Gender and Property Rights in Africa: Some Implications for Rural Strategies and Natural Resource Management

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GENDER AND PROPERTY RIGHTS IN AFRICA: SOME IMPLICATIONS FOR RURAL FOOD STRATEGIES AND NATURAL RESOURCE MANAGEMENT

Abstract

Women contribute significantly to agricultural production in Africa but the majority has not control over critical resources like land, extension services, credit and improved technology. Poverty reduction strategies and elimination of household inequalities in agricultural production in Africa, therefore, require increased attention to gender differences in rights, responsibilities as well as access to productive resources. The paper finds no substitute for property rights and gender-balanced policies as precursors for greatly reduced poverty, hunger, and general suffering. It equally holds in doubt the ability of any organization, world or national, religious or secular, to accomplish as much in the absence of those basic and gender-balanced rights. Women's predominant role in agriculture and family welfare and close interaction with the environment means that there are potential repercussions for Africa food sector and the environment in light of diminished rights to productive resources faced by women farmers. Policy that can accord women access and security to tenure, and improved access to market, education (particularly education of girls) and health while ensuring macroeconomic stability would be a *win-win-win* situation because it could lead to more growth, less poverty and improved resource management.

Key words – Gender, property rights in Africa, rural food strategies, Natural resource management

1. Introduction

"Africa's recurring food crisis and the successive waves of research and policy initiatives regularly following in their wake can be compared to a series of tropical storms, which in capturing our immediate attention during their fury, tend to divert our analyses from the basic *sea changes* in the resource base and social organization of traditional peasant agriculture". *(Jeanne Koopman, describing the hidden roots of African food problem: Koopman,1992, p.83)*

Current concern with property rights[1] in Africa derives from decades of accumulated experience where past development efforts, contrary to expectations, have tended to produce what may be called, a situation of rural crisis in the agrarian economies. The results are now seen. First, food and agricultural production *per capita* has been declining in a significant number of countries. According to a report by the Communication for Development Group Extension Education Communication (SDRE), the population of sub-Saharan Africa is growing at the annual rate of about 3 percent, which is much higher than per capita growth in food production.

By late 1960s, concern had begun to mount over the already observable tendency for the growth of food supply to lag behind that of population, but recent famines and food scarcities in countries like Ethiopia, Somali, Malawi, Zimbabwe, Zambia, Mozambique, Lesotho and Swaziland appear to confirm the worst fears. Africa's agricultural productivity is very low, averaging about 300 to 500 kg/ha compared to yield of over 2000kg/ha in the United States. In most cases the low yields are a result of poverty in most African countries, deforestation, environmental degradation, climatic changes, inequality in resource ownership and diseases.

Rural poverty and malnutrition are problems of growing seriousness in Sub-Saharan Africa (SSA). Statistics show increasing trends in number of people below poverty line in most of the countries. Third, problem of environmental degradation have worsened over the last three decades. Fourth, the rate of growth of employment in agriculture (resulting from a combination of expansion of acreage and increase in the intensity of cultivation) has not kept pace with that of agricultural labour force leading to a decline in employment per working person.

Nevertheless, planners and policy makers in Africa are increasingly becoming mindful of the major aspects of socially ascribed gender roles and implications for food, agriculture and sustainable development. From common understanding that agricultural production in Africa is predominantly female, such concern inevitably led to the idea that acceleration in the rate of growth of food production was both essential and feasible through appropriate policies and willingness to put productive resources in the hand of

[1] This paper defines property rights in broad terms, to encompass a diverse set of tenure rules plus other aspects of access to and use of resources other than titles or acquisition of documents signifying ownership. Here, attention is more to land, being the household's most basic productive resource.

African women.[2] It is increasingly recognized that an untapped source of agricultural growth could lie in reducing the bias against women in agriculture.

This view helped to reinforce the seemingly strong argument for 'gendered' land policy, which has been in the heart of land debate in many African countries. It is argued that gender biases in access to productive resources and assets (land, credit, foreign exchange, occupational training, physical and human capital and terms of participation in labour markets) affect the outcomes of economic policies (Cagatay 1996).

Gender equity, concerning resource access and allocation as well as opportunities for social and economic advancement, has been a prominent item on the agenda of recent international meetings. These meetings have helped to define more clearly, the basic link between gender equity and sustainable development, and specific mechanisms and objectives of international cooperation.

International conferences notably, Agrarian Reform and Rural Development (WCARRD) in 1979, the first African Crop Science Conference held in 1993 in Uganda, and the World Food Summit (Rome 2002) tremendously raised global awareness of the problems and potential of gender mainstreaming in agricultural development processes, and helped to point towards possible solutions of policy action. The 1992 UN conference on environment and development (UNCED in Rio de Janeiro referred to as the 'Earth Summit') included gender issues under agenda 21.

The World Conference on Human Rights in Vienna in 1993, the international conference on population and development in Cairo in 1994, the World Summit on Social Development in Copenhagen in 1995 and the 1995 world conference on Women in Beijing all had gender issues among their top agendas. The 2002 World Food Summit Declaration and Plan of Action include important commitments for the advancement of rural women and for gender equality and equity in the agricultural and rural development.

