

Clark University

Clark Digital Commons

International Development, Community, and
Environment

Faculty Works by Department and/or School

2021

Women's Insights on Bargaining for Land in Customary Tenure Systems: Land Access as an Individual and Collective Issue

Cynthia Caron
Clark University

Follow this and additional works at: https://commons.clarku.edu/faculty_idce



Part of the [Gender and Sexuality Commons](#), and the [Politics and Social Change Commons](#)

Repository Citation

Caron, Cynthia, "Women's Insights on Bargaining for Land in Customary Tenure Systems: Land Access as an Individual and Collective Issue" (2021). *International Development, Community, and Environment*. 57. https://commons.clarku.edu/faculty_idce/57

This Book Chapter is brought to you for free and open access by the Faculty Works by Department and/or School at Clark Digital Commons. It has been accepted for inclusion in International Development, Community, and Environment by an authorized administrator of Clark Digital Commons. For more information, please contact larobinson@clarku.edu, cstebbins@clarku.edu.

7 Women's Insights on Bargaining for Land in Customary Tenure Systems: Land Access as an Individual and Collective Issue

Cynthia M. Caron*

*International Development, Community and Environment,
Clark University, Worcester, MA, USA*

7.1 Introduction

Access to land and livelihood resources is a major focus for donors, policy makers, and development practitioners. The women and land rights scholarship shows that a woman's secure access to land may yield several positive development benefits for her and her family and reduce household inefficiencies (Kevane and Gray, 1999; Johnson *et al.*, 2016). How women gain access to and maintain control over land depends both on existing institutional frameworks and on efforts to change patriarchal relations and practices within the family and across the land governance system. In this chapter, I emphasize *what* women as wives and widows report that they say and that they do in order gain access to land and how they perceive that land relations are changing. I show connections between NGOs and women's rights programming that elucidates mechanisms for social change and highlights the need to address women's land access as a collective problem or issue.

I use qualitative data collected during fieldwork conducted in 2016 in the Zambian capital, Lusaka, and three districts in the Eastern

Province: Chipata, Petauke and Nyimba.¹ I conducted 21 key informant interviews with national-level government officials, staff persons from national and local civil society organizations (CSOs) that work on gender and/or land rights, traditional leaders (chiefs, village headpersons and an induna, or chief's advisor), academics, and three focus group discussions with women residing in the Eastern Province. I chose the Eastern Province, as I was familiar with local land rights concerns and several donor-funded, land tenure initiatives taking place there (Somerville, 2016; Caron and Fenner, 2017). The districts and the villages where focus group discussions took place were chosen in collaboration with the Zambia Land Alliance (ZLA). With the help of an assistant, focus group discussions were conducted in Nyanja. A total of 40 women from either the patrilineal Ngoni tribe or the matrilineal Nsenga tribe participated in group discussions.

The structure of this chapter is as follows. I present the conceptual framework that shaped my investigation and subsequent analysis to show how this chapter contributes to the wider women and land scholarship, followed by a brief

*Corresponding author: ccaron@clarku.edu

description of the land rights context in Zambia. Thereafter, I describe the methods and methodology before presenting and discussing the results where I emphasize how marital status influences women's experiences. I found that women bargain with men in different ways for land access and that women see lack of access as an individual rather than a collective problem. Recent donor interventions that seek to improve women's land tenure security focus on women as private, rights-holding individuals within the household. While there is evidence that individual women do benefit from such schemes (Sommerville, 2016), donors also might focus on investments in grassroots and women's organizations and networks and leadership development so that women might be more willing to help one another thereby expanding the space for women's collective action.

7.2 Conceptual Framework: Women's Access to Land and Bargaining Power

Econometric analyses demonstrate the economic gains that would result from advances in gender equality and women's property and asset ownership (McKinsey Global Institute, 2019). Academic scholarship and applied research done in the context of international-development interventions confirm the benefits of women's land rights and security of those rights, not only for women themselves, but also for their families (Scalise and Giovarelli, 2020). Studies show that when women own land and have decision making over how to use the income derived from it that they tend to invest in their children's education and family nutrition (USAID, 2016). When women have decision-making power over land, they are more likely than men to adopt agricultural innovations such as new crops and new crop varieties, and planting methods being promoted as part of climate change adaptation and food security strategies (Shibata *et al.*, 2020, p. 7). Quisumbing and Kumar (2014) found that Ethiopian women with the power to manage plots were more likely to plant trees and adopt climate-smart agricultural practices.

