in the household, become the main users of the lands reserved for food crop production and other activities undertaken by women. In other words, even though family plots are allocated in the names of the household heads who are generally men, women do obtain usufructory rights to such family plots. Within this context, women could be said to have reasonable access to but limited control over land.

But of course, the degree of women's access to and control over land varies from sub-region to sub-region and from country to country. In North Africa where religion and customs do not recognize women as food and agricultural producers, their access to and use and control of land is severely limited. In Southern Africa where many women are de facto and de jure heads of household and in societies where customary laws permit women to inherit land they acquire considerable access to and control over family plots. Even where the head of household is a male, and the degree of involvement in the management and decision making of the spouse in family agricultural production activities are at his discretion, there are reasons to believe that he exercises such discretion very wisely. Given the importance of food security to the family and the need to strike a balance between production of food crops (women's crops) and cash crops (men's crops), the man cannot be expected to exercise a monopoly especially with regards to the amount of family land which he allocates to himself.

In fact, L.O. Gyekye<sup>1</sup> writing on "Women and Access to land in Ghana concludes that" although both matrilineal and patrilineal systems preclude wives from inheriting land belonging to their husbands, they got usufructory rights to cultivate plots which

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<sup>1</sup> L.O. Gyekye; Women and Access to Land. Paper presented at the FAO sponsored Seminar on Land Tenure, Agrarian Systems and Rural Development in Ghana, Accra, Ghana, 17-18 June 1985. p. 7.



belong to their husbands. Thus, women by virtue of their position as lineage wives and daughters were entitled to use land for agricultural purposes from which they were expected to feed themselves, their children, their spouses and the extended family".

According to Mujuru<sup>1</sup>; however, 'Access' means to own land and use it as ones' own property for ones' own benefit or to work on somebody's land as a wage earner". She continues: "to own land presupposes that one has the means to own it i.e. one has money to buy or rent land or one has enough coercive means to take it from whoever has it. Access to land must also mean the ability to use it profitably for higher standard of living by using resources (inputs, technology, water, education, skills etc. to make it more productive".

Many elements are involved in this definition among them: ownership, control, access to improved inputs, technology and entrepreneurship. The issue of ownership and control has already been examined. It was shown that women do have access to family plots for growing especially food crops over which they exercise considerable decision making and managerial powers in matters pertaining to food production and marketing. Concerning access to improved inputs and new technology, it is generally recognized that institutional constraints and regulations some of which have origins in the land tenure systems in many African countries limit women's access to credit, fertilizer and other technologies while agricultural and marketing extension and training activities mainly focus on men. If Mujuru's concept of access which incorporates access to improved inputs, technologies, training etc is accepted then rural women, in general, may be said to enjoy difficult access to land even in food crop production.

Certain basic statistics on women in agriculture however, provide better indicators of access to land and stock. These include: the average area of farms headed by women; the percentage of female farm heads holding title to their land; the average number of animals owned by women; percentage of the irrigated area held by women and the percentage of the area worked by women by type of culture<sup>2</sup>. Unfortunately data on these indicators are either scanty and dispersed or not available at all in most countries of Africa. The data in tables 4 and 5 are, however, presented to provide some statistical indication, however, poor, on women's access to land. In table 3, out of 14 countries

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<sup>1</sup> Opening address by Mrs. J. Mujuru, Hon. Minister of Community Development, Cooperatives and Women's Affairs, Zimbabwe to the ILO Regional African Workshop in Harare, Zimbabwe, op. cit. p. 2.

<sup>2</sup> ECA; Report on Measures to be taken to Improve Basic Statistics on Women in Agriculture in Africa, op. cit. pp. 2, 3.



considered, only in 6 countries did women employers and own account workers constitute more than 50 per cent of the women in the agricultural labour force. But as a proportion of the total labour force in agriculture, this category of women constituted more than 50 per cent in only 3 countries (table 4).

## 2.3 Factors Limiting Women's Access to Land

### 2.3.1 Legislation Governing Land Ownership

Although in theory, most legislations make no distinction between the rights of men and women to land, women however are known to be discriminated against in the application of the law. In some instances land administrators claim that some statutory codes lack clarity and are therefore subject to confusion and misinterpretation during implementation usually to the disadvantage of women. The legal language in which most of these laws are written also does sometimes cause difficulties of interpretation by laymen who are not trained in law. For instance the Land Policy Review Commission appointed in February 1987 to investigate and review land tenure arrangements and their administration in Lesotho under the Land Act of 1979 asserts that most of the concerns expressed by many Basotho on the inheritance provisions of the Land Act emanated from confusion created as a result of wrong interpretation of the Act<sup>1</sup>. The Commission however was obliged to propose minor amendments to remove areas of uncertainty. The Commission also shared the general feeling among many Basotho that "the Land Act of 1979 is a very difficult law to understand".

### 2.3.2 Women's Lack of Awareness Regarding their Rights

Due to the high illiteracy rate and low level of education among women in many African countries, most women especially rural women are not only ignorant of their rights in land as provided for by law but also have a particular problem of understanding legal provisions and interpreting the law. Most laws are written in foreign languages (i.e. English, French, Portuguese, etc.) which women who are even literate in local languages do not understand. These laws are also hardly ever circulated beyond urban centers making them inaccessible to rural women. Thus customs and traditions apart, the acceptance by women of men as the custodians of family land is partly explained by this lack of awareness of their rights in land.

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<sup>1</sup> The Report of Land Policy Review Commission, September 1987. p. xviii.



Table 3 - Percentage distribution of women in the agricultural labour force by employment status 1/

| Country                   | Year | Employers &<br>own-account<br>workers | Employers | Unpaid<br>family<br>workers |
|---------------------------|------|---------------------------------------|-----------|-----------------------------|
| Algeria                   | 1977 | 31.2                                  | 60.4      | 8.4                         |
| Cameroon                  | 1982 | 63.1                                  | 0.3       | 36.2                        |
| Egypt                     | 1976 | 14.4                                  | 53.0      | 32.2                        |
| Ghana                     | 1970 | 65.8                                  | 1.6       | 32.4                        |
| Libyan Arab<br>Jamahiriya | 1973 | 5.7                                   | 2.7       | 91.5                        |
| Mali                      | 1976 | 10.8                                  | 0.1       | 87.6                        |
| Malawi                    | 1977 | 98.8                                  | 1.1       | 0.0                         |
| Mauritius                 | 1972 | 10.2                                  | 86.7      | 3.1                         |
| Mozambique                | 1970 | 58.7                                  | 4.7       | 36.6                        |
| Reunion                   | 1982 | 47.5                                  | 33.2      | 18.9                        |
| Seychelles                | 1977 | 8.0                                   | 87.5      | n.a.                        |
| Tanzania                  |      |                                       |           |                             |
| Tanganyika                | 1967 | 83.8                                  | 0.2       | 15.9                        |
| Zanzibar                  | 1967 | 89.9                                  | 0.2       | 9.9                         |
| Tunisia                   | 1980 | 10.6                                  | 12.4      | 74.6                        |

1/ Percentages do not necessarily add up to 100 due to rounding off and a few small entries not classifiable by status

Source: ILO, Year Books of Labour Statistics, 1977-83 in Jennie Day, Women in Food Production and Food Security in Africa. FAO, Rome, 1984. p. 93.

Table 4 - Women as percent of agricultural labour force by employment status

| Country                | Year | Employers & own-account workers | Employers | Unpaid family workers |
|------------------------|------|---------------------------------|-----------|-----------------------|
| Algeria                | 1977 | 0.6                             | 1.3       | 1.1                   |
| Cameroon               | 1982 | 38.7                            | 3.9       | 69.1                  |
| Egypt                  | 1976 | 1.2                             | 3.4       | 9.0                   |
| Ghana                  | 1970 | 41.1                            | 6.8       | 65.7                  |
| Libyan Arab Jamahiriya | 1973 | 1.2                             | 1.1       | 61.6                  |
| Mali                   | 1976 | 3.3                             | 2.7       | 27.5                  |
| Malawi                 | 1977 | 56.4                            | 7.1       | 18.2                  |
| Mauritius              | 1972 | 20.6                            | 22.5      | 53.8                  |
| Mozambique             | 1970 | 34.2                            | 7.2       | 62.9                  |
| Reunion                | 1982 | 4.0                             | 3.5       | 14.0                  |
| Seychelles             | 1977 | 10.0                            | 30.4      | n.a.                  |
| Tanzania               |      |                                 |           |                       |
| Tanganyika             | 1967 | 53.9                            | 4.3       | 46.0                  |
| Zanzibar               | 1967 | 54.3                            | 9.1       | 48.1                  |
| Tunisia                | 1980 | 5.2                             | 9.2       | 51.2                  |

Source: ILO, Year Books of Labour Statistics, 1977-83, in Jennie Day, Women in Food Production and Food Security in Africa. FAO, Rome, 1984. p. 94.