Governments and multilateral organisations, including the Commonwealth Secretariat, relevant UN organisations, the OECD, and to some degree, the World Bank (has embraced the need for gender mainstreaming in government policies at all levels)

[2] Female farmers dominate food production in most African countries. Women who work on plots produce about 70 percent of the food produced in Africa, and they work on farms in which they hold no title deeds. Yet, women receive less than 20 percent of the region's total technical assistance and training.

are playing an important role in the promotion of gender equality to ensure that women's and men's needs and priorities are considered equally.

This paper uses specific examples and case studies, to show that the general failure to accord women-farmers effective access to improved inputs is a fundamental factor in the decline in Africa food production. The paper reviews the position of men and women in rights to productive resources, where it attempts to identify critical gender asymmetries in land rights, and how these asymmetries affect rural food strategies and maintenance of the environment/natural resources.

It brings together the old and new evidence on the key roles that African women play in household food security and natural resource management. In so doing, it offers concrete proof that eliminating gender disparities in rights to productive resources, information and education can improve the outcomes of agriculture and natural resource policies in terms of efficiency, environment sustainability, equity, food security and economic growth.

2. Gender role in agricultural sector and food production in Africa

By 'gender' we mean the social roles and relations between women and men. This includes the different responsibilities of women and men in a given culture or location unlike the sex of men or women which is biologically determined; gender roles of women and men are socially constructed, and such roles can change overtime and vary according to geographical location.

Gender roles depend on a particular socio-economic, political and cultural context. They are affected by other factors including age, race, class and ethnicity, which together determine women's access to rights, resources and opportunities (United Nations, 1999b).

We take agriculture to mean the production, processing and marketing of crops, livestock and fish from producer to consumer. Agriculture as defined is a major part of overall natural resource based activity. Other areas include forestry and wild life. Agricultural enterprises range from large capital-intensive production and processing units to small-scale activities forming only part of the people's livelihood strategies in the

developed or industrialised countries. In contrast, the majority of agricultural products in developing countries are grown, processed and marketed by small family-operated enterprises.

To understand the importance of agriculture and men and women's role in agriculture and food production, we reviewed the situation in a selected number of African states using specific case studies. These include Uganda, Kenya, Tanzania, Malawi, Zambia, Namibia, Nigeria, Gambia, and Mali. Although this is not a representative spectrum, research has shown that most African states conform to the trends indicated in the cases cited, with minor degree of variation.

2.1. The importance of agriculture to African economies: An overview

In SSA, agriculture is the most important sector of the productive economy. By production economy, we mean all economic activities, which include all paid work, and also unpaid work in small family enterprises and farms producing goods and services which are, or could in principle, be marketed either regularly or from time to time when surpluses are available.

The importance of agricultural sector to African economies takes two forms: the provision of livelihoods and income for the majority of Africans who engage in this sector's activities and the provision of substantial support to the manufacturing sector, in terms of intermediate inputs required by the largely agro-based manufacturing companies.

Agriculture accounts for over 35 percent of GDP in most countries, about 80 percent of all employment and virtually all exports. For example, agriculture comprises about 42 percent of GDP, and 90 percent of total exports in Uganda. Agriculture contributes about 25 percent of GDP but is far more important in terms of sustaining the livelihoods of men and women, particularly in rural Kenya. Agriculture is the largest contributor to the GDP accounting for about half of total GDP and 75 percent of foreign exchange earnings and about 84 percent of employment, including employment in agro-industries, in Tanzania (URT 1999).

Food security that is the major objective for agriculture in majority of the countries also plays a very important role to determine an economic situation at different levels:

individual, household, national, regional and global level. One may say, it also determines the level of poverty in any particular country. A country with persistent food crisis is, by this definition, poor.

2.2. Women's role in Africa's agriculture and food

In most part of Africa, millions of women work as farmers, farm workers, and natural resource managers. In doing so, they contribute to national agricultural output, maintenance of the environment, and household food security. In all the cases reviewed, women in both rural and urban areas are the principle food producers. But they also spend a significant part of their household income (much larger proportion than men's) to buy additional food for the family. Usually, men are responsible for housing the family and women for feeding it.

Estimates from the Food and Agriculture Organization of the United Nations (FAO) show that women provide about 75 percent of the labor required, to produce the food consumed in Sub-Saharan Africa.[a]

Aggregate data from some sources suggest that African women perform about 90 percent of the work of processing food crops and providing household water and fuel-wood, 80 percent of the work of food storage and transport from farm to village, 90 percent of the work of hoeing and weeding, and 60 percent of the work of harvesting and marketing (Ibid; and World Bank, 1989).

Results of the studies conducted in Uganda, Kenya and Tanzania; put women as the major agricultural producers and providers of most of the labour required for farming (Gender Aware Economic Reports, January 2004). Due to the nature of gender labour division at household level, women are more likely to have less leisure time and more work hours. In Uganda for instance, and most parts of Africa in general, there are sharp divisions of tasks and responsibilities. Women make these contributions despite unequal access to land, to inputs and information, and little influence over the income generated from the crops they grow.