For women and nation-states to realize such gains, women need secure access to land.

In customary tenure systems, such as in Zambia, women traditionally have secondary rights to land (Spichiger and Kabala, 2014; Caron, 2018a). For women to have secondary rights means obtaining access to land through a male relative as derived through marital status and motherhood. Therefore, secondary rights do not provide women with security of tenure, as access is conditional. Men are primary rights holders accessing land through family or via allocations from chiefs and other authorities (Caron, 2018a). If a husband denies his wife access to land, she can approach the chief for an allocation.

In recent years as part of gender justice agendas and women's rights and empowerment programming, country governments and international donor agencies have sought ways to improve both women's access to land in customary tenure systems and the security of that tenure. Regularization and titling or certification are among these measures (Santos *et al.*, 2014; Sommerville, 2016; Caron, 2018b,c). In Zambia, civil society organizations and donor agencies have piloted certification programs through Traditional Land Holding Certificates issued by chiefs, which recognize land rights for the individual or collectively at the household level. Certificates clarify rights, verify these claims through boundary demarcation, and protect use and inheritance rights as both rights holders and the name of successors are listed on certificate (Caron, 2018c). A woman may be listed as a 'primary' rights holder, which protects her individual rights to that parcel. Certification at the household level clarifies and supports claims of a collective household unit to a parcel of land.

There are several ways to conceptualize land rights. A *bundle of rights approach* specifically places emphasis on access to and use of given resources within the framework of property rights, whereas a *bundle of powers approach* focuses on the ability to control and maintain access to the benefits derived from those resources (Ribot and Peluso, 2003). For Ribot and Peluso, access refers to a bundle of powers represented by the 'multiplicity of ways' through which people derive those benefits that land offers, other than through an externally sanctioned or recognized set of rights. I use the bundle of powers approach as an analytical framework for its emphasis on how 'knowledge, authority, social identities, and social relations can shape

or influence access' (Ribot and Peluso, 2003, p. 165). I use the term 'bargaining power' to acknowledge the gendered asymmetries of power within the household that women contend with to access land and to show how women reckon with authority and harness social relations to access land and pursue livelihood goals and greater independence (Agrawal, 1997). Djurfeldt *et al.* (2018), for example, show how women's land rights influence the gendered nature of inter-household decision making and income distribution. Given intra-household power dynamics and the extent to which women experience male dominance in land tenure relations across the life course (Kevane and Gray, 1999; Chigbu, 2019), women may bargain with men first within their household and then possibly within the larger family or community or they may not ask for land at all. Some women may not be willing to suffer the consequences of a failed 'ask', as the maintenance of relations with persons who have a relatively greater bundle of powers may be an important element of other or future access to resources, and they do not wish to risk such access.

The experiences that women in Zambia's Eastern Province narrated to me and that I share below demonstrate whether and how they bargained with men in power for access to land, and the extent to which they come to one another's aid or work collectively on issues of land allocation and distribution. In doing so, I shed some light on bargaining across scale (with other women, chiefs, and in-laws) thereby answering the call of Kevane and Gray (1999, p. 19) that land tenure scholars 'need to look beyond the bargaining that goes on within households'. These stories highlight how women ask for land from men with power both within and outside the household. The illustrative quotes shared below demonstrate how women themselves understand the norms and attitudes that shape their access to land, and how these norms and rule can be bent to create more gender equitable land tenure relations.

7.3 Setting the Context: The Land Governance Structure and Women's Access to Land

Zambia won independence from Great Britain in 1964. The country's population is nearly 18

million inhabitants (World Bank, 2019). Land and natural resources are essential to the rural household economy and form the basis of the national economy. Agriculture supports the livelihoods of over 60% of the country's population, with 54% of women engaged in agriculture (World Bank, 2019). The colonial legacy of a dual tenure system is reflected in two categories of land: state land and customary land. All land and natural resources, including those found on land held under customary tenure, is vested in the President. The Ministry of Lands and Natural Resources manages state land. Traditional leaders, such as chiefs and headpersons, administer customary land according to unwritten customary law, traditional norms and customs.