### 2.3.3 Social Attitudes, Traditions and Customs

It has already been shown in Section 2.1 how the African traditional patriarchal society provides the underpinnings to traditional laws and practices many of which govern discriminatory societal and especially men's attitudes to women both within and outside the household. It was shown how many customary land tenure systems based on these laws and which regulate the distribution of rights to use land or to dispose of use rights over land as recognized by the community (men !) do not provide for women to inherit land or own land or have land registered in their names. It was also made clear that within many of these laws women may acquire use rights to land only through a male kin who may be a spouse, brother or uncle.

Age-old customs and traditions, traditional power structures and systems of beliefs have propagated rather negative perceptions and values about women and their capabilities. These perceptions and beliefs have such a strong hold especially on rural women that they regard their subordinate position as being in the natural order of things hence the lack of the need until recently, to advocate for a change in intra-household relationships.

The impression must not however be given that customary law and customs are always negative on women's access to land. Traditional laws regarding communal land have sometimes protected women's right to access if not ownership of land. There is evidence that with a shift to new provisions including that of private land ownership, women's traditional rights have sometimes been lost even though other laws extended property rights to women.

### 2.3.4 Contradictions within and between systems of Law

The issue of access to land has become increasingly complex with the coexistence of different forms of ownership (communal, corporate, individual) and different legal systems (customary, statutory, religious etc.). There are very often contradictions not only between different systems of law but within one legal system itself. And in countries where different systems exist, it is not clear which system prevails over the other. In such cases women suffer more given the bias against them.

### 2.3.5 Environmental and Physical Factors

In Africa several decades of drought, desertification, population pressure, overgrazing, indiscriminate timber harvesting, destruction of forests for fuel wood, unprogressive farm practices (and in some countries, floods and hurricanes) have variously combined to cause problems of soil erosion, soil degradation, soil infertility, depletion of pastures and general environmental degradation in various parts of Africa. The overall effect of



these factors has been to reduce the amount of and therefore access to good cultivable land and water resources. Given the prevailing division of labour and their primary responsibility for food production, water and fuel wood collection, women tend to suffer more than men from reduced access to land and water.

### 2.3.6 Subsistence Considerations in Customary Land Allocation

In the allocation of land by traditional chiefs and their representatives under customary tenure systems in many African countries, the amount of land allocated to a household for food production is determined by the applicants household subsistence food needs. Account is hardly taken of the need for the household to produce a surplus for the market. In the circumstances, households are not allowed enough access to land even where it is available. The traditional laws of Lerotholi (a great Basotho chief) on which most of Lesotho's land tenure system is based, were, for example, designed to ensure the survival of the Basotho nation at subsistence level<sup>1</sup>. The allocation of land under such laws usually meant a maximum of three scattered fields for a total of 1-2 hectares<sup>2</sup>. That plots allocated to subsistence households are usually small is also substantiated by results from Ghana. The 1970 census of agriculture in Ghana for instance revealed that 89 per cent of Ghanaian farmers had farms below 6 hectares. Of these, 55 per cent had farms of 1.6 hectares in size<sup>3</sup>.

### 2.3.7 Policies, Programmes and Schemes

Many land reform, settlement and irrigation schemes implemented in African member States have been concerned with redressing some of the negative impacts of the traditional land tenure systems or achieving economic growth with distributional equity as called for by the World Conference on Agrarian Reform and Rural Development in 1979. But many of these schemes have instead tended to marginalize women. According to Azita Berar-Awad<sup>3</sup>, (a) land titles have typically been assigned to men under these schemes and women have no security of occupation and livelihood on the death, divorce or desertion of the title holder. This also limits women's access to production assets such as credit, fertilizer and other improved inputs linked to the possession of land titles; (b) many of these programmes and schemes have tended

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<sup>1</sup> & <sup>2</sup> See Sectoral Study on Rural Development: Prospects and Challenges; Lesotho, 1988 op. cit. p. 80.

<sup>3</sup> L.O. Gyekye, Women and Access to Land. Op. cit. p.2.

<sup>3</sup> Report on her mission to Zimbabwe to organize the ILO Regional African Workshop in Harare, Zimbabwe, op. cit p. 4. See also the Draft Conclusions of the workshop. pp. 1-7.



schemes have tended to promote cash crop production<sup>1</sup> (by men) together with the requisite incentive packages resulting in the neglect of the traditional food<sup>2</sup> subsector cultivated mostly by women.

### 2.3.8 High Population Growth

Africa's population has been growing on average at about 3.0 per cent per annum. In some countries such as Kenya, Rwanda, Burundi, annual population growth exceeds 4.0 per cent. One effect of high and increasing population growth in Africa is to reduce the amount of land available per caput for agricultural production. Under existing inheritance systems whereby family land gets shared among the heirs, the amount of land available to each heir and his household gets increasingly smaller as population growth accelerates. The impact of population pressure on access to land is further aggravated by climatic, and natural influences as well as by the excessive, wasteful and destructive uses of land by man discussed in proceeding sections.

### III. IMPLICATIONS OF AND WOMEN'S RESPONSES TO LIMITED ACCESS TO LAND

#### 3.1 Implications of Women's Limited Access to Land

##### 3.1.1 Implications for Decision Making

Under customary land tenure systems where the man is recognized as the head of household, major responsibility for decision making on the farm and within the household rests with him. This includes decisions on which crops the household should cultivate and on which fields and when; which inputs to use, whether to use hired labour etc. Except in the sphere of food crop production, women play little role in farm and household decision making. Of course the degree of scope in decision making varies from system to system with women household headstakers greater responsibility for decisions affecting the management of family plots. But even women household heads are traditionally considered to be farmers' wives and not the farmers themselves and in many cases important decisions usually may have to await the return of the male household head, if he is away in the city where he has taken up employment. According to a report, even in Lesotho where a very high proportion of households are headed by women, "women have never been nor are they now the ultimate decision makers in the household"<sup>1</sup>.

##### 3.1.2 Implications for Access to Production Inputs and Support Services

Generally, credit, marketing, extension and input distribution are inadequate to meet the needs of the rural small growers and farmers especially in the food sector. In this connection women are the most disadvantaged. Availability of credit is important to women like other small farmers as it permits them to buy improved production inputs that they would otherwise not be able to use. But women usually do not have the collateral (in most cases, land) demanded by conventional credit systems.

Women also do not often have direct access to the distribution of inputs such as fertilizers, improved seeds, chemicals etc. through the co-operative unions and other male dominated farmers' organizations where institutionalized norms do not often allow women to register in their own names but in the names of their husbands or male kins. Similarly extension, marketing and training activities are usually organized around the household heads who are

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<sup>1</sup> Sectoral Study on Rural Development: Prospects and Challenges. op. cit. p. 77.



usually males. In certain countries, culture and tradition forbid direct contact between extension agents and farmers' wives because such culture and tradition do not recognize their role in food production.

The lack of easy access by women to inputs and marketing services and outlets is also borne out of the fact that in many African countries, these services are organized mainly for export or cash crops such as cocoa, coffee, tea, oilpalm, cotton and groundnuts, which are cultivated mainly by men. The domestic staple food crop marketing system especially for crops such as millet, Sorghum, yams, plantains, vegetables and fruits, grown by women on small, dispersed, subsistent family plots receives very little public policy support despite problems which they face with storage, preservation, transportation and distribution.

### 3.1.3 Implications for Investment on Land Improvements

Secure tenure provides the farmer with the desire and incentives to invest in land to increase soil productivity and yields. It opens the way to short and long term investment in soil conservation and other practices which provide optimum conditions for maximizing production. Women lack the necessary incentives to make such investments under prevailing tenure systems which give them use rights but do not provide security guarantees.