The available quantitative data (summarised below), though not sufficient for drawing up a picture for the whole of Africa, gives very important insights into the

pattern of men's and women's work input in African food production in a number of local case studies. In all the cases presented here, women's responsibilities and labour inputs exceed that of men's in the production and processing of food crops

In Uganda, it is estimated that 90 percent of rural women and 53 percent of rural men are engaged in agricultural production (NGO Preparatory Committee, 1994). About two-thirds of food produced is retained for household consumption though this share is declining as more food is marketed on a regular basis (World Bank, 1995; MFPED, 1995). Women provide most of the labour in the production of food for consumption in Uganda, traditional exports and non-traditional agricultural exports (NTAE). The NTAEs (include food crops – cereals and beans, fish and other high value added products such as vanilla and flowers) constitute over one-quarter of total exports. In northern Uganda, women account for about 90 percent of domestic labour and child-care, and are almost entirely responsible for the health and nutrition of their families (Ayoki, 2001).

In Kenya, women constitute 53 percent of the total labour force, of which about 60% of the total is unpaid. Men contribute 47 percent of the total labour force and about half of them work in agriculture. Thirty two percent (32%) of this are unpaid, compared to 72% of women agricultural workers who are unpaid.[3]

In Tanzania, 1992 statistics estimate a 54 percent of women to be actively involved in agricultural production and 98 percent of those are rural women who produce for both commercial and subsistence agriculture.

In Zambia, women are responsible for 49 percent of family labor allocated to crop production, while men supply 39 percent and children provide the remaining 12 percent. In addition to food production, Zambian women contribute at least 40 percent of total family labour to maize and 38 percent to cotton and sunflowers production. Added to the burden of agricultural production women spend at least (a total of) seven hours a day on domestic roles: child-care, collecting fuel wood and water, and preparing food (Quisumbing et al, 1995).

In Namibia, Statistics published in 1994 indicate that 80 percent of the Namibian population is engaged in agriculture, mainly as subsistence farmers. About 60 percent of

[3] Gender Aware Economic Reports: Kenya, Tanzania and Uganda, prepared by the Research Project on Gender and International Trade in East Africa, January 2004

women are engaged in skilled and subsistence agriculture, but most of these workers are classified under unpaid family workers.

In Nigeria, among the northern Nigerians, it has long been customary for adult males to engage in trading and other off-farm pursuits. A survey conducted in the 1980s discovered that, on average, adult men spend 39 percent of their total workdays in this way. And, even in the months of peak labour demand, adult men continue their off-farm activities (Norman, Simmons and Hays, 1982, p.120). These off-farm involvements occur in various economic contexts like livestock trading, 'visiting' relatives living in towns, fishing, long-distance labour migration, an so on. While the details will vary enormously from one context to another, the point is that such involvement means that men are contributing less to family food production than women are.

In Mali, production of rice is predominantly female job, except in areas where the hierarchy of village males denies women access to land (Simpson, 1998).

In Gambia, men are more preoccupied with groundnuts growing – cash crop, while women continue to grow the subsistence rice crop (Dey, 1981). Additional evidence has shown that, contrary to the general view (that women specialize in food crops and men in cash crop production), women are engaged in both food and cash crop production.

2.3. Other features of Africa farm-households

Production and consumption budgets are separate

For food produced for family consumption, most household income is not pooled. Generally, husbands and wives have separate plots, make separate investments in their individual enterprises, and meet family and personal expenditures from separate budgets. Although many household decisions appear to be made jointly, in Tanzania (as elsewhere in Africa) men tend to control decision-making in the agricultural production process, including what to grow, how and where to grow the crop for that particular year.

Men control resources accrued from cash crops

Men's ultimate control over land and their social seniority in the family permits them to control and mobilize women's and family labor for the cultivation and processing of

'male-lucrative crops' grown for market sale. An analysis of the position and conditions of women workers in the rural sector in Tanzania reveals that a few women control cash in their respective households (Mbilinyi, 1997 cited in Gender Aware Economic Report). Such women have developed more egalitarian gender relations within their households. Another study conducted in Kwimba District in Tanzania reveals that men control cash income from cotton sales, a major cash crop in the area (Rugimbana and Jengo, 1998 cited in Gender Aware Economic Report). The survey results show 74 percent of the responses indicating that men control cash income, while 25 percent say that women control household income, which reinforces the other research findings.

Men have a wide range of sources of income

Men have a wide range of sources of income including income from non-agricultural enterprises and from casual or part-time wage labour. Women's opportunities to engage in wage labour and non-agricultural enterprises are far more limited. Most women's enterprises like food processing, beer brewing, and small-scale trade, are directly related to the food sector.

Women's incomes are, in large part lower than men's

This is because women are socially required to spend about 40 to 50 hours a week on domestic labour and subsistence food production before they can engage in income earning enterprises. And any change in status for the women such as widowhood alters their land rights and increase their responsibilities.

3. Access to resources and agricultural services

Despite efforts by a few countries to resolve the land rights question, insights provided by the studies of specific instances of gender control over household resources and access to agricultural services do suggest some general characteristics of the problems of land rights and service delivery that hold in dilemma the prospects for sustainable food in Africa.