The government maintains a plural legal system of statutory and customary law. While customary law is valid under the Constitution, it is subordinate to it. Therefore, any customary practice that contradicts or is inconsistent with constitutional provisions is neither legal nor valid, and neither should be implemented nor passed as judgement in local court. Chiefs govern areas held under customary tenure, maintain law, and order in the chiefdom, and ensure that all the subjects have a piece of land to live on and cultivate crops. They are the main point of contact for investors seeking land and together with headpersons generally grant occupancy and use rights to customary land, usually to men, as men are considered the heads of households. A woman then asks her husband or another male relative, as the primary land rights holder, to use a portion of the land allocated to him. Thus, Zambian women have secondary rights to land. Chiefs are not elected, but rather succeed one another based on kinship and membership in a royal family. Chiefs rule for life. Even the government cannot remove a chief from power (Baldwin, 2016).

A woman's access to customary land and the security of that access are contingent upon gendered social relationships. Even in matrilineal-matrilocal systems, where land is passed down through the line of the mother, a woman's access to land is mediated through male kin or traditional authorities (Peters, 2010; Lambrecht, 2016; Chigbu, 2019). In patrilineal areas, a widowed woman needs to move back to her natal village and appeal to her brothers or uncles for access to land (Bessa and Malasha, 2020). In matrilineal groups, where children inherit land

through their mother's family, men (maternal uncles) have considerable power. When a man who marries into a matrilineal family dies, his wife's brother and sister-in-law normally take over the property. His children and widow do not inherit the land they farmed and resided upon. His nieces and nephews do.

The 2016 Zambian Constitution attests to the equal worth of women and men, supported by a range of gender-sensitive laws, granting women an equal and legal right to land (Caron, 2018a). The National Gender Policy mainstreams gender across national-level policy and programs. Its gender action plan includes land-sector activities including rights-based awareness raising and training programs for government officials and traditional leaders and public awareness campaigns about a woman's right to own land (Government of the Republic of Zambia, 2002). The 1995 Lands Act authorized the conversion of customary land to leasehold (state) land, with a chief's written approval to convert (Government of the Republic of Zambia, 1995). Once converted and titled, such leasehold land is governed under statutory law and can be sold to others. The 1995 Land Act does not address traditional customs and practices that limit women's ability to own and control land. Recently, several donor-funded interventions such as certification are improving women's land tenure security.

Finally, the country's statutory, Constitutional, legal framework protects a woman's rights as a private, autonomous individual, treating her as somehow separate from the social and community relations she has with extended family. Customary law, on the other hand, situates her within a larger set of familial and kin relations and the traditional hierarchy of chiefs and subjects. Tensions between individual rights promoted in the Constitution and community expectations and obligations that traditional norms and social structures beget create difficult choices for women living in customary tenure systems (Brown and Gallant, 2014). Below I show how women in Zambia's Eastern Province work through normative expectations.

7.4 Methods and Methodology

As a development sociologist and a feminist scholar, I employ an interpretivist methodology, use qualitative methods (Patton, 2002), and

focus on nuancing the general category of 'women' (Young, 1994). During fieldwork, a research assistant and I used phenomenological principles to capture how women describe, remember and talk about a social phenomenon they have directly experienced (Patton, 2002); asking for a piece of land. Women also discussed social change taking place in gender relations. As women are not a homogeneous group, I analyzed transcripts by social identities that might differentially structure a woman's experience such as marital status, as marriage is a structural arrangement that mediates land access (Lembrecht, 2016; Chigbu *et al.*, 2019).

With assistance from the Zambia Land Alliance, a translator and I conducted three focus group discussions in Nyanja, two discussions with matrilineal Nsegna women and one discussion with patrilineal Ngoni women. We audio-recorded the 60–90 minute group discussions. The translator then created verbatim transcripts translating our discussions from Nyanja to English so that here I can present women's narrations in their own terms. I reviewed a range of relevant documents on women and land rights published by Zambian NGOs, the Government of Zambia, and the peer-reviewed scholarship on women and land rights to situate the findings within a larger context.

7.5 Findings and Discussion

Under each subheading below, I present findings disaggregated by marital status (married versus widowed women). All married women are in monogamous (not polygamous) relationships. I highlight what women reported they said and did as they bargained for land. When illustrative, I provide longer quotes in alignment with an interpretivist framework to share women's views in their own words. Afterwards I discuss the play between the individual and the collective to emphasize the need for collective, feminist politics to enhance women's land access.

Married Women Bargaining with a Husband: Failures and Successes

Women agreed that it is difficult to ask for land from a husband because he might refuse saying,

'why should we split the field when we are married?' As one woman in Chipata noted, *'Men refuse to give their wives land purely because of jealousy. They know that if a woman has land, they will use it well in farming and get ahead of them.'* In customary tenure systems where women traditionally have secondary land rights, they may not have a livelihood asset and depend on husbands for funds to cover household expenses.