### 3.1.4 Implications for Household Food Security

According to the World Bank, food security refers to access at all times to enough food for an active and healthy life (12). There are two essential elements to food security in the definition - the availability of food either through domestic production, storage and trade and ability to acquire it through home production, the market or food transfers.

Women's limited scope in decision making and their difficult access to credit, improved inputs, marketing and extension services have important implications for the adoption of modern technology, increased production and household food security.

In traditional land tenure systems where the land allocated for food production is small and only sufficient to meet subsistence needs, increase in production over and above subsistence needs can be brought about by increased productivity through intensive cultivation, use of improved technology and management. The use of improved seeds, fertilizers and simple agronomic practices have been known to increase crop yields on small holder farms by up to 55 per cent per unit. Credit has an



important role to play in this connection. According to Miller<sup>1</sup> it permits farmers to buy improved inputs and if these are sufficiently profitable, enables them to increase production and at the same time repay the loan and enjoy a worth while increase in income.

But institutional, legal and economic factors governing inheritance and ownership rights in many African societies, as already shown in previous sections limit women's access to productive assets especially land which in turn limits their access to credit and production inputs important for increasing productivity. Also as already shown, although women have use rights to family plots for growing food crops, in many instances they cannot independently take such day-to-day decisions that good farming requires. This places serious constraints on increasing productivity and output.

The consequences of this for the attainment of food security are that firstly, basic household subsistence needs can hardly be met much more sustain a surplus for storage to meet future requirements; secondly is the lack of a marketable surplus for sale to obtain the necessary cash incomes with which households can acquire food through the market.

### 3.1.5 Implications for Nutrition and Family Well-being

It has already been shown that men, as the major decision-makers within the rural household determine the type, amount and location of fields to be put under food and cash crops. Sometimes they even decide on the types of food crops to be grown. It is not uncommon to find situations where men decide to devote more and even better quality land to cash crops at the expense of food crops. Unless income from sale of cash crops was used to supplement family food needs through purchase such situations could and do often result in food shortages, starvation, malnutrition and poverty. Indeed research findings show that among the causes of hunger, malnutrition and food insecurity, lack of access to land for families to produce adequate food and low productivity of family labour on subsistence farms are most important<sup>2</sup>.

<sup>1</sup> Miller, L.F.; Agricultural Credit and Finance in Africa. (New York, Rockefeller Foundation, 1977).

<sup>2</sup> IBRD; Poverty and Hunger: Issues and options for Food Security in Developing Countries, Washington, 1986.



### 3.2 Women's Responses to Limited Access to Land

It has been seen that factors such as increasing rural population, poor tenurial systems and poor land use practices have led to increasing problems of poor quality land, of land shortages and outright landlessness which have particularly affected women peasants and consequently food production. In Lesotho for instance, about 29.0 per cent of rural people are estimated to be landless. Women in many African countries are increasingly employing what are termed survival strategies partly as a mechanism for coping with the problems caused by insufficient access to land and partly as a means of improving their welfare through collective and self-reliant efforts. A discussion of some of these strategies is of interest here in that it provides insights into areas on which policies could focus on in order to provide support to women.

#### 3.2.1 Wage and Non-Farm Employment

Due to mainly to difficulties of access to land and the need to complement household incomes, women in most parts of Africa are increasingly engaging in wage and non-farm employment as industrial workers, agricultural labourers, plantation workers, domestic servants and traders. Although the allocation of their labour to these activities could in some ways be detrimental to household welfare e.g. care of the children, performance of household chores etc., it nevertheless provides important means of supplementing household income.

In Mozambique for example working women comprise 61.2 per cent of agro-livestock labourers, 4.9 per cent of non-agro-livestock labourers, 16.5 per cent of domestic workers and 20.4 per cent of technicians<sup>1</sup>.

In Lesotho, the problem of landless people is causing more and more women to seek employment in such areas as catering, sewing and knitting (especially school uniform and traditional cloth), handcrafts etc. But Lesotho presents a unique case where women generally attain higher levels of education than men and therefore dominate the civil service. Due to the cultural division of roles according to sex, boys have to drop out of school early in life to look after cattle while the girls continue with their education. But despite their good education, the civil service has not promoted the careers of women as they continue to dominate only as middle level manpower.

In Zimbabwe outside the civil service and industry, women as

<sup>1</sup> Republica Popular de Moçambique; Populacao ocupacao e Força de trabalho vol 5 Tomo 1, Recenseament; 5 Geral da populacao de 1980.



a proportion of agricultural workers rose from 4.0 per cent in 1981 to 11.0 per cent in 1985<sup>1</sup>. Between 1975 and 1982 more than 67.0 per cent of the casual labourers in large and small scale commercial farms were women. In the food processing industry, the majority of women also work as unskilled casual labourers.

In most west African countries particularly Nigeria and Ghana, women play significant roles as traders/entrepreneurs in their own right. In basic commodity marketing their role in collection, assembly, storage, transportation and merchandizing has been widely documented<sup>2</sup>. Outside agriculture, women also find employment in handicrafts, industry and the civil service. However due to strong attitudes and prejudices regarding the employment of women and the special skills and high educational attainments required, women constitute a negligible proportion of professional, technical, administrative, managerial and clerical workers in many countries (3.3 per cent in 1970 in Ghana).

In Arab countries of North Africa, women however participate less in economic activities outside the home. In Libya for example, only 3.5 per cent of women were in the work force in 1977 of which 82 per cent were concentrated in 3 sectors of the economy namely agriculture (46.8 per cent), education (21.0 per cent) and health (14.7 per cent)<sup>3</sup>. According to the 1971 census in Morocco, however, women constituted 78.0 per cent of domestic service workers, 51.0 per cent of those in textiles and 23.0 per cent of food industry workers. In banks, education and health they represented 26.0 per cent, 55.0 per cent and 33.0 per cent respectively of the labour force<sup>4</sup>. In Tunisia, the largest concentration of women's employment outside agriculture has always been in industry (textile and craft manufacturing). In 1966, 1972 and 1975, women accounted for 41.4 per cent, 52.2 per cent and 51.9 per cent of the non-agricultural women work force. In 1972 and 1975, 24.0 per cent and 20.6 per cent respectively were employed in the service sector alone<sup>5</sup>.

<sup>1</sup> Zimbabwe Government, Ministry of labour, manpower planning and social welfare: Annual Review of Manpower, Harare, 1985.

<sup>2</sup> See for example ECA Report to the Council of Ministers of the Yaounde Based MULPOC on Improvement of Food Marketing Institutions, 1988; L.O. Gyekye, op. cit; ECA; Law and Status of Women in Ghana, 1984, op. cit.

<sup>3, 4 & 5</sup> ECA; Country Reports on Women in North Africa: Libya, Morocco, Tunisia. 1978. Op. cit. pp. 4, 5, 23 and 35.



### 3.2.2 Formation of Women's Groups

The formation of women's formal and informal groups has been seen as a socio-economic and/or political response to the problem of inadequate land for women. These groups include self-help groups, thrift and credit groups, marketing co-operatives and political awareness and civil rights groups.

#### (a) Women's Civil Rights Groups

The women's civil rights groups aim at assisting women to combat the problems of land tenure by educating them on their rights to land and other property as provided for by law. Whenever possible they help to organize them to collectively fight for such rights and to eliminate discriminatory practices against women. They are also at the fore front in the fight to change society's traditional attitudes and beliefs on the role of women as well as improve women's own perceptions of themselves as propagated by age-old customs.

Similar groups have the broader objectives of creating awareness about the special needs of women and involving them not only as active participants in but also as potential beneficiaries of the development process.

The Organization of Mozambican Women (OMW) which was created during the national liberation struggle to involve women in the task of liberating the country from colonial rule, for example, now actively promotes the participation of women in all economic activities and their integration in the national economy. Recognizing the powerful hold of traditional ideas and customs over women's behaviour and welfare and which provide the underpinnings to inheritance and other laws which adversely affect women, the OMW views the acquisition by women of similar rights and responsibilities accorded to men as the material foundations of women's liberation<sup>1</sup>. The major thrust of OMM's activities has therefore been to create awareness of the need to change men's attitudes towards women, to instil self confidence in women regarding their potentials and capabilities and provide social education for wives and mothers. It also actively promotes and seeks support for programmes which provide skills, improve health or increase the earning capacity of women and it conscientiously works for the integration of women into the production co-operatives and communal villages<sup>2</sup>.