3.1 Land, credit and extension service

Despite their prime responsibility for food production, women in most parts of Africa are generally limited to user/usufruct rights to land, and sometimes only with the consent of a male relative (Quisumbing 1996; Quisumbing *et al* 1995). Survey data from Tanzania indicates that patriarchal structures and attitudes tend to restrict women's voices in allocation of domestic and community resources (Gender Aware Economic Reports, 2004).

In Kenya, women seldom possess land, although they farm and manage many plots, and they rarely receive extension services, credit, input subsidies, or technical assistance (Agarwal 1994a and 1994b; Mehra 1991: cited in Gender Aware Economic Report – Gender and International Trade in East Africa, January 2004).

Recent study shows that only 5% of women in Kenya own land (Gender Aware Economic Report, prepared by the Research Project on Gender and International Trade in East Africa, January 2004). This insecurity of tenure means that women are less likely to invest much time and resources in land improvement or adopt environmentally sustainable or land conservation practices (Besley, 1995).

According to Gender Aware Economic Report, productivity (by Kenyan women) is constrained and their ability to switch into the higher return crops is severely limited. Women always lose land rights to male farmers who are able to cultivate and the market the higher returns crops.

Inequality in land rights is probably the major reason why in Africa, women often farm smaller plots of land than men's (Table 1).

Table 1 - Average cultivated land area by men and women: case studies

	Area Cultivated (hectares)		Household Size		Area per person in Household	
Country and Year	Male	Female	Male	Female	Male	Female
Kenya (1989)	2.6	1.7	8.6	8.0	0.30	0.21
Nigeria (1989)	2.6	0.8	7.6	4.9	0.34	0.16
Zambia (1986)	2.7	1.2	3.5	1.7	0.77	0.71

Source: Quisumbing *et al* (1995) "Women: The Key to Food Security", *Food Policy Report,* Washington D.C: IFPRI.

Women farmers have limited access to agricultural extension advice and other services such as credit, seeds, and fertilizer. A review of extension services in four SSA countries suggests that male farmers have greater contact with extension services than do female farmers (Table 2).

Table 2 - Access to extension service, by gender of household head

	Percentage of families ever visited by extension worker	
	Male-headed households	
Country and Year		Female-headed household
Kenya (1989)	12	9
Nigeria (1989)	37	22
Zambia (1986)	60	19
Tanzania (1984)	40	28

Source: Quisumbing *et al* (1995) "Women: The Key to Food Security", *Food Policy Report,* IFPRI.

Research shows that less than 20 percent of female-headed household might be accessing extension services, compared to over 35 percent male farmers who benefit from these services. And only few have access to formal loans (Agarwal 1994a, 1994b; Mehra 1991, Quisumbing *et al* 1995, Gender Aware Economic Reports – EA, 2004). The explanations are many. Development agents usually channel credit, inputs, and provide information and extension advice to male household heads on the assumption that they control the land, labour, crops and finances. In some cases, cultural restrictions prevent male extension officers from interacting with women farmers. This is exacerbated by women's domestic responsibilities, which sometimes limit their mobility, making it harder for them to attend meetings and courses away from home.

A review of agricultural credit system in Africa has shown that credit actually reaches only minute number of better-off smallholders. Within this privileged group, state resources are overwhelmingly directed towards men.[4] In the Malawi example, Evans (1989) reports that less than 30 per cent of the farmers who received credit in 1988 were women – in a country where 70 percent of full time farmers are women. Lack of collateral, long distance to financial institution, low level of education and lack of

[4] Since early 1980s a number of micro-finance institutions have emerged to extend credit and financial services to women, but only better-to-do and influential women with presence of viable businesses have benefited from such programs.

familiarity with formal loan procedures, and social and cultural barriers are some of the problems that have prevented women from accessing bank loans.

Transaction costs involved in obtaining credit: transportation costs, paperwork, time spent waiting are higher for women than for men due to their domestic roles. In fact, Saito and his colleagues while working in East Africa found that distance to a bank is a significant determinant to obtaining credit by rural women in Kenya, but not for men.[i] Analysis of household production system has generally led to the conclusion that most women are engaged in production of relatively low-return crops that are not included in formal lending sector programs.

Lack of financial resources prevents African women farmers from applying optimal levels of inputs. Detailed data from Burkina Faso show less application of fertilizer on women's plots – resulting into lower yields. Virtually all the fertilizer was concentrated in plots controlled by men, even though each additional unit of fertilizer applied to a plot resulted in progressively smaller increases in output. Given equal access to resources and human capital, women farmers can achieve yields equal to those of men or even, as some studies show, significantly higher.[5]

Women and men with resources: comparative gains in agricultural output and nutrition of household

Sufficient evidence supports the argument that if male-female access to inputs such as improved seeds, fertilizers, and to information were less unequal, substantial gains in agricultural output would occur, benefiting both women and men. One example is Malawi. In the case reported by Koopman (1992), access to fertilizer credit by Malawian women in the early 1980s led to 100 percent increase in maize yields and family food stock - covering the average family's consumption requirement for nine months compared to the four months consumption output before joining the project. The project also registered higher loans repayment rates than those among male farmers in the government's major smallholder seasonal credit program.

[5] One study estimates that yields among Kenyan women farmers could increase by 7 percent if they were given the same average levels of experience/skills, education, and inputs as those possessed by the male and female farmers (Moock, 1976).

