



# PRIORITIZING WOMEN LAND TENURE SECURITY IN ZIMBABWE

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## KEY MESSAGES



For policy and lawmakers, legal enforcement should be prioritised to warrant that women’s rights to land use, ownership, inheritance, and decision-making are upheld.



At the governmental level, gender-responsive land institutions should be capacitated to address the specific needs and constraints faced by women, including land registration and dispute resolution mechanisms to curtail disinheritance.



The government and civil society must develop institutional mechanisms to monitor and enforce compliance with Constitutional provisions, gender-responsive land tenure policies, and regional and global mandates to ensure accountability and transparency in land governance.



Capacity-building programs by government and civil society groups should empower women with the knowledge and skills necessary to claim their land rights and engage effectively in land-related decision-making processes.



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*“Every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others”.*



## BACKGROUND AND CONTEXT

Since independence, many land tenure questions remain unaddressed. Despite progressive constitutional guarantees provided (2013 Constitution) and international commitments such as Convention on the Elimination of all forms of Discrimination Against Women and regional frameworks such as the Maputo Protocol and African Framework and Guidelines on Land Issues and challenges, women continue to face challenges in secure access to and ownership of land. This policy brief is a call to action, stressing the imperative of addressing the systemic constraints and barriers that weaken women's land rights. This brief calls on stakeholders to instigate evidence-based solutions based on multi-stakeholder consensus.

The significance of women's land tenure security in Zimbabwe cannot be underestimated. Secure land rights for Zimbabwean women are not just a matter of property ownership but a foundation of their economic empowerment, food security, and overall well-being. When women have secure access to land, they are better positioned to invest in agriculture, generate income, and contribute to household and community development (United Nations 2023).

Moreover, women with land tenure security are more likely to access credit, participate in decision-making processes, and assert their rights within their communities.

### Methodology

This research was based on a review of documents, policies and laws related to land issues in the country. The documents included scholarly material and reports on land and gender issues in the country. Data sources were purposively targeted, such as the Web of Social Sciences Citation Index and Ebsco. Keywords such as women and land, women and land tenure, and gender and land tenure were used in searching for material. Careful attention was given to the contents of the material, and data on women and tenure aspects was extrapolated. The laws reviewed included the Constitution of Zimbabwe, Statutory Instruments, Traditional Leaders Act and Communal Lands Act. Policies were sourced from government websites such as the Land Commission, Gender Commission and Ministry of Lands, Agriculture, Fisheries, Water and Rural Development.



## Findings

Several observations can be made about the current landscape of women's land tenure security in Zimbabwe. Persistent challenges curtail women's access to and control over land. Despite legal provisions and international commitments aimed at promoting gender equality, women continue to face systemic barriers embedded in cultural norms, patriarchal practices, and inadequate legal frameworks. Discriminatory practices in land allocation processes often marginalise women, who usually have to prove that they deserve land.

Additionally, customary laws and inheritance practices tend to prioritise male heirs, further exacerbating gender disparities in land ownership and control. Customary practices still insist on male privileges to own, control, and allocate land, while women have fragile usufruct rights and limited sole or joint ownership (Bhatasara 2020).

For the majority of rural women, specifically in communal lands, land tenure is complicated, with access and ownership often layered with barriers and discriminatory social practices present in their daily realities. Despite some positive steps toward reforming land laws and policies in many developing countries, including Zimbabwe, women's rights to land have yet to become fully realised. The reality for women is still characterised strongly by entrenched patterns of exclusion (Namubiru-Mwaura 2014). Widows are disinherited by kinsmen, including their sons, in rural Zimbabwe.

Women also lack knowledge of their land rights, laws and policies that can protect them. Traditional leaders in communal land still refer to customary laws in land administration. Post-2013 Constitution in Zimbabwe, Moyo et.al. (2015) exposed that the land rights available to women in Communal and Resettlement Areas are the most limited in scope and insecure, while women's access to land in commercial farming areas, including the leasehold lands and remaining large-scale farm areas is largely limited by various market-related resource constraints. According to Section 71 [2] of the country's constitution, "Every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others". However, it does not relate to agricultural land, which is essentially state land. State land (as property) cannot be disposed of or sold.

This right also does not extend to women in customary land governed under the Communal Lands Act (Bhatasara 2020).

