

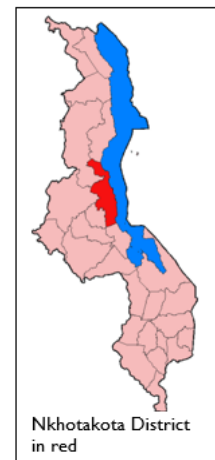


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GENDER AND LAND IN TRADITIONAL LAND MANAGEMENT AREA (TLMA) MWANSAMBO IN MALAWI

GENDER ASSESSMENT BRIEF

The USAID Integrated Land and Resource Governance (ILRG) program is working with the government of Malawi to support gender-responsive customary land registration in the traditional land management area (TLMA) Mwansambo in Nkhotakota District. Traditional Authority (TA) Mwansambo is predominantly rural and farming dependent. It is a *Chewa* matrilineal area that normally has broader women’s rights to land, but with a patrilocal form of marriage (*chitengwa*) that tends to restrict women’s land rights. ILRG will provide technical assistance to strengthen the district-level land registry and support land clerks; promote the inclusion of women and youth in the land documentation process; engage key stakeholders to shift gender norms around women’s land rights; and convene dialogues with national and international stakeholders to discuss lessons learned and build positive momentum.



To better understand the barriers and opportunities for gender-responsive and socially inclusive customary land registration and inform program implementation, a gender assessment was carried out in September and October 2021. Quantitative data was gathered through a semi-structured questionnaire with 447 respondents. Qualitative data was collected through in-depth key informant interviews with 19 stakeholders at national, district, and community levels, as well as 15 focus group discussions (FGD) and participatory exercises with 180 men, women, young men, and young women from seven communities. This brief provides an overview of the findings and recommendations of the assessment; the full gender

assessment report with details on the methodology, a socioeconomic profile of TA Mwansambo, findings, recommendations, and data collection tools can be found [here](#).

LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES

The assessment highlighted the existence of a strong normative framework that supports gender equality in land ownership in principle. The suite of Malawi's land reforms in 2016 established a framework for documenting private rights across customary land. However, some gaps remain, including the lack of specific provisions in the 2016 Customary Land Act to facilitate access to land for women, youth, and people with disabilities. Customary land governance is based on custom and practice, which leaves considerable potential for ambiguity that can be detrimental to women and other marginalized groups, and even reinforce existing inequalities. The process of decentralization and granting power to local authorities may lead to further loss of land for communities, and particularly women and other marginalized groups. Local land allocation and registration increases the risk of elite capture and certain groups have little or no bargaining power to protect themselves when their rights are impinged. This underscores that legal provisions of gender equality and the lack of legal or open discrimination are rarely sufficient to ensure equal participation and enjoyment of land rights. A strong normative framework is an advantageous starting point, but it is crucial to acknowledge the barriers that women face in accessing and exercising land rights and address them with intentional gender-responsive approaches.

CULTURAL NORMS AND BELIEFS

“A man is the head of the household and as the head he makes his rules that us women have to follow. That's what we call abiding by rules. Rules are rules, everyone has to follow them. As women we are used to see things happen that way.”
- *Woman in Denje*

Prevailing beliefs, attitudes, and social and gender norms in TA Mwansambo severely constrain women's rights to own and control land. Overall, men are considered “heads of household” and responsible for economic activities, decision-making, and leadership in public spaces. Women are expected to be subservient and have limited physical and social mobility, impacting their ability to participate in community meetings and to receive information. Men and especially women who attempt to break such norms are at risk of sanctions like social ostracism, ridicule, gossip, and physical violence.

Certain sub-groups of women are particularly vulnerable to abuse of their land rights, including women and girls who experienced child and early marriage, young women, women and girls with disabilities, and women and girls living with HIV/AIDS. These groups face greater difficulties in accessing information about their rights, participating in decision-making at the household and community levels, and experience greater rates of gender-based violence (GBV). The prevalence of GBV is high in Malawi and although specific data for TA Mwansambo is not readily available, the assessment found that types of GBV like physical violence, economic abuse, sexual violence, and child marriage are the most prevalent in the area. Specifically on land, women and particularly widows face risks of land grabbing and/or losing access to land. There is high acceptance of GBV as a tool to control women and their rights to land. There are a number of service providers working on addressing GBV, but redress mechanisms are hampered by lack of coordination, lack of trust in institutions, and gender biases ingrained in customary justice systems.

GENDER ROLES, RESPONSIBILITIES, AND TIME USE

A gendered division of labor is present in the household, family farms, and beyond. Unpaid household and caring tasks are perceived as women's responsibilities and men are involved in tasks that have

monetary and social value. As such, men control income and how it is used. Even during peak farming seasons when the on-farm workload is intense for all household members, women and girls hold a disproportionate share of household responsibilities. This limits their participation in other activities like community meetings and trainings. Gender roles are reinforced from an early age, as boys and girls are socialized with different responsibilities and expectations that contribute to the persistence of child and early marriage and negative masculinity behaviors. The assessment found that the elderly and people with disabilities are not very involved in household and farming activities and the responsibility for their care falls on women and girls.

ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES

“Men control big resources because they are the ones who purchase them. Most of the family assets are inherited by boys as according to the culture they are the ones with big responsibilities, while girls will be married off and be taken care of by husbands. Boys are also taken as kings and are the ones who share land with their sisters.”