During discussions, many women narrated the following type of experience:

I asked for land from my husband ... I told him that it is because when we harvest and sell our produce you don't give part of the money so that I can buy household stuff and clothes for children. He said this farm is not for two people ... the chief only knows me as the owner of this land and that was the end of the conversation.

In this case, the speaker left the matter alone when her husband refused her request. However, other women did not allow similar refusals to end their pursuit for land and followed a few different strategies: (i) use it anyway; (ii) ask the chief for her own allotment; or (iii) borrow land in secret.

One woman undeterred by her husband's refusal decided to use part of his plot anyway, noting:

My marriage ended because of what has been said here, my husband would refuse to share the money after selling the farm produce and when I asked for land so that I can start farming on my own he refused to give ... saying you did not come with land here. I went ahead and used a portion of it ... he ended up selling everything that I had planted without sharing money with me. The following year, I asked for a piece of land where I planted my groundnuts, my husband went and removed everything (before the harvest). This marked the beginning of marriage failure and today we are no longer together.

Following refusal, a woman might ask the chief for her own piece of land to farm. One research participant did just that, explaining:

I did ask for land from my husband. He denied ... me. Because this was a family issue, I could not ask anyone to intervene ... He told me that there was no need for us to split the land because we were married. What I did was to ask for land from the chief and I was given [land] for free ... When farming all is well and rosy with ... husbands, but

once you harvest and sell that is it. [Women] are not given anything so that they can buy what is needed at home. These are family matters no one dares to take them out of their homes. If you do tell your family members ... and maybe you want to leave your husband, their responses are usually ... 'You have children. How are you going to look after them if you leave?'

While this woman followed an alternative pathway to land (via the Chief), her narration exposes that another alternative, leaving her husband, appeared less possible. Finally, following a refusal, a woman might ask a friend to help her. One middle-aged woman stated:

A friend of mine lent me a portion of her field to use when my husband refused to give a piece of land [to me] and I started having problems with him. My friend made sure her husband didn't find out because she was scared that he would be upset.

These experiences of failure to secure land from a husband reaffirm Mvududu and McFadden's (2001) and Chigbu's (2019) argument that male power (husbands and chiefs) enables women's access. These stories also show evidence of limited women's solidarity in land matters, as these are *'family issues'* and reveal the risks of involving a woman outside the family. The two women kept their land use arrangement a *'secret'*, which might be necessary since husbands wield so much power over household resource allocation. A husband might consider his wife speaking about this personal matter with another woman as form of betrayal. As chiefs have power and authority over all men and women in a chiefdom, a husband would not challenge a chief's decision to grant his wife a plot of land. When women advise a woman to stay with a husband who denies her access to land, it signals that perhaps it is too risky for a woman to try to survive on her own. Many husbands will grant a wife's request. Sometimes the household expenses argument works, as this exchange from the Nyimba District suggests:

Research Participant (RP): I asked my husband for a portion so that I can plant other crops that I could sell and buy what I wanted. He gave me.
Interviewer: How did you ask your husband for land?

RP: I told him that my kitchen needs pots and plates and I also need to buy children clothes. My thinking is that you give me a portion of

land so that I can plant maybe sunflower or groundnuts so that when I harvest and sell then I can buy these things. My husband agreed. We [women] usually have challenges with accessing money from our husbands so that we can buy kitchen things ... This is the reason I gave him, saying when I harvest and sell the produce, I will buy clothes, pay school fees, buy plates, pots and other things.

She continued by saying that she did not want land to become 'pompous' rather,

In my case I wanted land to use so that I can better myself and family. We do things together ... when a problem comes and maybe he has not sold his produce, we can use the money from my produce ... I even bought my husband gumboots so that he is protected from snakes or thorns. Even next year, he will allow me to use the field because he has seen that I am using it well and I am helping at home.

Despite her exuberance, the phrase '*even next year, he will allow me to use the field*' reaffirms dependency on male power for access to land, and in this case, access is conditional on how he perceives her performance, evidence by her statement, '*because ... I'm using it well and I'm helping at home.*' Without access to land, a wife might solely depend on her husband for spending money, re-emphasizing the importance of not risking this relationship. While it is not clear under what conditions a husband might take access away, research participants in the Nyimba District argue that recently they have seen changes in gender relations with respect to household resource allocation. They attribute these changes to two factors: (i) male out-migration; and (ii) awareness raising via radio programming.