Another documented example is the Cameroon women. In southern Cameroon, women responded to the new marketing opportunities by increasing their weekly labour input by seven hours. In other words, women increased their time allocation from 8.5 to 15.2 hours a week to the production and processing of marketed food (i.e. nearly 80 percent increase), leading to 136 percent increase in earnings from food sales. Women also continued to work about 16 hours a week producing food for family consumption and about 30 hours a week on domestic labour.

There was an impressive response to improved market access from women, which was in sharp contrast with response from men. Data shows that only half the men in the village increased their output of food product. These significant differences between men and women's responses to improved food marketing incentives have several implications for policy. First, women farmers are committed to increasing food production once they have access to new resources. They are able to do this, despite their heavy subsistence and domestic labour responsibilities. Second, men's failure to allocate additional labour to the food sector in response to the same incentives available to women implies that men may well require significantly greater monetary incentives to increase food production.

But there are other reasons why men are reluctant to produce food. There is much wider range of income earning opportunities available to them besides food production. Examples from Cameroon, Uganda, and a few other countries have proved that men depend far less heavily on the food sector to generate monetary incomes. In Southern Cameroon, male farmers with excellent access to food markets obtained only 12 percent of their total monetary income by selling food, while food sales generated 45 percent of women's incomes even when they had very poor market access. The reason is that men gained the bulk of their incomes from cocoa production, which in the same year of the survey (1985) still paid better return to male labour than most food production activities.

Among the men who happened to increase food production, none produced the variety of food commodities that women farmers cultivated and sold. Men concentrated on production of plantain and bananas – crops with relatively low labour requirements and high returns to labour (Koopman, 1992). Women's primary involvement in the food sector and their strong motivation to increase production and sales imply that their interests should figure prominently in national agricultural policy and programs.

3.2 Land acquisition, ownership and control

Paths to land rights in Africa

Here, I focus on the five common pathways for acquiring and transmitting land rights in Africa that provide insights into tenure relations (in the gender context: at household and community level), and implications for food security and land resource management.

(a) Labour-investment related land rights

In many cultures in Africa, clearing land of trees (in forested areas) or, conversely, planting trees (in open areas) can establish or reinforce land rights. Once cleared and cultivated, this land belongs to the person or persons who cleared it and the ownership rights may be given a way or inherited by heirs. However, the gender implication of this form of investment as a basis for resource claim is varied. Although both men and women have a right to clear land, which they then own, men often try to prevent women from exercising this right (Quisumbing *et al* 1995). Tree clearing for most African societies is always undertaken by men, and thus precludes women establishing a land right.

In some ethnic groups in Ghana, if a woman plants cocoa trees it gives her the rights to land on marital dissolution. But studies have shown that African women farmers are less likely than men to plant tree crops such as coffee and cocoa. Even though they did, tree planting does not necessarily guarantee women control over the land (Quisumbing *et al* 1995). Yet, for women to plant trees they must already have some land right.

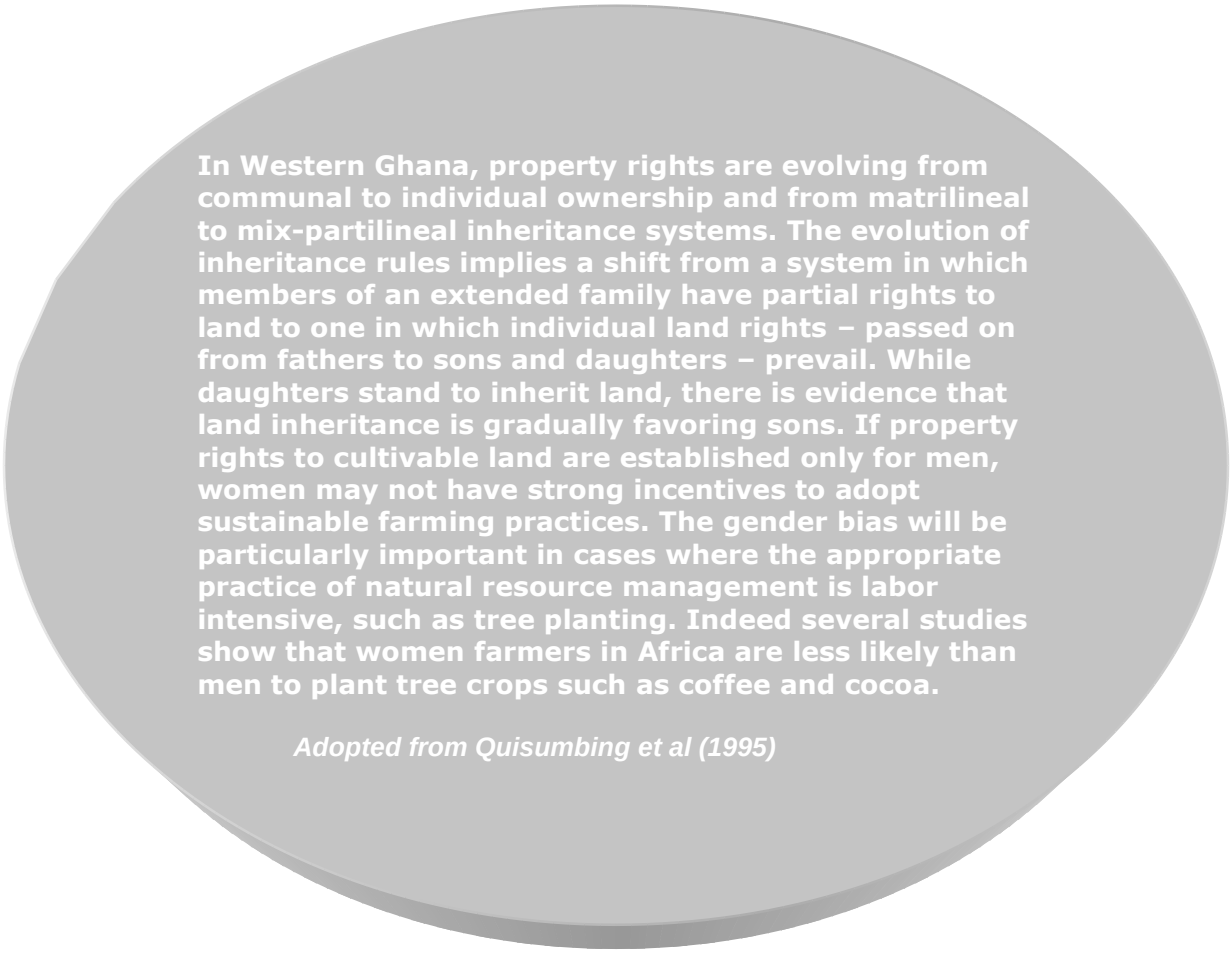
(b) Rights acquired through inheritance, inter-vivos transfers/gifts

