



## REPORT ON THE 2021 WOMEN'S LAND RIGHTS WEBINAR SERIES

### INTEGRATED LAND AND RESOURCE GOVERNANCE TASK ORDER UNDER THE STRENGTHENING TENURE AND RESOURCE RIGHTS II (STARR II) IDIQ

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# LIST OF ACRONYMS

CDLA	Chipata District Land Alliance
FZS	Frankfurt Zoological Society
GBV	Gender-based violence
MLNR	Ministry of Lands and Natural Resources
NGOCC	Non-governmental Gender Organizations' Coordinating Council
NLTP	National Land Titling Program
PDLA	Petauke District Land Alliance
WDC	Ward Development Committee
ZLA	Zambia Land Alliance

## I.0 INTRODUCTION AND BACKGROUND

The USAID Integrated Land and Resource Governance (ILRG) program in Zambia held two webinars on women's land rights in July 2021. The webinars brought together academia, practitioners and the government, with the goal of facilitating dialogue between government and communities of practice on the issue of women's land and property rights. The webinars covered current opportunities and challenges in securing women's land tenure and property rights in Zambia, and lessons learned for future efforts.

The webinar series on women's land rights grew out of ongoing work by USAID through the Integrated Land and Resource Governance (ILRG) program in Zambia, which supports gender responsive community land documentation efforts. The objectives for the webinars were to:

- Offer a platform for practitioners to learn and exchange ideas on women's land rights in the Zambian context;
- Identify best practices to address barriers to women's land access and ownership rights and add to the body of local knowledge on gender and land;
- Discuss the challenges and opportunities for increasing women's rights in land documentation; and
- Offer opportunities for collaboration and networking to promote greater gender equality in land and natural resources management.

Each two-hour webinar featured four presentations and a question-and-answer session. An average of 66 participants from academia, civil society, community groups, traditional leaders, cooperating partners, and government departments attended each session.

This report summarizes the presentations and discussion from the various women's land rights webinar sessions. Full recordings of the sessions can be found on [YouTube](#).

## 2.0 SECURING WOMEN'S LAND RIGHTS – OPPORTUNITIES AND CHALLENGES

The first webinar series focused on opportunities and challenges for advancing women's land rights in the Zambian context. Patricia Malasha, Gender and Social Inclusion Advisor at USAID ILRG, served as facilitator for the session and was joined by presenters on the following topics:

- The new land policy: Where are the entry points for the implementation of women's rights? – Sharon Chuni, Ministry of Land and Natural Resources (MLNR), Chief Lands Officer;
- Land rights in Zambia: What is the status of women land rights on customary and state land? – Nalucha Nganga Ziba, Action Aid, Country Director;
- Bridging the gender gap in land ownership and tenure security – Dimuna Phiri, independent researcher; and
- Barriers to women's access & ownership of land – Patrick Musole, Zambia Land Alliance (ZLA), Executive Director.

### 2.1 THE NEW LAND POLICY: WHERE ARE THE ENTRY POINTS FOR THE IMPLEMENTATION OF WOMEN'S RIGHTS? – SHARON CHUNI, CHIEF LANDS OFFICER, MLNR

Zambia passed its new National Land Policy in 2021, which aims to improve effective land management in the country. In recent years, the government has seen increased demand for serviced land in both statutory and customary areas. The new policy aims to address this need, with the goal of establishing a transparent land administration and management system for inclusive and sustainable development by 2035. Improved governance, transparency, equity, and accountability principles are integrated throughout the policy.

The National Land Policy lays out eight objectives for land governance in the country, two of which specifically address women's rights. Objective one aims to strengthen land allocation mechanisms to improve tenure security. This will require reviewing the legislative framework for gaps in legal coverage, strengthening title issuance mechanisms, and improving monitoring and evaluation processes to track progress. Improving women's tenure security is a critical component in advancing this objective. Objective eight aims to achieve a gender-sensitive and youth-friendly land sector, inclusive of persons living with disabilities and other socially marginalized groups. In order to achieve this aim, the policy proposes allocating 50 percent of land in the country to women, lowers the contractual age from 21 to 18 years old, promotes non-discriminatory practices, and encourages expanded land allocation to women under customary tenure holdings.