- Young woman in FGD in Chikango

Women in TA Mwanambo have access to land, defined as the ability to use land. Although the area is largely matrilineal, the *chitengwa* patrilineal marriage practice hinders women’s ability to own and in some cases to access land (especially in case of a spouse’s death). Although 88 percent of survey respondents agreed with the statement that women and men should have the same right to own land, prevailing gender norms hinder equal ownership in practice. Customary land is perceived to belong to the clan and there is the perception that upon a woman’s marriage or remarriage the family will lose such land if women move to another area and/or the family of their new spouses gain access and control over the original family’s land. Land scarcity is increasing inequality. Husbands and men in extended families control the land and women’s ability to make decisions related to land is very limited.

Women in polygamous marriages and youth have even more restricted land rights. The first wife has full access to the land, but ownership belongs to the husband and children. Subsequent wives have neither access to nor control of the husband’s land because they continue to live in their natal (v. marital) homes. It is widely perceived that upon divorce or death of a spouse, women should return to their parents’ land. Parents give more land to male children than to female children, i.e., boys are given larger land parcels and are more likely to inherit family land.

PATTERNS OF POWER AND PARTICIPATION IN DECISION-MAKING

At the household level, men make most decisions related to land, including on purchase, sale, inheritance, renting, and using income. There is a perception that women are less capable to handle financial matters. Women can influence some decisions, especially those related to household food production and consumption, but they cannot make decisions alone. This is especially true for decisions related to land and the majority of women consulted believe they have no say in such decisions. The only time women are able to fully make decisions related to land is if they are divorced or single. When married women attempt to exercise greater agency on decision-making, it can lead to verbal, sexual, and physical violence.

“Because men are taken as the landowners, all the decisions about land are done by them and if the woman tries to make decisions, she is considered rude and breaker of tradition.”

- Young man in FGD

There are several local governance committees in TA Mwanambo. Mostly due to the government’s 50/50 campaign on equal representation, the majority of community level committees are gender balanced. However, a deeper analysis of executive committee positions revealed that women are put in positions where they may have no or little influence, such as secretary. Structural barriers and gender

norms limit women's attendance and meaningful participation in meetings, as well as their ability to take leadership positions. These include lack of information, time poverty, low confidence, social backlash and GBV. Most men seem to be unaware of such challenges and believe that lack of discrimination and 50/50 representation on paper is sufficient. There are some women leaders in the area, most of whom have attended capacity development initiatives offered by non-governmental organizations and programs, although coordination and collective agency remain weak. The presence of existing gender transformative initiatives provides an entry point for additional capacity development for women current and potential leaders and for promotion of positive role modeling.

KEY RECOMMENDATIONS

- Raise awareness about the legal framework and the benefits of registering customary land for men, women, boys, and girls, using a variety of sensitization tools. Disseminate information and materials at locations convenient for women such as schools and health centers and take advantage of radio and cell phones.
- Taking advantage of the decentralization policy that provides for 50/50 representation in local structures to provide women and other marginalized groups with information and technical and interpersonal skills to join and meaningfully participate in these structures. Provide gender sensitization to men in committees to help create an enabling environment for women's participation.
- Promote shifts in individual beliefs and attitudes and in social and gender norms, bearing in mind such changes take considerable time and require continued reinforcement and support. Use gender transformative tools and frameworks to challenge negative gender norms like dialogue sessions and participatory workshops.
- Engage men in families, communities, and decision-making spaces as equal partners, clients, and agents of change, promoting positive masculinity behaviors and serving as role models to other men in the community.
- Identify and mitigate potential GBV risks during the land registration process at the household, community, and institutional levels. Provide community members and stakeholders involved in land governance with information on GBV and available redress and support mechanisms in the area. Provide GBV training to those involved in land-based conflict resolution.
- Address women's practical and social limitations to attending training and community meetings by targeting invitations to women and other marginalized groups and by offering women-only sessions/meetings and holding these during times and at venues that are convenient for them.
- Offer joint titling as an option, explaining its benefits and respecting families' decisions. Promote and publicly recognize men and families that act as role models in inclusive land registration to encourage other men.
- Facilitate the participation of women and other marginalized groups in all steps of the land registration process through ongoing sensitization, targeted invitations, tailoring meetings and steps to meet their needs, and development of technical guides for data collectors.
- Clearly link secure land rights to women's socioeconomic empowerment by promoting their access to credit, farming inputs, and village savings and loans groups.
- Obtain public support for women's land rights from socially respected and prominent individuals such as village elders, religious leaders, chiefs, headpersons, and others.

- Facilitate women’s clubs and other venues where women can develop collective agency and launch social movements to demand land rights.
- Share challenges, lessons learned, tools, and best practices with other donors and the government through learning events and continued coordination to ensure the adoption of gender-responsive approaches to future land registration efforts in Malawi.

SUGGESTED CITATION

Kamoto, J. Kankwamba, H., & Molosoni, B. (2021). *Gender and land in Traditional Authority Mwansambo in Malawi: Gender assessment brief*. Washington, DC: USAID Integrated Land and Resource Governance Task Order under the Strengthening Tenure and Resource Rights II (STARR II) IDIQ.