

# TALKING LAND

## The need for national frameworks and local strategies

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Women remain relatively invisible in African agriculture, despite accounting for over 50 per cent of the continent's agricultural workers. In the context of ineffective land redistribution, women farmers are highly vulnerable. A recent study by the World Bank shows that only 10 per cent of rural land in sub-Saharan Africa is legally registered, while the rest is undocumented and informally administered, making local communities vulnerable to land grabbing or expropriation without adequate compensation. Women face particular challenges and are often disadvantaged in terms of land ownership or tenure.<sup>1</sup>

A large body of literature has documented the precarious situation of women with regards to their right to land, and much work to secure women's land rights has already begun.<sup>2</sup>

Naliaka is a 25-year-old Kenyan widow, with five children aged under seven, whose husband died of AIDS. She used to live on and farm her late husband's land. However, her husband's family have blamed her for his death, and have kicked her out of the marital home and off the land.

Naliaka has gone to the village chief about the issue, but has received no support, as traditionally women are barred from inheriting land. She has also gone to the provincial administration to ask for help, but the authorities asked her to pay Ksh 5,000 (\$60) before they would look at her case.

Naliaka has tried to go back to her parents' home, hoping they might give her a portion of their land to sustain her five children and herself. However, her parents have left most of the land to her brothers. She now lives in one of the largest informal settlements in Nairobi and is working as a maid.

Women at the grassroots are adopting various strategies to secure their land rights. In Kenya and Malawi, women have formed watchdog groups with the aim of holding leaders to account for land deals.<sup>3</sup> In Zambia, women have formed collectives to buy land in groups, a strategy used to overcome high land prices and to ensure that women gain secure title to land.

In Morogoro, Tanzania, Oxfam has supported a series of Women's Land Dialogues, which provide opportunities for rural women to discuss how their land and property rights could be improved. The aim in particular is to challenge traditional leaders to support women in their land claims.

One meeting, included small farmers from a number of ethnic groups and pastoralists who are mostly Masai. 'The Women's Land Dialogues are an opportunity to discuss land issues and to learn,' Zenais Matemtu of Oxfam explained. 'We learn from the good examples and from the problems women face with land.'

The meeting heard stories from women such as Jenny, whose husband

had died and who lost her land after a dam was built. There were no negotiations and she received no compensation. Would this still have happened if her husband had been alive? 'No,' she said, without hesitating.

A young woman challenged the leaders directly, saying, 'Women don't get assistance from the village leaders and government if they do not have money.' The loud cheer from the crowd confirmed that this was a common experience. Positive experiences were also shared, with the success of five women farmers, meant their village leaders allocated them further land.

The aim of these meetings is to change the way that traditional leaders support women in their land claims. Closing the event, the (male) chairperson promised that his office would now listen to women.

At continental level, frameworks have been developed to set the standard on women's land rights and to delineate clear and specific responsibilities of national governments in protecting women's land. The Maputo Protocol on Women's Rights requires African states to protect their rights to property and land (Articles 15, 18 and 21). It specifically requires states to 'promote women's access to and control over productive resources such as land and guarantee their right to property'. The rights enshrined in the Protocol are binding on state parties. The AU Framework and Guidelines on Land Policy in Africa<sup>4</sup> recognize the need to reform national legislation to protect women's land and to redress gender imbalances in land holdings and use.

The powerful promise of women's rights, including land rights, is that women will be able to access these rights. Despite these provisions, women require support from all development actors, including governments, donors and companies, to secure access to and control over land.

## NOTES

1 F. Byamugihisa (2013), 'Securing Africa's Land for Shared Prosperity: A Programme for Scale-Up Reforms and Investments', Washington DC: World Bank Group.

2 C. Doss et al. (2013) 'Gender Inequalities in Ownership and Control of Land in Africa', IFPRI Discussion Paper, Washington, DC: IFPRI.

3 ICRW (2004) 'To Have and to Hold: Women's property and inheritance rights in the context of HIV/AIDS in sub-Saharan Africa', p.49.

4 Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods, 2011.

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