Meeting these objectives will require a concerted implementation effort. The Ministry of Lands has formed a technical committee to develop an implementation plan. This plan will include activities, outputs, targets, and costing, as well as identify various entities the Ministry will partner with on implementation. The implementation plan should be ready by September 2021, and will be carried out over the next five years.

## **2.2 LAND RIGHTS IN ZAMBIA: WHAT IS THE STATUS OF WOMEN LAND RIGHTS ON STATE AND CUSTOMARY LAND? – NALUCHA NGANGA ZIBA, COUNTRY DIRECTOR, ACTION AID**

Women's land rights are a human rights issue, important not only for advancing equality but also for expanding women's access to financial assets and resources. Despite legislative and policy provisions that allow women to own land in Zambia, women's land ownership rates are still low. Complex legal procedures, a difficult to navigate bureaucratic system with little transparency, and financial barriers often prevent women from acquiring state land. In areas of customary land holding, patriarchal norms further inhibit women's access to land. Traditionally, women are only able to access land through male relatives or their spouse. When women do have access to land, their ability to make decisions about its use may also be limited due to traditional gender norms that see men as heads of household. Traditional leaders have great cultural, social and legal authority in Zambia. As such, they can serve as key allies in the push for greater gender equality, working to counter harmful gender norms and promote women's land access. However, attitudes vary by leader, leaving women with differing levels of local support. Additionally, although land is the major asset for poor households and can often be used as collateral for loans, Zambian law states that customary land cannot be used in this manner, limiting the ability of expanded women's land rights to lead to greater economic opportunities.

More work is needed to address these barriers to women's land rights. First, the land policy should be strengthened to ensure women are empowered with equitable access to resources. Second, the land policy should have an implementation framework specifying differentiated payment and development plans for women, in order to address the financial barriers to land ownership that disproportionately affect women. Third, heightened sensitization about the importance of joint land titling is needed for men, women, and traditional leaders.

On this latter point, international NGO Action Aid is working with Solwezi Land Alliance and Petauke District Land Alliance to provide sensitization training to traditional leaders and community members. These efforts have led to greater support for women's land rights among local leaders. In Northwestern Province, Chiefs Mujimanzovu and Musele have supported sensitization activities and taken deliberate actions aimed at supporting women to acquire land in their chiefdoms.

## **2.3 BRIDGING THE GENDER GAP IN LAND OWNERSHIP AND TENURE SECURITY – DIMUNA PHIRI, INDEPENDENT RESEARCHER**

Though the Zambian constitution provides for non-discrimination on the basis of gender, some customary practices act as a barrier to women's land access. Traditional gender norms restrict women's ability to own land, as access to land is typically through a male relative. They thus face additional tenure insecurity, as they are vulnerable to losing their land when a male relative dies. When women do hold land, they often have limited decision-making power over the plot, as men are seen as heads of household and thus the main decision maker. Women may also have less access to information about how to register their rights to their land, given different access to education, literacy levels and social networks between men and women. Overall, women have less power than men in society, and thus are less able to assert their rights to a given plot.

In addition to customary practices, there are a number of legislative limitations that restrict women's access to land as well. All land and water in Zambia is technically vested in the President on behalf of the population. While women have equal access to state law under the constitution, these protections do not extend to customary land, which is under the custodianship of traditional leaders. Likewise, the

1995 Lands Act is gender blind, and thus does not consider gendered barriers to land access that impact women and men differently. As a result, women have less legal protection of their land rights than men.

A number of reform efforts can help bridge the gender gap in land ownership and tenure security. Systematic land documentation processes can help both men and women document their legal rights to land on state and customary lands, and can be accompanied by gender sensitization efforts to enhance knowledge about women's land rights and encourage joint titling between spouses. Land documentation data collection should be gender disaggregated to help identify areas for further engagement on women's land rights. Agrarian, legal and policy reforms related to land can help expand legal protections to women's land rights. Efforts to encourage women's involvement in common resources governance can also expand women's land and natural resource rights. Improved land management and planning in urban and peri-urban areas can help reinforce equitable land tenure outside of rural communities. Imbedding gender specialists within government and partner institutions can help to drive these efforts. Behavioral change interventions can also help to shift harmful gender norms at the local level. Carrying out gender assessments in target communities before beginning engagement efforts can help stakeholders identify key gender barriers, and thus help them design activities in ways that are accessible to women.