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<sup>1</sup> & <sup>2</sup> From interviews with OMM leaders in Maputo, March, 1989. See also ECA; Mozambique: Women, the Law and Agrarian Reform. Op. cit, p. 81.



(b) Thrift and Credit Groups

These are groups formed to provide credit to members as existing credit systems are generally inadequate to meet rural women's credit and other cash needs. Besides, the majority of women often times do not have the collateral such as land titles or assets usually required for loans by the formal banking institutions. Where loans are given, they sometimes do not take account of the farming calendar nor meet the specific needs of women small farmers. Informal savings and credit groups play a significant role in savings mobilization and credit supply to their members. In most countries they are not gender specific and include credit unions and traditional mutual assistance associations such as the "tontines" or "Njangis" and the "country banks" or "Sunday meetings" in Cameroon. Interest rates are generally low and members can obtain the type and size of credit adapted to their needs and repayment capabilities. Except for the credit unions, accurate records of the activities of these groups are not available.

Other women organizations assist women to obtain credit from institutional sources. The Women in Service Development Organization Management (WISDOM) in the Gambia is a good example. Among its objectives, it provides easy access to credit for rural women and women in the informal sector and negotiates loans from commercial banks to women through their "Assusu" groups (indigenous women's lending groups). Like the OMM, it also launches awareness creation programmes on social, economic, legal, political and other issues affecting women in development<sup>1</sup>.

(c) Co-operatives and other Marketing Organizations

The marketing co-operatives, of which rural women comprise a large membership in southern African countries, were formed out of a desire by rural people to develop themselves through self reliance and co-operation by pooling their resources (land labor, capital) together to market produce, distribute inputs and even have a greater ability to attract loans for their members. They also perform such other duties for members which individual members may not be capable of doing alone by co-operating rather than competing or by establishing common facilities through which they organize activities conducive to their individual economic goals. In the absence of formal marketing and distribution systems, (except for rice and maize) for organizing and co-ordinating the marketing of women's crops-basic food stuffs, vegetables, fruits, etc. in many African member States, women have found the local co-operative societies as suitable institutions for marketing fruits and vegetables, eggs, maize and even handicrafts. Through the co-operatives, they also receive inputs and credit.

<sup>1</sup> From interviews with Officials of the Women's Bureau in Banjul in October, 1989.



The kingdom of Lesotho provides a good example where women are using the co-operatives to improve family incomes and welfare. The Lesotho Poultry Association formed in 1967 to render services to poultry farmers by 1985 had five primary societies with 278 members most of whom are women. Women also comprise most of the membership in the Lesotho Handicraft and Industrial Co-operatives and the Lesotho Handspun Mohaire Co-operatives.

(d) Reciprocal Relationship Groups

Women have through these groups helped one another in time of need such as during sickness, child birth, cultivation, thatching of houses and other activities needing collective efforts. Women's reciprocal groups are common in many countries with Kenya as a good example. With time they have diversified into other economic activities ranging from agricultural and livestock to household improvement (roofing and purchase of furniture and utensils, small scale business and handicraft).

(e) Other Development Oriented Groups

Several women's groups undertake other activities such as construction of social halls, educational institutions (especially nursery schools and adult education classrooms), improvement of community health facilities (dispensaries and health centers) and provision of pipe borne water. Women's participation in these activities is not as remote to the problems of access to land or landlessness as it would seem at first. By attacking problems of illiteracy and lack of education, problems of ill health, difficult child birth, poor sanitation and access to water supply, women acquire the necessary skills and training, are kept in better health and freed from other constraints which reduce their productivity on the farm or prevent them from taking up non-farm employment. In effect, these activities are undertaken by women groups so as to better equip women to fight for their emancipation.

Since the Mexico and the Nairobi Conferences, women have increasingly organized themselves to meet their developmental challenges. In Kenya for example, the number of women's groups increased from 4,300 with a membership of 156,892 in 1976 to 16,232 with a total membership of 630 000 in 1984<sup>1</sup>.

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<sup>1</sup> See Kenya's Perspective on Women's Access to Land as a Strategy for Employment Promotion, Poverty Alleviation and Household Food Security. Op. cit. pp. 2 and 3.



#### IV. A REVIEW OF SOME AGRARIAN REFORM AND RURAL DEVELOPMENT POLICIES, PROGRAMMES AND SCHEMES AND THEIR IMPACTS ON WOMEN'S ACCESS TO LAND

A review of some of the policies, programmes and schemes implemented by African member States within the context of agrarian reform and rural development is of interest to this report for three major reasons : firstly, it shows what efforts have been or are being made in agrarian reform to improve women's access to land. Secondly, it identifies the weaknesses or strengths of the various policies, programmes and schemes and their impacts on women and thirdly, they provide important lessons which could guide future actions in agrarian reform aimed at increasing women's access to land through improvement of their land holdings and land rights.

##### 4.1 Agricultural Policies

Agricultural policies adopted by almost all African countries after independence have been intended to increase food production to meet consumption needs and promote cultivation of export crops to earn foreign exchange. Some of the policies implemented with a view to achieving these objectives include marketing and pricing policies, credit and inputs policies and research and technology policies. These are examined below. Emphasis is on food crops since, with a few exceptions, they are produced mainly by women.

##### 4.1.1 Agricultural Marketing and Price Policy

For a long time, most if not all African countries pursued marketing and price policies which aim at increasing food and agricultural production through stabilizing domestic export crop prices and offering high (incentive) prices to food producers and low (affordable) prices to consumers.

Government owned Corporations or Marketing Boards or Parastatals were established and given the responsibility for administering these policies which they did by exercising monopsonistic powers in many cases to purchase agricultural commodities from farmers and resell to domestic consumers (for food crops) and to world markets (for export crops). They also procured and distribute inputs to farmers.

In principle, the export Commodity Marketing Boards were expected to perform their price stabilization function by offering domestic export crop producers prices lower than world market prices in years of high prices and prices higher than world market prices in years of low prices. Surplus revenues generated in good years were to be used to support producer prices. In years of low world prices the hope was that by preventing fluctuations in prices, producers would be encouraged to increase the production



of export crops. However, the offering of relatively low, fixed and static prices to producers for a number of commodities in many African countries over a relatively long period of time became a serious disincentive rather than an incentive to producers as envisaged, as these Boards later gradually developed into instruments for taxation to raise revenues for government development programmes.

Using World Bank data, Tapsoba<sup>1</sup> reports that in Sub-Saharan Africa, for example, while the world price of export crops increased 40 per cent between 1961-71 and 1973-75, producer prices were raised only 16 per cent during the same period. Further, in the 1980s when world prices fell sharply (by 30 per cent), governments passed these price drops over to producers whose prices declined by 20 per cent. The same source (21) reports on the specific case of groundnuts and cotton producers in Mali and Senegal and cacao producers in Côte d'Ivoire. In the 1980s cotton and groundnut growers in Mali received 50 per cent of world prices while those in Senegal received 60-65 per cent. And in Côte d'Ivoire, cacao producers received 45 per cent and coffee producers 50 per cent of world prices.

Just as the Export Commodity Marketing Board had responsibility for the stabilization of export crop producer prices, food crop parastatals or Grains Marketing Boards were entrusted with the function of supporting producer prices and stabilizing consumer prices for selected basic commodities mainly grains. These parastatals were expected to purchase these commodities at high (incentive) prices and resell to consumers at lower prices making up the difference with subsidies provided by the state. By buying at harvest time, storing and selling during lean periods, it was hoped that supplies would be evened out thus making supplies available all year round and at reasonably low prices to consumers.

However several factors have not permitted the food crop parastatals to discharge their functions efficiently. Firstly, their share of the food commodity market was usually small due to the small marketable surplus arising from subsistence production and the existence of traditional marketing channels which dominate foodstuff marketing. Secondly, the parastatals themselves ran into difficult problems. Almost in all countries where they existed they faced problems of lack of adequate financial resources, lack of managerial skills, poor logistics and insufficient physical facilities (storage and transportation).

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<sup>1</sup> Tapsoba, E.K.; Food Security Issues in West Africa. Paper prepared for the Training Course on Agricultural Marketing Policy Issues organized by the Economic Development Institute of the World Bank, July 4-8, 1988, Abidjan, Côte d'Ivoire. p. 14.