There are generally two types of land that are commonly acquired through inheritance. Customary and 'private' land (individually owned: titled or non-titled). The pattern of land inheritance, however, tends to favour men over women whether it is patrilineal and matrilineal society. In the patrilineal inheritance systems women gain access to land through their husbands. Daughters do not inherit land, divorced women farmers nearly

lose access to their ex-husband's land, and widows often lose a major portion of their deceased husband's land to his patrikin (Goody and Buckley, 1973; Hay, 1982).

However, it has been customary among the Kathama in Kenya, to allocate land to unmarried daughters with children, recognizing them as the sole support of their children. Some religious laws forbid female land ownership.

Male control of land significantly increases the uncertainty and risk in women's food production activities. Women's lack of rights to these resources may reduce their incentives to conserve the environment or maintain the resources.



(c) Land rights acquired through cash purchase

Women face similar obstacles when it comes to buying land especially where 'willingness to pay' is not matched by ability to pay. Compared with men, women are weaker competitors in land markets for cultural and political as well as economic reasons. On a theoretical term, the market is gender neutral, yet it is not gender, but money that decides the power position (Munk-Masdeni, 1995).

(d) Membership or communal rights

The rural poor depend heavily on common property resources such as communal land and pasture, nearby forests, and waterways for supplies of food, fuel wood, water for domestic consumption and agricultural production, medicines, and material for craft production and house building. While it's often said that no one should be denied access to these properties, rights to land (use) is usually granted to male household heads on assumption that all cultivation is carried out on behalf of the 'household' unit.

As wives or singles, females may be granted only limited rights to these resources. On the other hand, it is understandable that even the use of these commons may require access to other complementary means of production such as animals to use grazing lands. Subsequently, community norms regarding the appropriate status for women may even be the greatest barriers to women's control over resources, especially independent rights to land.

Over time, women's access to communal land is shrinking as communal land gradually disappears under the population pressure. Land holding is shifting from common property to private entitlement in most parts of Africa. The condemnation of the persisting communal/customary land and its associated land use practices is, indeed, parallel to the worldwide scholarly tendencies to misinterpret traditional legal values as 'obstacles to development' (see Wright, 1992), and to demanding the modernization of the legal system as pre-requisite to economic development (see Vatikiotis, 1989).

This belief originated from Garrett Hardin's (1968) essay "The tragedy of the Commons" which heralds a concern over the long-term effects of unrestrained individual maximizing behavior on a finite resource base. It casts the argument that the property rights system applied in one society will automatically determine the level of economic development of the society, and that a dominantly communal property rights system tends to hamper economic development while a more individual one guarantees economic prosperity. Hardin tries to have us believe that without outside intervention, there is no solution to this dilemma, and coined it "the tragedy of the commons."

Despite this past criticism, it now realised that the effort to save the commons through such intervention actually created a tragedy instead to those whose livelihood depended on it, as they became marginalised further.

(e) Rights conferred by state legislation or political process (including land allocation by village chiefs)

Land reform programs with redistribution objectives, such as the Uganda's land reform of the colonial days and part of 1960s and 1970s, are now rare. Vast tracts of land in Buganda were given to individuals by the colonialists beginning in the early 1990s and were known as "mailo" land. In some cases, mailo land owners occupied and farm their land, but greater portion of mailo land was occupied by tenants, who paid rents ('kibanja').

The 1928 law conferred rights of occupancy, and protected tenants from eminent eviction by landlords, and Amin's land reform of the 1975 abolished collection of rents. Thus many tenants gained rights over the land they occupied, including right to bequeath. It is not clear, how much land peasants were entitled to, and how the programmes benefited women.