Most of the women present shook their heads as an elder woman said, '*we have seen that we women have changed because men have changed, their jealousy has reduced because men were too jealous of women's success.*' Such social change, they argued, happens for a few reasons. First, in areas where most residents are women, the men who stay behind see women successfully manage farms in the absence of husbands and are changing their opinions on women's competency. Second, research participants also noted that weekly radio programming spreading gender-equality messages have an effect. This programming tackles the issue of intra-household income distribution with stories of husbands

who bring home friends to find a wife who needs a wash, who is wearing dirty clothes and has not prepared any greens (relish) to accompany a meal. The reason why the woman and her clothes are dirty and there is no relish is because her husband neither gives her money nor does she have ability to earn her own. The lesson: husbands will be either annoyed or embarrassed and will either give access to land or spending money. As a radio call-in show demonstrated, the women agreed that men regularly call in to say they are learning something about how they behave and 'confess' that they will try to change. There are also changing social practices with respect to the treatment of widows.

Widows Bargaining with In-Laws

A wife's status and access to land and other forms of property change when her husband dies. Rights of residence and to marital property in widowhood differ depending on whether a woman's tribe is matrilineal or patrilineal. Under patrilineal-patrilocal marriage custom, after marriage the bride leaves her natal village and makes a home with her new husband and his family. Upon the death of her husband, she is generally expected to leave this home and return to her natal village.

As one Ngoni woman in the Chipata District explained: '*When a woman is widowed ..., she usually [returns] to her parent's villages [and asks] for land from the fathers / parents.*' She must return with all her children and start a new life in her natal village. Property grabbing accompanies her dismissal from her marital home. She returns to her native village with few resources to help her rebuild her life.

As one woman explained:

When we came back from Zimbabwe, my family settled here because this is where my dad came from, I was young then. After my father died, everything was grabbed from my mother; they got the sewing machine, bicycles and many other things, she just remained with suitcases of clothes and pots. My father's relatives told her to go back to her mother's village together with us... children saying, 'the children are yours not ours, our relative is dead'. We left. Now that we have grown and have our own homes, now they refer to us as their children and want us.

Women from the matrilineally-organized Nsen-ga stated that when their husbands die, they are not forced to leave. A widow is required only to share her husband's clothes and some farming tools with her in-laws. She will only be forced to move and forfeit land if she remarries, being told, to '*leave the land for your children, but you go and join your new husband.*'

Just as some women above noted asking for help from other women or the chief when a husband denied giving a share of land, one widow from the patrilineal Ngoni tribe prevented her in-laws from grabbing her marital property by refusing to comply with her in-law's demands and seeking the help of the village headman:

When my husband died and we were still mourning, his relatives took over the fields we used to farm. When I went to field so that I can start farming, I found they had already used the field. [They] told me to leave and that the field belonged to their family not me, so I went and informed the headman, who then came and sat all of us down. He told them that the field belonged to me since my husband was no more and that if they went ahead to grab the land, the case will be taken to the chief so that he can solve it. After that they left everything for me ... it is two years and I have not had any problems with my in-laws.

Legal aid and women's rights activists in Zambia's capital Lusaka agree that such changes are occurring. Host country governments, donor agencies and non-governmental organizations around the world have undertaken programming to reduce widows' marginalization (Young, 2006). NGO personnel conduct gender-sensitivity sessions with traditional authorities to curtail property grabbing (Caron, 2018a). One Lusaka-based women's rights advocate went as far as to state that '*the topic of property grabbing is less now. Now we are focusing more on wife-beating and child marriage*' (Interview, 19 August 2016), showing that gender-equity concerns remain, even if a harmful practice such as property grabbing appear to be lessening.

Bargaining Across Scale: Involving Traditional Authorities

As noted above, if a married woman cannot convince her husband to share a portion of his land

or if a widow is harassed by her in-laws, she may move up the hierarchy to make an appeal to the chief or village headman. Appealing to these other authorities challenge traditional practice, illustrating that traditional familial authority figures might no longer have 'the final word'. Group discussions though reveal that receiving a successful outcome depends on the chief, land availability, and the resources a woman has available to her. One woman provided the following description of the process as she understood it in her area:

One must go to the chief to ask for land and when you get there you first see the indunas [advisers]. If one wants a field for farming, you must go with two cows that you present to the chief as a present before you speak to him. This gives disadvantages to a lot of women because cows are very expensive. When you are given land for farming you are supposed to pay for it. But if one wants to see the chief for other reasons or land for building a house you only take a chicken as gift for chief.

