

Women's land rights in Sub-Saharan Africa.

Experiences from Mozambique

On the 19th of February, Land Rights Research Initiative (LARRI) hosted an open seminar on the topic of women's land rights in Sub-Saharan Africa and had the honour to present Professor Randi Kaarhus from the University of Nordland in Norway.

Kaarhus is a social anthropologist with long experience from rural development policy research including land tenure changes and women's land rights in Sub-Saharan Africa.

In her work she has in particular focused on Mozambique, Malawi and Tanzania.

The discussion following the presentation was moderated by Margareta Espling from the University of Gothenburg.

In her presentation Professor Kaarhus emphasized the need to ground the discussion on women's land rights in reliable data and experiences as well as keeping a context based approach, taking into account local conditions, norms and practices. She also shared her experiences from a land delimitation process in Mozambique, with an emphasis on gender challenges. After her thought provoking presentation, a vibrant discussion followed with the audience bringing up questions on the challenges and possible ways forward within the issue of women's land rights.

Kaarhus opened up with the question if we can rely on very general statements such as "women only own around 15% of the land in Africa"?

The answer is no, according to Kaarhus, who emphasised the importance of being careful with using statements not based on reliable data or grounded experiences regarding women's land ownership in Africa, as it might very well lead to oversimplifications.

Women's land rights in Sub-Saharan Africa is a topic covering a vast continent, and containing diverse realities, Kaarhus pointed out. The complexity of the topic needs to be addressed both on a conceptual and a contextual level, she continued.

Comparable data is lacking, and available statistics indicate great variation both between and within countries. As an example Kaarhus showed statistics of the share of the total land area owned or accessed by households "solely owned by women", in Malawi this share is 31% and in Nigeria around 1%. This confirms the danger of generalising the situation in a particular country or society to the whole region. Even if data is scarce and often unreliable, according to the International Food Policy Research Institute (IFPRI), available data shows that women, compared to men, are disadvantaged in almost all measures of land ownership. This is particularly evident when looking at all the different dimensions of right to land, as women might possess the right to use and access the land, while the right to manage, sell or benefit from the land often belongs to the men in the household.

As both the policy and academic discourse on women's land right develop over time, we need to ask ourselves the central question of "*what is the context?*"

According to Kaarhus, the general discussion has to a certain extent moved from questioning the involvement of the state and to what extent reforms of customary tenure systems is the right method to secure the land rights of women, towards an approach where state-law intervention by many is considered necessary to secure these rights in the context of increasing international interest in investing in land in Africa ('land-grabbing').

In order to grasp the development of land rights, we need to understand the global context as we are faced with changing realities. A central aspect brought up both by Professor Kaarhus and IFPRI is increased competition for land, where land has become an attractive object of investment for both international investors and internal elites. This trend has important consequences for the debate on land ownership and formalisation, where increased state engagement through legal regulation and registration of land rights often is stressed as a central instrument to secure the land rights of local communities.

Realizing the global context surrounding and influencing the land rights discourse, it is also vital to realize the role of our own concepts and general disciplinary backgrounds in shaping how we approach the question of women's land rights. This requires an awareness of gender roles and gender issues within the local context.

Professor Kaarhus exemplified this by telling the audience about a personal insight from her visits to Mozambique. When talking to the local women, asking them about land rights, she soon came to realize that this was not just a legal issue to be discussed in public. For these women, land rights was a private and quite intimate issue concerning family relationships. This may limit what many women will say about their own land rights in public meetings or in official surveys. A woman with some degree of land ownership might even opt for saying that the land belongs to her husband than to be exposed to 'embarrassing' situation when speaking about her land rights in a public meeting. Hence, in our analysis we need to take into account the complex field of local gender roles and gender relations, and the fact that what people say is influenced by the context in which it is said.

Kaarhus continued her presentation by telling the audience about her experience from a community land delimitation process in a patrilineal community in Mozambique in 2008-2009.

According to the Mozambican constitution, all land is property of the state, but the Land Law also recognises local people's customary rights to land and these rights can be formally recognised through a 'delimitation process'. The process requires that a group of people identify themselves as a 'community' and in dialogue with neighbouring communities agree on the boundaries of their 'community land'. She explained that the process usually takes a long time. The slow process building on participatory methods, involves cultural translation and negotiation. As a consequence of the process involving conflicting interests, in the case she described, the legally prescribed steps and the participatory processes became subject to power struggles where different (male) authorities attempted to strengthen their power within the community.

The process did, according to Kaarhus, offer the community a stronger position in future negotiations with external actors and interests, both small and large-scale investors. However, it was primarily men's knowledge and relations to the land that were strengthened and women gradually vanished out of process picture.

Local gender norms and patterns based on historical traditions of the community restricted the involvement of women and resulted in land usually being allocated to the men. Women usually came to the community for marriage,, hence the men were the ones most familiar with the local history, which is a central element in the participatory process when establishing formal land rights, Professor Kaarhus explained. The spirits associated with important 'sacred places' are also linked to the local men's families and these families' claims to the land.

These structural imbalances accompanied by polygamy – and men passing away, leaving landless women behind – raises the question if individual land titles might be necessary to secure women's land rights.

This question turned into a central topic in the following discussion with the audience of the seminar. A member of the audience stressed that the delimitation processes are mainly driven by NGOs and other external actors and characterized by unclear responsibilities. The lack of knowledge, capacity and resources among local community members tend to be overlooked and the way many of these processes are implemented, risks overlooking vulnerable groups.

Kaarhus responded by emphasizing that these unequal power balances and structural inequalities are reasons why the discussion on individual titling should be a high priority. This should not be understood as a recommendation made by Kaarhus, but as new investments are a common phenomenon and women often have to settle with very small plots of land, we need to discuss in what situations individual titling possibly could be a good idea. Community titling and individual titling do not need to be considered as exclusive options, Kaarhus pointed out. Combining these two

land formalization processes could be a possible way forward, not least in Mozambique, Kaarhus concluded while emphasizing the need for more research on this particular topic.