

Women and Agrarian change: Issues of Land Rights/Ownership

INTRODUCTION

This paper starts on the premise of differentiation among the peasantry and despite the controversies surrounding the concept of differentiation and class (Bernstein (1979), with regard to the African peasantry, I will posit that in Sub-Saharan Africa, even though a lot of literature suggests that land is not a central issue of debate due to its relative availability, there is still unequal ownership. The case of Uganda for example shows that on the whole distribution of land holdings is rather unequal and varies from region to region as the table below shows:-

Table 1: Distribution of Households by Area of Farmland possessed by Region.

Area Possessed (ha)	Central		Eastern		Western		Northern		Uganda	
	No. of Hse holds	%	No. of Hse holds	%						
Nil	263,062	24.7	99,209	14.8	83,900	10.0	5,725	2.02	451,896	16.
>0<1	492,873	46.3	383,599	57.1	436,401	50.0	200,809	70.8	1,513,682	52.
>=1<2	173,971	16.3	128,610	19.1	195,091	22.5	59,296	20.9	556,968	19.
>=2<4	99,171	9.31	45,952	6.84	94,743	10.9	13,314	4.69	253,180	9.0
>=4<6	15,901	1.49	6,583	0.98	31,234	3.61	2,364	0.83	56,082	2.0
>=6<8	6,921	0.65	2,638	0.39	7,478	0.86	94	0.03	17,131	0.6
>=8<10	2,237	0.21	3,521	0.52	1,849	0.21	323	0.12	7,930	0.3
>=10>above	11,121	1.04	1,875	0.28	15,812	1.83	1,739	0.61	30,543	1.1
Total	1,065,257	100	671,987	100	866,508	100	283,664	100	2,887,416	100

Source: Background to the Budget 1991/92 p.198.

What the table above indicates is that there are a lot of households that do not own land but the degree varies from region to region with the central region having the highest of 24.7% and the Northern having the lowest with 2.02% of households. The categories of amount landownership per household also varying from region to region.

While access to land is unequal and differs from one country to another within Sub-Saharan Africa, it is still an accepted fact that women do own land and use such land as independent producers. Access to land on the whole for both men and women may take different forms and as it has been argued in the case of India it can be based on "individual ownership through inheritance, gift, self acquisition, joint family ownership, usufruct rights, communal or private land and tenancy rights - temporary or inheritable (Agarwal,1989,p.71).

It is within the context of such differences not only in amount of land owned but in terms of ownership and acquisition that, the paper will attempt to look at women in Sub-Saharan Africa. There is a difference between use rights and ownership which should not be confused. The Ugandan experience shows that women make up 53% of the national population and contribute 70-80% of agriculture labour force, 60-80% of food for both home consumption and local marketing, 70% of gross domestic product, only about 17% of women own land with about 60% having use rights only (Guwatudde,1986).

Thus those who argue that women in sub-saharan Africa unlike in Asia and Latin America own land may be right but there is need for one to differentiate between ownership and use rights which the case of Uganda clearly indicates. In addition to such issues there is also the need to demarcate between women' s crops and those of men. Such dichotomy has its origins in colonial times with men being engaged in cash crops for the household (Freund, 1984). Such dichotomy as important implication for women' s ownership and full utilisation of land as we shall see later.

The sexual division of labour which rough based on biological difference between men and women , but which has its basis on a socially constructed origin is also important in any analysis of women position. It is assumed that since the biological function of child bearing is done by women, it is also her responsibility to nurture and sustain the child in addition to domestic work while the man' s role is seen as the provider. Thus as we have seen earlier on, women not only play an important economic role but are saddled with reproductive responsibilities as well.

The ugandan situation with respect to land ownership and land use rights for women has also been demonstrated as the case of Kenya and it has been shown to have adverse consequences on their ability to utilise land rights. Davison(1988) has shown that the community or the guardian of the lineage is responsible for distributing land not to the woman but to the husband and such land is allocated on the basis of the number of wives, children the man has. Indeed the work on Kenya, the women were shown to have use rights but very little ownership/title rights (Davison, 1988, p.166). Thus what are the likely factors that have often affected women's ability to utilise the rights they have over land in practice.

Factors that Limit Ability of Women to Utilise Formal Access to Land which they Own.