Women acknowledged differences when asking for land to build a house versus land for farming. While the headman may allocate land to build a structure, only the chief allocates land for farming. Women also noted that with land scarcity, the requirement of in-kind 'payment' (cow, chicken, goat) was increasing, and it was more difficult to acquire land for free. Chiefs do not follow standardized procedures; 'payments' vary across location. For a resource-poor woman acquiring access to land from her chief is not a guarantee.

Bargaining for Land: An Individual or Collective Structural Problem?

Secondary rights and traditional norms complicate women's access to land and keeping that access. While some women noted that traditions are changing, and that they are not necessarily letting traditional power brokers such as husbands and in-laws curtail their access, women who participated in group discussions stated that bargaining for land is a private matter. In general, a married woman will hesitate to ask for assistance from other women when her husband denies her land, as '*everyone [each woman]*

sorts out their own issues.' Women face a collective problem, yet there is little collective action. Women have a tradition of collective action including work groups that pound maize and shell ground nuts. Zambian activists are in the process of building 'sisterhood' across the country, pushing women to think beyond gendered expectations and publicly taking on issues that affect women as a social group (Geisler, 1995). One woman and gender rights activist reaffirmed this when she stated that, '*We are building the capacities of women so that they are able ... to stand for themselves ... and stand together*' regardless of party politics and political divides (Interview, 17 August 2016).

The belief that access to land within the family is a private, family problem and not a gender-based, collective problem for women often stops women asking other women for help. Also, an individual woman might be hesitant to intervene in a household situation where there might be larger and unknown issues at stake. The family is both a source of identity and struggle for women. Marriage is often a strategic alliance, and the maintenance of its alliances may be more important than the needs of any one individual woman (Mvududu and McFadden, 2001). As family and kinship are sources of security, women may not wish to compromise these relationships (Kabeer, 2011). Reaching out to other women over a land issue might damage family, social or other livelihood networks (Cleaver, 2009), forcing women to walk the fine line between individual rights and community expectations (Brown and Gallant, 2014). While one woman might help another one in secret, such one-on-one assistance does not address the structural oppression or disadvantages that women as a collective face as secondary rights holders. Donor-sponsored programming to improve land tenure security is only a partial answer.

Land Certification: Improving Individual Tenure Security

Land certification in areas held under customary tenure is a process that includes the marking of plot boundaries and creating a written, ordered list of plot inheritors (Sommerville, 2016; Caron 2018a). Certification helps women

consolidate control over land and reduces the conditionality of that access. One woman explained that her household has access to three plots of land; one plot is certified in her husband's name, one in their child's name, and one in her own name. Certification of women's use rights to a plot of land may increase her land tenure security but bargaining or negotiating does not vanish. Husbands and wives still must decide on a plot's subdivision and discuss the order of names on the list of successors. The Zambian Government does not legally recognize land certificates and not all chiefs participate in certification programming, thus certification only has a localized effect. Nevertheless, research participants appreciate the process, but noted that '*the major issue of getting [a] land certificate is that in future we don't know what will happen.*' While certification might secure an individual woman's use rights to a plot of land, it does not fully address women's land access as a collective issue. Women's rights activists together with the National Women's Lobby Group now work at the grassroots level with local women's groups to emphasize that '*you [women] cannot sort out all the issues on your own, individual women need to work together*' (Interview, 17 August 2016).

7.6 Conclusion

In this chapter, I show how women bargain across a male-dominated hierarchy (husbands and traditional authorities) and employ a variety of strategies to gain access to land. By focusing on married women and widows, I avoid conceptualizing 'women' as a homogeneous category and recognize their differential pathways to secure land based on social status. Married women and widows might by-pass the traditional authority of husbands and in-laws, by asking either the village headman or chief for land, noting too that she may require resources that she does not have to acquire that access. I documented why some women think that men provide them land and highlight the mechanisms that women believe influence men's thinking and change gender relations. Finally, I show how women's talk portrays land access as an individual or family issue rather than a structural

challenge that women as a collective face in heterogeneous ways.