Contrary to expectation, the policy of paying farmers guaranteed minimum prices failed to provide the envisaged incentives for increased production as these prices were generally lower than domestic market prices. In many countries this resulted either in lower production giving rise to increased food imports to meet domestic demand or smuggling of foodstuffs across national boundaries where producer prices were more lucrative.

The implications of the pursuit of these policies for this report is that disincentives which they produced resulted in many cases in reduced production, and the lack of the need by producers including women to seek greater access to more land in order to expand cultivation and increase household incomes and welfare.

#### 4.1.2 Credit and Input Policies

In section 3.1.2, the organization of credit and inputs for small farmers was discussed during which the difficulties of access for women to these essentials of production were highlighted. In order to meet the credit needs of small farmers, who, for a variety of reasons, lack credit worthiness in the context of conventional lending practices, many African member States have established special small farmer credit systems which combine credit with inputs distribution and agricultural commodity marketing. Within these arrangements, special agricultural credit and banking institutions or "Farmers' Banks" (see table 5) were established to mobilize the necessary resources for lending to marketing parastatals and farmers co-operatives which then on-lend to their members at subsidized interest rates and on terms which take account of the special needs and vicissitudes of the small farm sector. Repayment of loans was for example adjusted to coincide with the sale of produce to the co-operatives which were authorized to deduct loans due from the value of crop received from the borrower farmers. This arrangement, it was hoped, would ensure the financial viability and effectiveness of small farmer credit systems and especially the financial institutions involved by minimizing problems of default, high operating costs etc.

In some countries, these small farmer credit systems have worked well and met at least some of the credit and input needs of small farmers including women. In Zimbabwe for example the tremendous increase in maize productivity and output on communal farms after independence is mainly attributed to improved systems for credit and inputs distribution to small farmers and women in these areas. In most other African countries the systems have not been successful for a variety of reasons<sup>1</sup>.

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<sup>1</sup> For an elaborate discussion of small farmer credit systems and their performance and problems see UNECA: Technical Publication on Measures for the Improvement of Credit Facilities and Fertilizer Marketing in Africa, October 1987.



As regard the impact of small farmer credit and inputs policy on women farmers, this has not been particularly positive. First, with the exception of few food crops such as rice, maize and groundnuts, credit and input distribution is organized mainly for export and cash crops such as cotton, cocoa, coffee etc. grown predominantly by men. Second, within the co-operatives and other farmers' organizations which distribute inputs and credit, women obtain access mostly indirectly through the household head or male kin in whose name she is often registered (exceptions may exist where she is the household head or in countries where women can register in their own names).

#### 4.1.3 Research, Extension and Technology Policies

Generally in many countries of Africa, government policy on agricultural research has focused more on perennial or cash crops (male crops) than on food crops (mostly female crops). As a source of new technology, research has aimed at increasing crop and livestock productivity and disease resistance of major export crops. Research has also focused on improving agronomic practices including the use of modern inputs such as fertilizers and development of improved tools and use of animal traction. Although the genetic base of most perennial crops such as coffee, oil-palm, cocoa, coconut palm etc. has deteriorated in recent years, historical evidence shows that research efforts especially during the colonial period concentrated on these crops leading to the breakthroughs in the development of hybrid oil-palm in Zaire, Nigeria and Côte d'Ivoire, Tea in Kenya, cocoa in Nigeria, Ghana and Côte d'Ivoire and Arabusta Coffee (hybrid of Robusta and Arabica) in Zaire. These are crops traditionally regarded mainly as men's crops.

Apart from the Green Revolution type breakthrough in hybrid maize in Zimbabwe and Kenya during the colonial period, there have been no comparable breakthroughs in the food crop subsector dominated by women. Even at present most research activities are related more to cash/export crops rather than to staple food crops. It is for example, reported that as recently as 1984, only 24 per cent of agricultural researchers working in sub-saharan Africa were specializing in Sorghum and Millet whereas these two crops account for more than 45 per cent of the region's cereal production and occupy about 60 per cent of the area devoted to cereals<sup>1</sup>.

Admittedly the post independence era in Africa has witnessed increasing focus on research on food crops especially by the International Agricultural Research Institutes (IARS) in Africa.

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<sup>1</sup> Rukuni Mandivamba and C.K. Eicher; Food Security for Southern Africa, University of Zimbabwe, February 1987.



According to Eicher<sup>1</sup>, after ten years of trials on rice by the West African Rice Development Association (WARDA) only 2 of the 2000 imported varieties of rice are yielding as well as the best local varieties. Only recently has the International Institute of Tropical Agriculture in Ibadan, Nigeria been able to release some cultivars to small farmers after several years of research on cassava.

With respect to sorghum and millet which are important crops in low rainfall areas of West Africa, the Sudan, Ethiopia and Southern Africa, Eicher further reports that less than 2 per cent of total sorghum, millet and upland rice area in West Africa is sown to improved varieties developed through modern genetic research. And after a 12 year research programme, a promising variety of sorghum was released in the Sudan only in 1984. Except for research on maize streak virus by IITA in recent years, maize had been relatively neglected in West Africa. However, in Eastern and Southern Africa and notably in Zimbabwe, the genetic research base for maize has been generally adequate and maize yields have been raised to about 4 tons per hectare on commercial farms and one ton per hectare on small holder farms in Zimbabwe, Zambia and Malawi<sup>2</sup>.

Research on grain legumes - phaseolus beans, cowpeas and soy beans has been modest until recently and several regional research projects on these crops are getting underway in East and Southern Africa. Finally, such other crops as roots and tubers (sweet potatoes, yams, cocoyams) which are important staple food crops in coastal West Africa and Central Africa are only now receiving modest research focus particularly by IITA. Not much information is available on research, if any, being done on plantain also an important crop in West, Central and parts of East Africa (Kenya, Uganda and Tanzania).

Regarding research on mechanization, efforts made so far in National Agricultural Mechanization Research Centers have not yet resulted in the development of simple and improved machines for ploughing, harvesting etc. that are ready for large-scale extension to farmers. Some IARs such as the International Livestock Center for Africa are however testing improved techniques of ploughing using animal traction for extension to livestock farmers. The use of imported tractors has been promoted in many countries of the region but only large scale farmers and state farms have been able to acquire them. Even then they face problems of spare parts, high costs etc.

<sup>1</sup> Eicher, C.K; Transforming African Agriculture. The Hunger Project Papers, No. 4, January 1986. pp. 9, 10.

<sup>2</sup> Eicher, C.K; Transforming African Agriculture. Ibid. p.



Similarly, technologies for food storage, transportation and commercialization have only recently been developed by groups working on appropriate technology. But little of these are visible in terms of application of these technologies for the improvement of the situation of rural women. Women still store their maize, millet and sorghum in traditional huts and mill them by pounding in wooden mortars or grinding on stone; they still store their roots and tubers underground or in barns where they are attacked by rodents and other pests. Fruits, vegetables, milk and livestock products hardly have any means of preservation while fish is preserved mainly by smoking. It is well known that nearly 40 per cent of food produced by small farmers hardly reaches the urban consumer because of losses during storage, transportation and commercialization. However, a few simple machines for maize milling, cassava grating have been modeled by some national research institutes and are being tested and extended.

It is thus clear that the stock of on-shelf farmer tested food crop technology is relatively meager. Given the important role of women as the major food producers, the failure of research and technology policies until fairly recently to focus on food crops implies that women and the food crops they produce have not been at the center of several policies. In effect these policies have not substantially promoted the effectiveness of women's roles in food production and food security through increasing their productivity.

#### 4.2 The IMF and World Bank Sponsored Stabilization and Structural Adjustment Programmes (SAPs)

In recent years and especially since 1980, an increasing number of African countries (about 30 in 1988) has embarked on stabilization and structural adjustment programmes (SAPs) generally under the auspices of the International Monetary Fund and the World Bank respectively. These countries include Zambia, Tanzania, Nigeria, Ghana, Cameroon to mention a few.