The first factor that may affect women's utilisation of land they own has to do with gender ideology. Customarily land is inherited by men since it is assumed that women will ultimately get married and move to another home. Even if state laws or religious and customary allow women to inherit land, fathers and indeed society as a whole expressly peter and ensure that only sons inherit land. It is generally believed that girls do not inherit land thus argued that the land may not be enough for the male heirs who will ultimately carry on the family name. Even where women inherit land in the case of widowhood, as Davison(1988) notes, transfer of land titles from the dead husband's name to the

wife's is not done. Even though the women may be in full control of the land she could use such rights for any purpose as she does not own official title to such land.

Women are involved in the growing of food, processing, preservation, storage and marketing of agricultural produce, all this done predominately to methods and equipment. Furthermore women have biological and social tasks of bearing, nurturing and providing traditional education to the children to ensure well being of the families. They fetch water, fire wood for domestic purpose, tend animals and milk cattle. The following data on women's work in Africa gives a better summary of the rural women's burden.

Table 2: Women's work compared to Men's own contribution.

Type of work	Women's contribution in (%ages)	Men's contribution in (%ages)
Growing food	70	30
Storing food	50	50
Grinding&processing	100	00
Selling produce	60	40
Tending animals	50	50
fetching water	90	10
Fetching wood	60	40

Source: Ugandan women in development, 1989,p.99.

This therefore consumes the time of females and minimises their productivity, fulfillment and eventual development despite having access to the land.

Looking at the case of Uganda the first issue is the societal divisions which determine the basis of land ownership and

destinations of the household. Indeed from the perspective of the family as a unit of consumption and production, a family can include, grandparent, parents and children all living within the same compound. This family land may be allocated to the woman so long as she is and remains within such a household and she will continue to use such land for production without limitations. In other parts of sub-Saharan African countries which have come under the influence of Islam however, women may have access to land through inheritance and theoretically such land may belong to them. But in practice her ability to use that land is limited because of cultural/and religious restrictions. Such land which may belong to the woman may actually be used by her brothers, uncles while it would be hers technically. Therefore ownership in this case is quite different from ability to utilise such ownership.

Such restriction and ability to exercise such rights have also been documented in the case of some parts of Asia (Kabeer 1991). Looking at the case of Bangladesh, it has been argued that while women may inherit land, they do not actually exercise such rights in practice because of cultural and religious restrictions- in what has been called normative entitlements inscribed in the social relations of kinship and family. (Kabeer, 1991,p. 245). It is argued that Bangladesh experience depicts a situation in which women are entrusted to men as their guardians. Main access to land for women in Bangladesh rests on inheritance or marriage or marriage gift and daughters inherit less than sons, which is even true today. Such ownership however, is not followed by use and indeed it is argued that most times such ownership is waived in favour of brothers in exchange for a claim to their protection in case of widowhood, abandonment or divorce (Kabeer,1991,p. 254)

Thus the Bangladesh experience shows a situation where women may own land but do not exercise the rights to use such land in practice because of the ideology of purdah in which women's control over property is severely circumscribed. Similar experiences have been indicated by Agarwal in the case of India.

Thus while the case of Uganda may not show a situation in which women fail to utilise land rights, in practice, based on cultural and religious norms, the situations in Northern Nigeria, Bangladesh and parts of India clearly point to factors that inhibit women from using their rights over land.

Factors that Affect Ability of Women to Optimally Exploit Land for productive purposes.

The integration of most developing countries into the capitalist system has had serious consequences on women in terms of their ability to optimally exploit their land resources. In Sub-Saharan Africa, colonial rule and post colonial regimes that emerged with the attainment of independence set the stage for the emergency of labour deficiencies in rural households which have had consequences on women.

At the initial stage, labour migration to the mines during colonial rule, and the import substitution industrialisation of which followed in the post independence period which assumed that there is a surplus labour in rural areas under what is termed as "disguised unemployment." Saith(1991) in the sense that, that part of the labour force could be withdrawn without adverse consequences on output to have had negative consequences on women's full utilisation of land resources in sub-saharan africa where we have mentioned earlier that women have access to land resources.

Thus such development has led to male migration into cities to look for employment or hire out their labour in the field and the burden of agriculture has been left to women. Women constitute 60-80% of the agricultural labour force in Uganda (Mutibwa,1989, p.99). The dichotomy between male cash crop production on separate land and women s food production on their own parcels of land seem to have become shifted to the women who take on the burden of production not only for household food consumption, reproduction but at times over the males plot for cash crops. In

cases where they do not cultivate the husband's plots of however, the tendency is still for diminishing utilisation of their land resources since male migration means they effectively become household heads and thus take on added responsibilities especially the combination of both reproductive and productive work (Arrighi 1973).