Improving women's access to land and tenure security has numerous benefits that extend beyond the land sector. When women have secure tenure, they are more likely to invest in their land, improving their earning potential and their family's wellbeing. Women can use their newly held asset as collateral for a loan, increasing their access to finance. When women have secure tenure, it can increase their status within the community and enhance their bargaining and decision-making power. It also reduces their vulnerability to land grabbing by family members after their spouse dies or after divorce.

#### **2.4 BARRIERS TO WOMEN'S ACCESS AND OWNERSHIP OF LAND – PATRICK MUSOLE, CHIEF EXECUTIVE DIRECTOR, ZAMBIA LAND ALLIANCE**

Though most women in rural areas have access to land, they have limited control over its use, and even more limited ownership rights. Women face main barriers to land ownership in Zambia. First, many women have limited knowledge or awareness of their rights under existing laws and policies. As a result, women do not know how to acquire statutory land, assert their rights on statutory and customary land, or seek redress for rights violations. Second, cultural and social norms hinder women's access to land. Men are often seen as the decision makers in the household, which limits women's ability to exert control over their plots and leaves them dependent on the goodwill of male relatives for land access. Third, women face additional financial barriers to land acquisition. Buying statutory land is costly, and there are additional fees at various stages of the land registration process. Since women have less access to financial resources than men, these costs act as an additional barrier for women in acquiring state land. While there are some affirmative action measures in place to reduce these barriers, they are insufficient to the scale of need. Finally, policy and legislative gaps act as additional hurdles to women's access and ownership of land. While there is equal access to land under the law, uneven and poor implementation of existing laws like the Gender Equity & Equality Act limit women's legal protection. Furthermore, the existing suite of laws were often designed in isolation of one another, and do not inform each other.

In order to improve women's access and ownership of land, the government and other stakeholders must enhance community awareness of laws and policies that govern land rights. This effort should distill key policies into simple, easy to understand language, translated into all seven major Zambian languages and braille. The government should focus on equitably implementing existing laws and policies, including a harmonization effort to eliminate any conflicting language across policies that touch on land

governance. Laws and policies should also work to address the root causes of inequality in communities to level the playing field for women, youth, and other minority groups. Government affirmative action efforts should include discounted fees and extended time frames for women to develop their land to reduce financial and time poverty constraints to land ownership. As local cultural and social leaders, chiefs and religious leaders have a key role to play in advancing gender equality and promoting women's land rights in their communities. Sustainable economic empowerment of women to enable them to acquire and develop land.

## 2.5 DISCUSSION

The presentations were followed by a question-and-answer session which covered the questions in the table below.

Question	Answer(s)
How effectively can we have women have both access and control to land?	Sensitization is key, but policies and procedures, gender strategies, and gender-sensitive information in institutions need to be addressed.
A lot has changed in terms of how our traditional leaders view many issues today, for example, the positive support they give to ensure girls get educated and even take up leadership roles in the community, such as Ward Development Committees. When we talk about the gender gap in land ownership, have we done actual research that shows that the number of women owning traditional land is still low with no change? What are organizations doing in their fight for women's rights on state land, e.g., what is the Non-governmental Gender Organizations' Coordinating Council (NGOCC) doing to ensure that policies promoting women's land ownership are implemented on the ground?	<p>ZLA has been encouraging joint ownership and ensuring that the spouse is the next of kin. They also ask women to register land in their name. However, men are apprehensive about women acquiring land in their name as this creates insecurities about their marriage. Some husbands have, however, encouraged their wives to acquire land in their name. Still, the families are left to make their own decisions on how ownership is held. On state land, women have various options for land ownership. These include sole ownership, joint ownership, and ownership as a member of a cooperative.</p> <p>NGOCC is involved at the local and national levels. They sensitize chiefs on the importance of women's land ownership. They do this through their over 100 member organizations in all ten provinces. They work with the Ministry of Finance to provide a gender perspective to budget analyses at the national level.</p>
Why is it that even with having female/women-led leaders in governing institutions like the Ministry of Lands, there has not been an increase in women having access to or owning land? Where is the gap? Is it a legislation issue? Social norm problem? Lack of finances?	Gaps in women's access and control of land emerge from social, economic, legal, information, and policy angles.
Is the Ministry of Lands currently undertaking any project speaking directly to Zambian youths' access to land in rural and urban areas?	The Land Policy has reduced the minimum age for land ownership from 21 to 18 to ensure that young people can access land.