In Ethiopia (according to the new constitution) all land is the property of the state, and it may not be sold or mortgaged. The constitution guarantees rights of free access to land for pastoralists and peasants (Pender *et al*, 1999). But given the scarcity of land, it not clear how this rights of free access to land can be assured in practice, and what effect this may have on tenure security of those currently possessing land (Pender *et al*, 1999). In 1997, Tigray came up with a new land policy that stops further redistribution of land except where major infrastructure investments such as irrigation projects necessitate it. In Amhara, a general redistribution was completed in 1998, and no policy is in place regarding future (Pender *et al*, 1999).

4. Policy responses, opportunities and challenges

Domestic Legislation

Under the Uganda Land Act 1998, land belongs to the people of Uganda. The Land Act repeals earlier land laws to ensure security of tenure under the customary system,

freehold or leaseholds. It is also meant to ensure security of tenure to long-term occupants and mailo land. It also provides procedures for converting customary or mailo land to freehold or leasehold tenure. The Land Act intended to settle the past conflicting claims to mailo land by occupants and owners.

Article 28, provides for the rights of women and children concerning customary land. However, the presence of Article 5 confirm the interest towards replacing membership rights based on residence by legal formalization of private or individual ownership of land - intended to improve land tenure system among agricultural producers.

While experience with implementing this new land policy is still limited, the end result can nevertheless, be predicted. Privatization of land will increasingly cut off many whom formerly had customary access rights making them landless or near landless. This has important and negative implications for women due to their limited access to money, know-how and political connections, and lack of time to go through the long process of acquiring tiles given their heavy domestic workload.

The Trust Land Act of Kenya grants communal ownership of land to its proprietor, granting user-rights to community members, including women. But according to Gender Aware Economic Report, the user-rights and certain rights accorded to Kenyan women is only in theory, not in practice. The Law of Succession Act Cap 160 gives women the right to petition to administer the estate of her late husband. In addition, the Married Women's Property Act, derived from English law, allows married women to own separate property, including land. In practice, cultural beliefs combined with lack of information and awareness of their rights and limited financial resources makes it difficult for women to make use of such laws.

In Tanzania, the policy and Land Acts clearly provide for rights of all citizens to have access to and own land. Section 3(2) of the Land Act 1999 and Village Land Act 1999 emphasise the equal rights of men and women to acquire, hold and use land. At the same time, traditional laws are upheld. These tend to make women's access to and control of land contingent on their relationship with men as husbands, fathers, brothers and sons.

Further, existing statutory laws such as the Marriage Act 1971 have tended to reinforce gender inequalities in Tanzania as far as land ownership is concerned. Access

to agricultural inputs is also lower among Tanzanian women compared to men. The same is true for Kenya and Uganda (Gender Aware Economic Reports, January 2004).

Gender mainstreaming[6] and women in decision making

There has been enabling political environment for most parts of the world. Thanks to the work of women's NGOs, academia, multilateral organisations, and some government institutions, gender awareness has been created; building capacity for gender mainstreaming policies; and integration of gender perspective into national policies and planning and local governments has been recognised.

In Uganda, government formulated the Uganda National Gender Policy in 1997, and has since, continued to emphasise the need to address gender issues in different sectors and institutions. This gender policy framework later guided the development of a Gender Policy on Agriculture by Ministry of Agriculture, Animal Industries and Fisheries (MAAIF) with help of the Ministry of Gender, Labour and Social Development to support the gender mainstreaming efforts within the agriculture sector.

The poverty Eradication Action Plan (PEAP) as well as the plan for Modernisation of Agriculture (PMA) in compliance with the overall policy framework of gender mainstreaming recognises that persistent gender disparities hamper agricultural productivity, economic efficiency and growth. Hence the Uganda's National Agricultural Advisory Services (NAADS) and National Agriculture Research Organisation (NARO) in their plans have recognised the need for addressing gender concerns in their activities (NARO, 2000). At the heart of all this approach is to the need to increase relevance, efficiency and effectiveness in addressing the needs and objectives of all stakeholders.

In 1997, the Southern African Development Community (SADC) Heads of State Declaration on Gender Issues stated that there must be equal representation of women and men in the decision-making processes of member states. This is demonstrated in the

[6] The term "Gender Mainstreaming" is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities, policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects (source: Office of the Special Advisor on Gender Issues and Advancement of Women to the Secretary-General, available via the Internet at www.un.org/osagi).

structure of SADC. It aims at the target of 30 percent representation of women in political and decision making structures by year 2005.

Currently, women representation in parliament varies from country to country ranging from 29.8 percent in South Africa to 28.4 percent in Mozambique, 25 percent in Uganda, 24 percent in Seychelles, 22 percent in Tanzania, 11.5 percent in Lesotho, 10 percent in Zambia, 9 percent in Botswana, 8.3 percent in Malawi, 7.6 percent in Mauritius, to 7.3 percent in Swaziland. In Tanzania, the increase in women's parliamentary representation from 11 percent of MPs in 1990 to 22 percent in the 2000 general election is partly due to the Affirmative Action introduced by the Government of Tanzania in 1995. All quota system of 15 guaranteed female seats was replaced by 15% female representation.