This chapter makes contributions to feminist politics and development practice. As the international donor community supports country governments to increase land tenure security through individual/privatization measures such as titling, certification, and other means of documentation (Peters, 2010; Sommerville, 2016), it should be mindful of the heterogeneity of women's social identities (e.g. married vs widowed), their experience of social life, and how changes in land tenure regime might create differential outcomes for individual women. Certification of customary land in Zambia started in 2014. It is unclear if women's bargaining strategies might have changed in the context of certified rights. For example, do women need to strongly advocate for themselves to have land certified in their own names? A recent investigation found that women face physical, social and psychological / emotional violence when they ask for their names to be added to certificates or when they try to develop land that is held solely in their own name (Bessa and Malasha, 2020). Research must continue to examine the extent to which certification has improved women's access to and control over land and the strategies that women need to use to do pursue access to land to determine if the certification process is gender equitable (e.g. works the same for men and for women). Since land certification also can stop at the collective, household level, do women in such a household still need to bargain for

access to land held within that certified household-holding or are their use rights unquestioned?

While women as a social group are heterogeneous, and there is no singular 'essence' of being a woman, the notion of women as a social collective remains salient for feminist politics (Young, 1994). As Young writes, 'without conceptualizing women as a group in some sense, it is not possible to conceptualize oppression as a systematic, structured, institutional process' (Young, 1994: p. 718). Bessa and Malasha (2020) also found that to defend their certified land rights, Zambian women in land conflicts have appealed, *as individuals*, to NGOs that partner with international donor organizations and to chiefs, indunas, and headpersons to help them defend their certified rights. There appears to be little collective action among women within households or extended families. Rather, there is evidence that older female relatives abuse and threaten younger female relatives who are demanding access to land (Bessa and Malasha, 2020), thereby reproducing gender-discriminatory norms and customs. Government and donor-funded programming that focuses on women's empowerment and mobilization such as rights-based awareness raising, fostering collective networks, and leadership training as well as multi-media programming that is accessible to everyone including men and boys (Caron, 2018b) is vital to creating momentum for more gender equitable resource access and allocation.

Endnote

¹ To protect the identities of the Chiefs, chiefdoms are not listed.

References

- Agrawal, B. (1997) Bargaining and Gender Relations: Within and Beyond the Household. *Feminist Economics*, 3(1), 1–51.
- Baldwin, K. (2016) *The Paradox of Traditional Chiefs in Democratic Africa*. Cambridge University Press, Cambridge, UK.
- Bessa, T. and Malasha, P. (2020) *Gender-Based Violence and Land Documentation and Administration in Zambia: Emerging Lessons from Implementation*. USAID Integrated Land and Resource Governance Task Order under the Strengthening Tenure and Resource Rights II (STARR II) IDIQ, Washington, DC. Available at: <https://land-links.org/document/gender-based-violence-and-land-documentation-administration-in-zambia-emerging-lessons-from-implementation> (accessed 10 July 2021).