The IMF financed stabilization programmes seek to reduce four basic financial indicators namely the current account deficit, the budgetary deficit, inflation and government share in aggregate credit. The World Bank supported SAPs on the other hand, in addition to the above objectives aim generally at

Table 5 - Specialized agricultural credit and banking institutions in Africa

| Country              | Institution   |
|----------------------|---|
| Algeria              | Banque de l'agriculture et du développement rural   |
| Benin                | Caisse nationale de crédit agricole   |
| Botswana             | National Development Bank   |
| Burkina Faso         | Caisse nationale de crédit agricole   |
| Burundi              | Banque nationale de développement économique  |
| Cameroon             | Fonds national de développement rural (FONADER)<br>(Abolished in 1988, A Farmers' Bank is being established in its place) |
| Central African Rep. | Banque de crédit agricole et de développement   |
| Comoros              | Société de crédit pour le développement   |
| Congo                | Caisse nationale de développement agricole  |
| Côte d'Ivoire        | Banque nationale de développement agricole  |
| Ethiopia             | Agricultural and Industrial Development Bank  |
| Gabon                | Caisse nationale de crédit rural  |
| Gambia               | Gambia Agricultural Development Bank  |
| Ghana                | Rural Banks<br>Agricultural Development Bank<br>Ghana Cooperative Bank  |
| Guinea               | Banque nationale de développement agricole  |
| Kenya                | Agricultural Finance Corporation  |
| Lesotho              | Lesotho Agricultural Development Bank   |
| Liberia              | Agricultural & Cooperative Development Bank   |
| Madagascar           | Banque nationale Malgache de développement  |
| Mali                 | Banque nationale de développement agricole  |



Table 5 (cont'd)

| Country   | Institution  |
|-----------|--|
| Mauritius | Mauritius Cooperative Central Bank   |
| Morocco   | Caisse nationale de crédit agricole  |
| Niger     | Caisse nationale de crédit agricole  |
| Nigeria   | Nigerian Agricultural Central Bank   |
| Rwanda    | Banque Rwandaise de développement<br>Union de Banques Populaires   |
| Sénégal   | Caisse nationale de crédit agricole  |
| Somalia   | Commercial & Savings Bank<br>Somali Development Bank   |
| Sudan     | Agricultural Bank of Sudan   |
| Swaziland | Swaziland Development & Savings Bank   |
| Tanzania  | Tanzania Cooperative and Development Bank  |
| Togo      | Caisse nationale de crédit agricole  |
| Tunisia   | Banque nationale de Tunisie  |
| Uganda    | Cooperative Bank   |
| Zaire     | Banque de crédit agricole  |
| Zambia    | Agricultural Finance Corporation<br>Agricultural Development Bank<br>Financial Services of Zambia Cooperative Federation |
| Zimbabwe  | Agricultural Finance Corporation   |

**Source:** From field survey and FAO's African Agriculture: The Next 25 years; Annex V.  
FAO; Inputs Supply and Incentive Policies. Rome 1986, p. 17.

improving management of the public sector, eliminating price distortions, promoting trade liberalization and increasing domestic savings. Among the policy instruments used to achieve these goals include mainly exchange rate adjustment (resulting in most cases in repeated currency devaluation), increase in interest rates, control of money supply and domestic credit, and finally, reduction in government expenditure.

The SAPs have generated profound interest and controversy in many African countries in recent years for several reasons. Firstly, there is a widely held view that they do not address the fundamental problems of African economies. Secondly, they do not appear to be country specific. Thirdly, they are said to ignore the human dimension in the structural adjustment process. Fourthly their implementation involves considerable political risks and fifthly, the results obtained so far in many African countries have been mixed.

The ultimate goal of any development programme including SAP should be to ensure the overall well-being of the people through sustained improvement in their living standards. But the achievement of this goal in African economies requires a restructuring of existing production and consumption patterns with a view to achieving economic recovery with sustained growth. This is hardly explicitly mentioned in the SAPs. Among other criticisms, the SAPs do not take account of the human dimension in the structural adjustment process as already mentioned above. African experiences with the implementation of the SAPs have required socially painful adjustments involving considerable political risks. More concerned with external and internal financial adjustments, they provide hardly any focus on access to basic commodities and services such as food and primary health care, reductions in unemployment and more generally increasing standard of living of the population.

The reduction in government spending has, for example drastically cut down on or eliminated entirely certain social programmes and services to the generality of the population especially the poor, women and children. These include free or subsidized medical services, education, water supply etc. The adjustment in exchange rates and subsequent drastic currency devaluations have had the profound effect of significantly raising domestic prices in local currency for imported consumer goods, food commodities and industrial raw materials while reducing the prices of domestic exports in foreign markets. The removal of government subsidies on essential commodities and the fact that domestic salaries have remained pegged at low levels for several years in many countries underscore the hardship faced by salary earners and poor people in meeting their basic needs. The riots in Zambia in 1988 may be seen within this context. Removal of subsidies on important inputs such as fertilizers and seeds for small farmers has also adversely affected small farmers and women.



Exchange rate adjustments and currency devaluations have not significantly if at all, promoted primary exports and foreign exchange earnings either, given the small elasticities of demand for and supply of these products. Faced with increasing costs of industrial production, lack of spare parts, foreign exchange shortage and reduced demand, many industries have closed down with resulting retrendments and increasing unemployment.

The result is that despite several experiments with the SAPs there is increased immiseration and suffering for the majority of the population with an increase in the numbers of people in absolute poverty and those who are perpetually vulnerable and threatened by the adversities of nature as well as the malaise of socio-economic disruption. Among the very badly affected groups are the urban poor, the children and women.

#### 4.3 Schemes: Settlement, Irrigation, etc.

Before but especially following the World Conference on Agrarian Reform and Rural Development in 1979, many African countries have undertaken various agrarian transformation schemes aimed at modernizing agriculture and improving equality of access to resources through the reform of agrarian structures. Such land reforms have taken the form of settlement schemes as in Ethiopia, irrigation schemes as in the Gizera in the Sudan, Production Co-operatives as in Nigeria in the 1960s and early 1970s and Tanzania and Mozambique in the 1970s and 1980s, communal villages as in Mozambique and Tanzania.

The effects of these schemes on women's access to land depends on whether such schemes have involved a redistribution of land, technology and information to individual members of the rural community especially women or to groups or to the village communities as a whole. Barbara Isaacman and June Stephen<sup>1</sup> argue that where such redistribution is to individuals who are men, the effect is that such schemes or reform removes women's use rights to land that they had under the traditional tenure systems. The same is true for the distribution of seeds, fertilizer and dissemination of information which are necessary support for land reform programmes leading to the marginalization of women. This is because, according to Dey<sup>2</sup> many such schemes as irrigation and settlements schemes fail to allocate tenancies to women while enforcing regulations on which crops may be cultivated.

<sup>1</sup> ECA; Mozambique: women, the Law and Agrarian Reform. Op. cit.

<sup>2</sup> Jennie Dey; Women in Food Production and Food Security in Africa. Op. cit, p. 33. She, however, provides positive examples of schemes in the Gambia, Zanzibar etc. where both men and women are allocated or can rent or borrow irrigated plots.



Many such schemes are also often (though not always) built around men and the crops they grow - cotton, coffee, groundnuts etc. It is the men as individuals or heads of household that get registered as members of the schemes. They are allocated the plots which are registered in their names. And inputs distribution and marketing are organized for them and they control the returns from the land.

Farm settlement schemes in Western Nigeria in the sixties for example were linked to providing employment to young school leavers. Thus they assembled young men on reasonable acreages, working on a co-operative basis in terms of ownership of tools, purchase of supplies, marketing of produce etc.

Except in communal villages or co-operatives, women as usual, only form part (and a substantial part) of the unpaid family labour in these schemes. Among the consequences for food security, households are deprived of the food crops-grains, legumes and vegetables formerly cultivated by women leading to inadequate supplies of these complementary food to meet nutritional needs (if men are reluctant to use their income to purchase these foods in the market).

Apart from marginalizing women, the introduction of certain types of mechanization which usually accompanies such schemes, while alleviating the work done by men, increases the burden on women. This is because generally mechanization makes larger land holdings possible alleviating the men's activity of clearing and tilling where tractors and rotavators are used. Women's tasks such as weeding and tendering of crops and harvesting (for some crops) are hardly mechanized thus resulting in women working much longer and harder while men get more leisure time.

Isaacman and Stephen<sup>1</sup> observe that where the agrarian reform is collective rather than individual i.e. the village as a whole takes over land for its production co-operative as in the communal villages in Mozambique, women may not be marginalized since tasks are gender neutral and the co-operative receives credit facilities, seeds, fertilizers, mechanization services and information. However, considering that the majority of women in Mozambique still live outside communal villages erking their living on small family plots, communal village schemes do marginalize those women due to the almost exclusive attention given to these villages in the distribution of inputs, technology and marketing services.