Again, Section 17 [1] (c) says the State and all institutions and agencies of government at every level must take practical measures to ensure that women have access to resources, including land, based on equality with men. Nonetheless, customary laws concerning land tenure, such as the Traditional Leaders Act, do not reflect this (ibid).

## Recommendations

Legal and policy changes could be a starting point in addressing women's land tenure security. Since land tenure has many facets, including use rights, rights to dispose of land and inheritance, several key issues should be considered at the legislative and policy levels. For instance, ensuring that laws grant women equal inheritance rights and address traditional or customary practices that might exclude women from inheriting land. Enforcement of joint land ownership laws is also key. Currently, the joint registration of permits is left to the discretion of spouses, and there is no enforcement mechanism.

There is a need to enforce laws that support joint land titling for married couples, giving both partners equal ownership rights. The Constitution is vague on the recognition of women's land rights. In this case, the government should include women's land rights specifically in national land policies and constitutions and harmonise customary and statutory laws to remove any conflicting rules that may undermine women's rights, such as the Communal Lands Act and Traditional Leaders Act.

It is also imperative to strengthen institutions such as Traditional Leadership to be at the fore front in modifying or de-legitimizing practices and norms undermining women's land tenure security. These leaders require training to interpret and apply Statutory Laws that protect women. The leaders can be at the forefront of promoting awareness in communities and shifting perceptions away from customary practices that constrain women from owning and controlling land. It is also possible to reframe and interpret customary laws positively to protect women's tenure security. In fast-track farms, customary laws and practices never existed but are being reproduced by the traditional style of leadership that has emerged. The Land

Commission must intervene to stop processes and practices through modified leadership styles.

Since most women do have knowledge of land laws, policies and how to claim their land rights, there is a need to build their agency. Civil society groups working on land issues and government departments should converge and train women so that they have improved knowledge to navigate various tenure challenges. This can enable women to demand their land rights and accountability in land administration institutions.





## ACTION PLAN

Continuous review of laws and policies should take a central role in safeguarding women's land tenure. This can be done through policy dialogues that bring together various land-based actors in political and civil society spaces. The review should also align laws that still undermine women with the Constitution.

Enforcement of legal provisions on inheritance and land registrations should also be prioritised and done continuously. Otherwise, the legal provisions are meaningless in view of securing women's land tenure.

In the short term, sensitisation of Traditional leaders on Constitutional provisions that protect women is required given that this is the supreme law of the land. This can enable Traditional Leaders to modify long-held practices and administer land in line with positive Constitutional provisions.

Building women's agency through training should be a continuous process since the terrain continues to change. This will keep women abreast with changes in international and regional norms and laws and local policy changes.

## CONCLUSIONS AND WAY FORWARD

In conclusion, addressing the issue of women's land tenure security in Zimbabwe is not only a matter of social justice but also essential for achieving sustainable development. The insistent barriers encountered by women in accessing and controlling land underpin the urgent need for comprehensive reforms that prioritise women's rights and address the systemic barriers that prolong gender disparities in land ownership and control. By implementing the policy recommendations outlined in this brief, the country can create an enabling environment where women can exercise their land rights, participate fully in economic activities, and contribute to the nation's development agenda.





## REFERENCES AND APPENDICES

Bhatasara, S. (2020). Women's Access to Land and Security of Tenure post 2013 Constitution in Zimbabwe. African Journal on Land Policy and Geospatial Sciences, 3(1), 186–194.

Moyo, S. Chambati, W.; Chidavarume, T.; Munyikwa.; Nyakudya, M.; & Chigumira, E (2015). Constitutional provisions regarding women's land rights and related empowerment, Paper prepared for the Zimbabwe Land and Agrarian Network (ZiLAN), Harare

Namubiru - Mwaura, E. (2014). Land Tenure and Gender: Approaches and Challenges for Strengthening Rural Women's Land Rights available at: <https://documents1.worldbank.org/curated/en/309091468153867580/pdf/927600NWP0Wome00Box385358B00PUBLIC0.pdf>

United Nations.2023. Securing Women's Land Rights for Increased Gender Equality, Food Security and Economic Empowerment. Available at: <https://www.un.org/en/un-chronicle/securing-women%E2%80%99s-land-rights-increased-gender-equality-food-security-and-economic>