- Brown, J. and Gallant, G. (2014) *Engendering Access to Justice: Grassroots Women's Approaches to Securing Land Rights*. The Huairou Commission and The United Nations Development Program, New York, NY, USA.
- Caron, C.M. (2018a) Pursuing gender-transformative change in customary tenure systems: Civil society work in Zambia. *Development in Practice*, 28(7), 872–883. DOI: 10.1080/09614524.2018.1480896.
- Caron, C.M. (2018b) Creating the 'girl effect': Including boys and men to promote girls' land and asset ownership. *Progress in Development Studies*, 18(4), 223–234. DOI: 10.1177/1464993418786773.
- Caron, C.M. (2018c) The projects that are helping Zambian women get better access to land. *The Conversation*, 30 July Available at: <https://theconversation.com/the-projects-that-are-helping-zambian-women-get-better-access-to-land-100178> (accessed 10 July 2021).
- Caron, C.M. and Fenner, S. (2017) Forest access and polycentric governance in Zambia's Eastern Province: Insights for REDD+. *International Forestry Review*, 19(3), 265–277.
- Chigbu, U.E. (2019) Anatomy of women's landlessness in the patrilineal customary land tenure systems of sub-Saharan Africa and a policy pathway. *Land Use Policy*, 86, 126–135. DOI: 10.1016/j.landusepol.2019.04.041.
- Chigbu, U.E., Paradza, G. and Dachaga, W. (2019) Differentiations in women's land tenure experiences: Implications for women's land access and tenure security in sub-Saharan Africa. *Land*, 8(22), 1–21. DOI: 10.3390/land8020022.
- Cleaver, F. (2009) Rethinking agency, rights, and natural resource management. In: Hickey, S. and Mitlin, D. (Eds), *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*. Kumarian Press, Sterling, VA, USA, pp. 127–144.
- Djurfeldt, A.A. et al. (2018) The family farms together, the decisions, however are made by the man – Matrilineal land tenure systems, welfare and decision making in rural Malawi. *Land Use Policy*, 70, 601–610.
- Geisler, G. (1995) Troubled sisterhood: Women and politics in Southern Africa: Case studies from Zambia, Zimbabwe, and Botswana. *African Affairs*, 94(377), 545–578.
- Government of the Republic of Zambia (1995) The Lands Act, Chapter 184 of the Laws of Zambia. Available at: <http://www.parliament.gov.zm/sites/default/files/documents/acts/Lands%20Act.pdf> (accessed 10 July 2021).
- Government of the Republic of Zambia (2002) *Strategic Plan of Action for the National Gender Policy (2004–2008)*. Gender in Development Division, Office of the President, Lusaka, Zambia.
- Johnson, N.L. et al. (2016). Gender, assets, and agricultural development: Lessons from eight projects. *World Development*, 83, 295–311.
- Kabeer, N. (2011). Between affiliation and autonomy: Navigating pathways of women's empowerment and gender justice in rural Bangladesh. *Development and Change*, 42(2), 499–528.
- Kevane, M. and Gray, L.C. (1999) A woman's field is made at night: Gendered land rights and norms in Burkina Faso. *Feminist Economics*, 5(3), 1–26.
- Lambrech, I.B. (2016) 'As a husband I will love, lead, and provide': Gendered access to land in Ghana. *World Development*, 88, 188–200.
- McKinsey Global Institute (2019) *The Power of Parity: Advancing Women's Equality in Africa*. Available at: <https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Gender%20Equality/The%20power%20of%20parity%20Advancing%20womens%20equality%20in%20Africa/MGI-The-power-of-parity%20Advancing%20womens%20equality%20in%20Africa.pdf> (accessed 29 July 2020).
- Mvududu, S. and McFadden, P. (2001) *Reconceptualizing the Family in a Changing Southern African Environment*. Women and Law in Southern Africa Research Trust, Harare, Zimbabwe.
- Patton, M.Q. (2002) *Qualitative Research and Evaluation Methods*. SAGE Publications, London, UK.
- Peters, P.E. (2010) Our daughters inherit our land, but our sons use their wives' fields': Matrilineal-matrilocal land tenure and the new land policy in Malawi. *Journal of Eastern African Studies*, 4(1), 179–199.
- Quisumbing, A.R. and Kumar, N. (2014) *Land Rights Knowledge and Conservation in Rural Ethiopia: Mind the Gender Gap*. IFPRI Discussion Paper 1386. IFPRI, Washington, DC, USA.
- Ribot, J.C. and Peluso, N.L. (2003) A theory of access. *Rural Sociology*, 68(2), 153–181. DOI: 10.1111/j.1549-0831.2003.tb00133.x.
- Santos, F., Flitschner, D. and Daconto, G. (2014) Enhancing inclusiveness of Rwanda's land tenure regularization program: Insights from early stages of its implementation. *World Development*, 62, 30–41.
- Scalise, E. and Giovarelli, R. (2020) *What Works for Women's Land and Property Rights? What We Know and What We Need to Know*. Resource Equity, Washington, DC, USA.

- Shibata, R., Cardey, S. and Dorward, P. (2020) Gendered intra-household decision-making dynamics in agricultural innovation processes: Assets, norms and bargaining power. *Journal of International Development*, 32(7), 1101–1125. DOI: 10.1002/jid.3497.
- Sommerville, Matt (2016) Mobile Applications for Secure Tenure (MAST): Documenting land rights in Zambia; Burma; Vietnam. *Proceedings of the World Farmers' Organization*, 4–7 May, Livingstone, Zambia.
- Spichiger, R. and Kabala, E. (2014) *Gender Equality and Land Administration: The Case of Zambia*. DIIS Working Paper #4. Danish Institute for International Studies, Copenhagen, Denmark.
- USAID (2016) *Fact Sheet: Land Tenure and Women's Empowerment*. USAID, Washington, DC. Available at: https://www.land-links.org/wp-content/uploads/2016/11/USAID_Land_Tenure_Women_Land_Rights_Fact_Sheet.pdf (accessed 29 July 2020).
- World Bank (2019) Zambia – population total. Available at: <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZM> (accessed 29 July 2020).
- Young, I.M. (1994) Gender as seriality: Thinking about women as a social collective. *Signs*, 19(3), 713–738.
- Young, K. (2006) Widows without rights: Challenging marginalization and dispossession. *Gender and Development*, 14(2), 199–209.