The review presented in this chapter leads to the inevitable conclusion that although government agricultural policies,

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<sup>1</sup> ECA; Mozambique : Women, the Law and Agrarian Reform by Barbara Isaacman and June Stephen. Op. cit. p. 82.



programmes and schemes implemented in the framework of agrarian reform and rural development usually seek to modernize traditional agriculture and provide equality of access to production resources, and output, they do often by-pass certain segments of the rural communities especially women. Future policies, programmes and schemes must address the specific and important issue of access to production resources for women and make them an integral part of such programmes and schemes. The inadequacies of the past which have been identified in this chapter should, hopefully, provide useful lessons in this regard.

## V. SUMMARY AND CONCLUSION

In Africa where primary production still holds the key to the development of African economies, access to productive assets especially land is the most important determinant of income distribution and welfare. The amount and quantity of land and the legal and other conditions under which it is held and passed on from one generation to another greatly affect production. And secure tenure opens the way to increased short- and long-term investment, contributes to conservation of the soil and provides optimum conditions for maximizing production.

The achievement of overall agricultural development and improvement in household food security therefore significantly rests, among other factors, on the provision of appropriate incentive tenurial arrangements to the multitude of small farmers who form the backbone of Africa's food and agricultural sector. In Sub-Saharan Africa, women constitute over 50 per cent of these farmers providing as much as 80 per cent of the labour related to food production, processing and local trading. In fact, inequalitarian intra-household relations and sexual differentiation of roles in agriculture which characterizes most parts of Africa assign women the primary responsibility for food production and household food security.

The attainment of this goal in Africa therefore requires that women be provided with the necessary resources - land, improved inputs, technology and support services. In fact, the philosophy, principles and objectives of the Lagos Plan of Action, the African Priority Programme for Economic Recovery and the World Conference on Agrarian Reform and Rural Development, all recognize and underscore the fact that the achievement of growth with equity in Africa requires the full integration of women including equitable access to land, water, other natural resources, inputs and services and equal opportunity to develop and employ their skills.

Ironically, however, women are said to lack access to these same resources which are a sine qua non for agricultural and rural development. Customary laws based on social, religious and traditional values and customs in many countries in Africa are said to exclude women from direct access to land by denying them ownership, inheritance and other rights to land. Tenure is insecure for women and access to and control over other productive assets-credit, inputs etc. through formal institutional arrangements is also difficult as such access is often linked to security of tenure.

Recent literature on rural development in Africa seems also to increasingly suggest that many of the Agrarian reform and rural development policies pursued by African countries have, in many ways marginalized women and jeopardized food production.



This report has been prepared by ECA essentially to identify the constraints in land tenure systems in Africa which affect women's access to land and their activities in food production with a view to proposing measures for promoting the effectiveness of women's roles in food production through increasing their productivity. The data used for preparing the report were obtained during a study of selected African countries supplemented with information presented at the ILO Regional African Workshop on Women's access to land as a Strategy for Employment Promotion, Poverty Alleviation and Household Food Security.

The report examines the position of women in the land tenure systems in Africa, in particular, the factors governing their access to land and other productive resources. Interest is also focused in the report on some of the major policies, programmes and schemes implemented by African governments within the framework of agrarian reform and rural development with a view to identifying their weaknesses, strengths and impacts on women and providing important lessons which could guide future actions to increase women's access to land through improvement in their land holdings and land rights.

As concerns women's access to land the report shows that statutory laws governing the rights and relationships between individuals in the use and control of land and its resources contain no provisions which are intended or likely to dispose women of their ownership of land or disqualify them from obtaining access to land. However, difficulties of interpretation and administration of these legal codes, ignorance on the part of rural women regarding their rights in land and discriminatory practices based on unwritten customary and religious laws prevent women from claiming their rights and managing their land. Customary laws of most African traditional communities in particular tend to deny women ownership rights by not allowing them to inherit land from their husbands or having land allocated to them in their own right. Other factors such as poor tenurial systems, increasing rural population and adverse environmental and physical factors including poor land use practices have also led to increasing problems of poor quality land, land shortages and outright landlessness which have particularly affected women peasants and consequently food production. The report also argues that most of the policies, programmes and schemes implemented by African member States have focused mainly on men and the crops they cultivate and have involved a redistribution of land, technology and information in favour of men.

However, African member States are not unaware of the plight of women and the need to provide them with equal opportunities to improve their welfare as a sound basis for increasing food production and household food security. In fact, the term "Women in Development" has become a central theme not only in discussions

but also in programmes and plans of economic development. And some action is being taken in some countries in the areas of land reforms and special programmes for women designed to improve women's welfare. In a few countries, a closer look is also being taken at statutory and other laws which adversely affect women. But as Barbara Isaacman and June Stephen<sup>1</sup> point out, the law cannot, by itself, modify behaviour and however much the law reflects enlightened principles of women's emancipation, unless people (especially the men) appreciate the need to modify or change their social attitudes towards women, the latter will remain subordinate.

The potential socio-economic roles which women can play in contemporary African economic development underscores the urgency for African member countries and the international community to take measures that not only integrate women in the development process but also make them equal recipients of the benefits arising therefrom. It is in this context that proposals are made in the last and final chapter of this report to improve women's land holdings and land rights.

<sup>1</sup> Barbara Isaacman and June Stephen in ECA, Mozambique, the law and Agrarian Reform. Op. cit. p. 148.



## VI. PROPOSED MEASURES FOR IMPROVING WOMEN'S LAND HOLDINGS AND LAND RIGHTS

The improvement of women's land holdings and land rights must be viewed in terms of the ultimate long term goals of improving women's land and labour productivity, output and household incomes and food security. In as much as rights to acquire and use land are important issues in efforts to improve agricultural production, other factors such as credit, use of improved inputs and modern technology etc. play important roles in this respect. Therefore measures for improving women's land holdings and land rights must of necessity encompass all those measures which must be applied in an integrated and holistic manner or as a package to improve women's productivity, output, incomes and food security. Within this context, two sets of measures are required viz those for improving women's land rights and those for improving women's land holdings. The former measures relate to women's rights in land and security of tenure. The later have direct implications and consequences for land productivity and output increases.

Before presenting the necessary proposals, a 'caveat' is necessary here. First, considering religious and other sensitivities which affect and/or determine land tenure systems and the position of women within household production systems in African societies, recommendations will be general and not addressed to specific countries or subregions. It is expected that member States would choose and adopt those that best suit their socio-economic environment. In making such choices, it is hoped that they would be guided by an earnest desire to improve the welfare of women, their households and their nations. Second, the recommended measures are not exhaustive. Only those considered very important are suggested and third, in making recommendations for improving women's land rights, the intention is not to bring about a clear division between spouses in the ownership of household property. As a member of a family to which she and her children belong, the purpose is to provide and strengthen such rights to land that would facilitate and increase the women's contribution to family welfare especially if she, for any reason, has to assume the role of household head.

### 6.1 At National Level

#### 6.1.1 Measures for Improving Women's Land Rights

These measures focus on those factors which prevent women from claiming their rights or managing their land. They include difficulties of interpretation and administration of legal codes, ignorance on the part of women regarding their rights, discriminatory practices based on unwritten customary and religious laws etc. In order to strengthen women's rights in land the



following recommendations are suggested.

#### 6.1.1.1 Improvement in Drafting of Statutory Laws

Laws relating to land tenure should be drafted clearly and in a manner and language which leaves no one in doubt as to the implied meaning or intention of the law. The confusion caused by the misinterpretation of the inheritance provisions of Lesotho's Land Act of 1979 was cited in Chapter II. All possible care should be taken to ensure that no legislation implies direct or indirect dissemination against women.

#### 6.1.1.2 Need for a change in some customs and traditions

There is a need to do away with those customs and traditions which discriminate against women. Admittedly, changes in customs and traditions are difficult to make neither are they accepted readily given that most African women especially rural women have been brought up in traditional societies. Such changes must therefore be undertaken cautiously and if possible, gradually and they should reflect a movement to improve the body of customary law as well as evolve a modern legal system that will clearly define the rights of women especially in land.