At another level, the shortage of such labour meant that, indeed, women could not get hired labour on which to fully utilise the land. Yet at another level, such shortage means that the cost of labour at the rural labour market will become too costly for women, who in any case may not have the resources to afford such labour. There is also the society dimension to such labour availability (especially in some parts of Uganda), in which it is considered degrading for men to work on women's farms even when they can afford to pay. Thus, women become disadvantaged at two levels in terms of having the necessary labour to make optimal utilisation of their resource endowment.

As a corollary to the problem of labour which prevents women from making full use of their land resources, i.e. also the constraint to women's access to credit both in the formal and informal financial markets. Several factors have been identified with regard to formal credit which mitigate against women's full utilisation of their land for productive purposes. The first issue has to do with lack of banking facilities in the rural areas and even where such facilities are available, collateral requirements is a barrier because in most of sub-Saharan Africa, even though women own land, they do not generally have titles to such land as Davison (1988) has shown in the case of Kenya. The type of security women own (household goods, jewellery, etc) are not normally accepted by the banks as security. There is also the outright discrimination against women by banks and their regulations, which generally require women to have their husbands or another male member of their family as guarantors (Berger, 1989). There is also the tendency to restrict loans to one per household which is assumed to be male headed and also that

production activities within the household are always interconnected. Such financial institutions have also targeted some activities for which loans are not available. In the case of Uganda, such loans are more readily available for cash crop production and industry, which is mainly domain of men.

Another problem with such institutions is that information about credit facilities is not accessible. "It is generally spread through male networks or through co-operatives which are dominated by men" (Berger, 1989, p.1023). Where women have such information, they may not be able to fully utilise such loans because of their multiple work obligations in the household and in the farm. And the time it takes for such loans to be made available make women experience greater opportunity costs to their foregone labour (Berger, 1989,p.1023).

Thus women are restricted from formal credit which restrict their ability to optimally exploit their land resources for productive purposes and are often forced to resort to the informal sector mainly the money lenders. Where women have access to such loans, it is argued that the high costs of such loans makes it more beneficial to the lenders than to the borrowers. This continued reliance of women on the informal sector "perpetrates the marginalisation of their economic activities" (Berger, 1989,p.1025).

Another important factor that restricts women from the potential of the land resource is the absence of research and extension information. Most research is channelled to cash crops rather than food crops, which is the women' s production. And with differential access to formal education between men and women, women benefitting the least, they are left with little skills and information to utilise their land.This is mainly due to the domination of extension services by men and even where such is training is available, it places an undue burden on women who have additional responsibilities for the home, farm, market which further limits their ability to make full utilisation of land.

Implications for Women' s Strategies on Land Ownership.

Using the Kenyan example, most women are shown to have land use rights as daughters, wives and sisters, with very few having land ownership rights. Widows also suffer having restrictions of not holding land titles in their names and thus the implication is, that any women' s strategy is restricted by a biased ideology of male dominance. The Indian case also shows that those women that have access to land is mainly based on use rights. The gender ideology has generally barred women from owning land.

In both instances the bottleneck seems to be the male domination of land ownership and determination of its use plus allocation. Thus there is limited scope for any strategy unless patriarchy is addressed. The difficulty lies in how to address it or turn the table. Once such dominance is removed then it is my belief that strategies by women are can evolve, not only with regard to land but also credit, extension services and education as well.

If gender sensitization and women seeking equality is met then male dominance may be fought. For the Women' s Decade and World Plan for Action 1975-85 have been concrete expressions of effort developed by the UN to eliminate women' s oppression.

On another hand if research in information and development of mass communication are made a direct index for women then, plan and allocation and utilisation of the land factor by women can only be met if media, NGOs, local resistance councils are availed. For commodity information is a scarce factor in countries like Uganda. This will offer instruction courses and stimulate women to improve and serve to self fulfillment their ownership and use rights of land.

In conclusion therefore, it could be argued that women' s lack

of access to land in terms of full ownership, their inability to fully utilise such land where they own it, has as its basis a single and powerful force which is the male dominance over economic resources, often constructed within society, but has as its foundation a material basis.