On cabinet appointment, only five countries in Southern and Eastern Africa have reached 15 percent of women in ministerial posts. These include: South Africa, Seychelles, Botswana, Angola and Mozambique. Uganda and Tanzania have improved their numbers of women ministers in the last five years. In 1990, 88 percent of all ministers in Tanzania were men and 12 percent (3 ministers) were women. In 2000, the number went up to 4 women ministers in the cabinet (14% of the total) and 5 women deputy ministers (28 percent).

In Uganda, less than 6 percent of the legislatures were women in 1988, but the number went up to over 25 percent in 2001. In June 2002, women occupied 17.4% of the Uganda Cabinet posts and 27.3% of the positions of the State Ministers. At the lower political level, women are most visible at the LCIII (sub-county) level. Women's participation in decision making is greater at the local government level than in central government.

The un-tackled problem: problematic agricultural household model

In 1992, Jeanne Koopman published an interesting article entitled *The Hidden Roots of the African Food Problem: Looking within the Rural Households*. Most of Koopman's observations and arguments particularly her skepticism about the practice of directing resources to 'resource-poor farmers', without an adequate understanding of the intra-household separation and interrelation of men's and women's enterprises and incomes -

are still relevant. Relevant because policies, which were designed to improve the access of 'small farmers' to land, modern technology, fertilizers, credit and markets have failed to appreciate that access to productive resources varies not only by the income level of the household, but also by the gender of the farmer. This is a critical oversight in Africa where the great majority of food farmers are women.

The structure and functioning of African rural households is fundamentally misspecified in standard household models, which assume that household resources are pooled and allocated to consumption and investment on the basis of shared preferences. Despite much research evidence to the contrary, there is still a widely held perception that poor households are cooperative, income sharing units that respond to price signals in a unified way. This has contributed to the general failure to accord women access to productive resources.

A number of agricultural development projects are implemented on an assumption that, regardless of how labour is organized, all cultivation is carried out on behalf of the 'household' unit, and that the land, labour, crops and finances are under the control of the 'household' head. The latter is usually the only direct participant in agricultural development projects, and beneficiaries of small farm credit and inputs as planners assume that other household members will automatically take part and that any increased income accruing to the head will also benefit them.

The un-tackled problem: gender-biased culture and traditions

It would be an exaggeration if it were assumed that the government policy or legal system by itself could possibly change the numerous cultural and traditional barriers to gender mainstreaming and equality in many countries. In many parts of Africa, ignorance and minimising of gender perspective is deeply rooted in the culture and traditions. In these circumstances, the concept of gender equality needs to be recognised before a gender aware policy can be instituted. Nevertheless, authorities in an increasing number of countries have embraced the need for gender mainstreaming in agriculture and other development processes.

Box 1
Strengthening Women's Land Rights

The readiness of African countries to accord women the rights to land and correct gender biases is mixed. On one hand, the need for improving the equity of resource distribution is overwhelming. On the other hand, some of the policy environment for enabling maximization of benefit of the existing (or new) land law and legal equity of access are not yet fully in place. Nonetheless, considerable attempts are registered in addressing the plight of women. Examples of efforts in this regard include: the new interstate inheritance laws in Ghana which attempts to ensure that women (wives) and children acquire rights to some family land upon the death of their husband or father (Awusabo-Asare, 1990); and legal provisions protecting women's and children interest in Uganda's Land Act[7]. Despite the accomplishments, which can be attributed to this historical legislation, it has not sufficiently addressed the critical needs of rural women to effectively command rights over the family land, and efforts have not ceased to call for removal of gender-related encumbrances in the Land Act. The struggle by Ugandan women to increase their rights of family land is justified and relates well with the intra-household "contribution rule", which dictates that resources should be distributed in proportion to the individual's contribution to the household. Because women are greater contributor, it follows that they must have 'a voice' concerning family land, a strong one recognized by law.

5. Conclusions and recommendations

High contribution of women to food production and natural resource management sit in sharp contrast to their level of access and control over resources (land and cash) and economic decision making power both within farm households, community as well as in government. The gender division of labour within the household underpins fundamental differences in the rights and responsibilities of men and women. These asymmetric rights and responsibilities shape women's labour market participation, participation in alternative (off-farm) income earning ventures, investments in their education and training, and their choice of productive activities, including responding to new economic opportunities. This has serious implications for poverty reduction and food security interventions.

Ignorance and minimising of gender rights is deeply rooted in the culture and traditions, and the stereotyped household model applied in Africa. In these

[7] Articles 27 (section 28) and 40, The Land Act, 1998

circumstances, the concept of gender equality and intra-household investment decisions needs to be recognised (or understood) before a gender aware policy can be instituted. Men and women's equitable rights to resources can improve food security, but even greater gains can be achieved by addressing specific constraints women face such as differential access to education, credit, markets, time or labour bottleneck. By alleviating these constraints through gender aware programmes and creating a level agricultural playing field for women and men, such policies would be a *win-win-win* situation because it could lead to more food and growth, less poverty and improved resource management.

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[i] Saito, Spurling, and Mekonnen, *Raising the Productivity of Women Farmers in Sub-Saharan Africa.*