#### 6.1.1.3 Revision and updating of Statutory and Customary Laws to Reflect Present Economic and Social Realities

Given the changing socio-economic roles and statuses of African women due mainly to the social, economic and political changes taking place in Africa, African member States need to change, modernize or repeal outdated laws especially those which discriminate against women. These laws must also be kept under constant review and adequate provision must be made for their enforcement without discrimination (see section 6.1.1.4 below). with regards to improved legislation on women's rights to land, the following recommendations are made:

(a) Full ownership and usufruct rights to land allocated by the community or village to the household should be accorded to both spouses and recognized.

(b) Registration of family land should be permitted and encouraged in order to make tenure more secure. Such land should be registered in the names of both spouses.

(c) In the event of the woman becoming a widow, full title rights should be given to her and land should pass to their heirs only if both spouses are deceased.

(d) In the event of the widow remarrying, the land should pass on to their heirs as she would now have rights to the family



land of her new spouse (given (a) above). Where there are no heirs, the widow should retain her rights to the land.

(e) Male and unmarried female children should inherit equally. But in the event that the latter marry they should give up part of their titles to their parents' land and take up rights to their spouses land as provided in (a) and (c) above.

(f) Unmarried women where they decide to set up home should be eligible for land allocation or lease by the community or village in their own right and allowed to register and obtain title to such land.

(g) Privatization or sale of communal land should not be encouraged as only the rich (and the men among them) would have the privilege of acquiring such land. Communal land rights should therefore be stressed in rural areas.

In fact, right from the time the land laws are revised, they should be widely circulated among women groups or their representatives for discussion, debate and comments before they are finalized and passed as law. In this connection attention is drawn to the situation of Lesotho where women representatives of various ministries, women's groups and the law office met in Maseru on 6 March 1989 to discuss the Land Policy Review Commission's Recommendations on the Rights of Women in Land. Those recommendations which they considered as adversely affecting the rights of women, in particular the rights of widows, were carefully examined, discussed and revised recommendations were made to the Commission.

#### 6.1.1.4 Improvement in Implementation and Administration of Land Laws

Land laws like any other laws are only as good as the administrators and the machinery adopted for their implementation. Lack of will or capability, unwillingness of male administrators to give up or share rights to land with women, and lack of the necessary skills and training in land administration, implementation are some of the reasons for poor land administration, implementation and monitoring. Given the above, the following recommendations are proposed:

(a) The various land acts such as stool lands acts (for rural lands), Administration of Lands Acts, Forest Lands Acts etc. should provide sufficient legislative and executive powers to enable government exercise effective overall control over land;

(b) Institutions in-charge of land administration should be given clearly defined responsibilities. An over-lap of duties and responsibilities between institutions should be avoided. In this regard it is suggested that:

(i) at the local level, stool lands should be under the immediate control of the chiefs who should be responsible for allocation and supervision of arable and pastoral lands according to the relevant land acts;

(ii) at the national level all technical departments concerned with land related functions such as lands, survey, planning, housing and urban development including the Deeds Registry for land titles should fall under one Ministry or authority to facilitate co-ordination. The Deeds Registry should be so organized that it receives adequate backstopping from the Ministry of Justice;

(iii) the Ministry or Authority in charge of all land-related matters should have offices at the district or local level. Such offices should be well staffed with trained land officers to provide proper land administration at the local level.

#### 6.1.1.5 Provision of Legal Education for Women

African women need help to fully understand their rights in property including land as provided by law. In this respect, Governments should as much as possible initiate and/or encourage and support efforts by women's groups, National Law Institutes and Non-Governmental Organizations (NGOs) to:

(a) establish mobile legal clinics in rural areas to provide legal education to women on their rights to property particularly land. Such legal clinics are already in existence in Kenya, Tanzania, Zimbabwe, etc.

(b) Set up legal aid schemes or strengthen existing ones and enable them provide legal assistance to women whose rights are violated.

(c) Legal provisions, should to the extent possible be translated into the major local languages and distributed to all parts of the country and made accessible to women and other members of society.

#### 6.1.1.6 Education for Change of Attitudes

Some age-old customs and traditions have inculcated very negative perceptions and beliefs about women and their capabilities. There is urgent need to change these and instil self-confidence in rural women through education. Similarly there is a need also to educate the men on the negative impacts on women of some of the unprogressive traditional belief systems propagated by men and of the need to change men's attitudes towards women. The ultimate goal should be to create awareness on the immense



capabilities of women and the need for increased complementarity between men and women in agricultural and other socio-economic activities so as to promote household welfare and prosperity. This would go a long way to ensuring greater fairness in the implementation and administration (by men) of land. Relevant Government Ministries and women's groups and organizations have a big role to play in this regard by organizing seminars, meetings, radio programmes and workshops on women in Development.

#### 6.1.2 Measures for the Improvement of Women's Land Holdings

These are measures designed to improve productivity and increase agricultural output on women's holdings.

##### 6.1.2.1 Allocation of Larger and Consolidated Plots

There is need to change the present system whereby land in the rural areas is allocated to households in small and scattered plots and enough only to meet their subsistence needs. Wherever population pressure and land availability do not pose serious constraints, allocation of plots should be based on the need for the household to produce enough food both for subsistence and the market. As much as possible too, plots should be consolidated to permit larger production units.

##### 6.1.2.2 Family Planning and Population Control

Given the adverse effects of uncontrolled population growth on the availability of land per caput, on household food security, and on women's health and productivity, African member States are urged to adopt suitable population control measures such as family planning and counseling so as to limit family sizes and improve the spacing of children. This would not only decelerate the rate at which family plots get smaller but would also relieve women of the burden of frequent child bearing and keep them healthier.

##### 6.1.2.3 Access to Improve Inputs and Technology for Rural Women

(a) Small farmer credit schemes particularly designed to meet the needs of women should be set up and supported financially. These could be done within existing agricultural finance institutions or through co-operatives. The minimum size of loans and the repayment terms should be adapted to the enterprises undertaken by women. Informal sources such as women's thrift and credit societies should also be encouraged by government and women's groups so as to provide additional or complementary sources of credit.



(b) Provision of improved inputs: these should be made available to the women farmers at the right time and place and in the amounts desired. Small farmer credit systems which combine supply of credit with input distribution are recommended.

(c) Provision of Extension Services and Marketing Facilities: these services and facilities include improved rural physical infrastructure (i.e. transportation, storage and preservation) agricultural and marketing extension, and market information. The provision of extension services would require the training of sufficient extension workers. In countries where traditions and customs discourage direct contact between male extension workers and women, women should be trained to provide such agricultural and marketing extension services. To ensure the effectiveness of these extension workers, they must be well equipped with the necessary facilities (especially transportation) and provided with incentive working conditions including remunerative salaries and allowances.

#### 6.1.2.4 Development of New Technology

African member States should intensify research on food crops and farming as a means to increase the productivity of women's land holdings. The development of labour saving technology for storage, processing and preservation of staple food crops such as rice, sorghum, millet, maize, potatoes, yams, cocoyams, plantains, fish, fruits and vegetables should be given urgent attention in order to relieve women of some of the drudgery involved in using existing methods.

#### 6.1.2.5 Provision of Potable Drinking Water and Alternative Sources of Fuel

Member States should intensify efforts to provide rural communities with potable drinking water (either through pipes or bore holes) and suitable alternative sources of energy for cooking. This would greatly reduce the strain, energy and time used by women in fetching water and fuelwood, keep them in better health and improve their productivity on the farm or in other economic activities.

#### 6.1.2.6 Education and Training of Women

There is an urgent need to promote the education of women in order to prepare them for more opportunities within but especially outside the agricultural industry. In, this regard, efforts should be intensified to increase the enrolment of girls within the formal educational system. Governments and relevant organizations should also encourage and promote adult education programmes for women including seminars, farm demonstrations, home economics etc.



## 6.2 At sub-regional and International Level through Sub-regional Co-operation

At the sub-regional level member States can improve women's land holdings and land rights by co-operating with one another in the following areas:

6.2.1 Research and technology development to develop improved crop varieties and animal breeds as well as simple technologies for storage, processing and preservation that would relieve women from the drudgery of existing methods;

6.2.2 Trade in inputs and food commodities so as to provide intra-African markets for major food staples and inputs and thus encourage more production;

6.2.3 Training of women by opening the doors of their training institutions and facilities especially for women from those member States with inadequate facilities. Similarly, the organization of international seminars on women's rights, responsibilities and their roles in national and international development are also important means of improving women's contribution to development.

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