<p>Is the Government considering developing policies, laws, and administrative measures to address married women’s land rights?</p>	<p>Married couples are constantly being encouraged to register land jointly. However, women can also acquire land as individuals regardless of their marital status.</p>
<p>Is a non-citizen entitled to buy/own land in Zambia, and if so, under what tenure conditions, if any?</p>	<p>Non-Zambians can acquire land if they are permanent residents, investors, companies, statutory corporations, cooperative societies, nonprofit organizations, or commercial banks. More details are in the 1995 Lands Act.</p>
<p>How has COVID-19 influenced the implementation of the land policy, and which of these influences are likely to be more lasting and promising for the gender transformation in land policy?</p>	<p>The Ministry has continued to work, albeit on a rotational basis, through the pandemic.</p>
<p>The challenge that women in rural areas face is that the land application fees attached to acquiring land have disadvantaged most women even after various stakeholders’ sensitization. Is it possible for the Ministry of Lands to work closely with the Ministry of Chiefs to harmonize the land application fees for rural women?</p>	<p>The Ministry engages with Chiefs through the House of Chiefs to develop policies, and all Chiefs were consulted in the development of the Land Policy. The two Ministries continue to work together to ensure equitable access to land for all, especially women.</p>
<p>What are the affirmative action measures in the Ministry of Lands?</p>	<p>The Ministry has directed all local authorities to ensure that 30% of all land allocations should go to women. The Land Policy has further raised the requirement to 50%. Consideration payments in statutory areas have also been staggered to provide flexibility and allow more women to access land under the National Land Titling Program (NLTP). Studies are being undertaken to determine the challenges being faced in the issuance of title under the NLTP.</p>
<p>What documentation are we pushing around land ownership in customary areas?</p>	<p>In customary areas, various stakeholders have been supporting the issuance of Customary Land Holding Certificates. These documents show the land dimensions and details of the landholder and next of kin.</p>
<p>Is it easier for women to access leasehold than communal land? If so, why not focus on that?</p>	
<p>I am happy with the progress made in women having access and rights to land. This, combined with the general alienation of land under customary tenure, results in Zambia being divided into small parcels. Apart from the risks of families losing out to wealthier groups looking for land under traditional tenure, the real risk is environmental. On communal land, it is easier to administer shared resources like forests, grazing areas and waterways. Immediately</p>	

<p>livestock cannot freely and migrate seasonally, the vegetation begins to degrade, rapidly setting off a steady process of desertification. How do we avoid this happening? If communal management of each catchment is emphasized, whether on customary or titled land, this trend of desertification can be reduced or even reversed. This requires proactive land use planning that secures common shared lands for communal use. In this way land use management plans can be made to benefit all.</p>	
<p>What are women in decision-making positions doing to improve women's access to land?</p>	
<p>What policies are in place to ensure that traditional leaders do not allocate land for their own benefits?</p>	
<p>As we are trying to increase access of land and ownership by women, how much more has been done to address the other challenges faced even after the acquisition of land?</p>	
<p>What does the land policy say about selling traditional land in their chiefdoms? Of late, we have experienced land being sold to foreigners leaving the subjects without land. What measures has MLNR put in place to stop such things from happening?</p>	
<p>We are interested in the data on how many women and men own land so that we can engage in evidence-based work. 1. Could the Ministry please share this information? 2. Are they also able to share information on how much land is in women's and men's names?</p>	

## **3.0 SECURING WOMEN'S LAND RIGHTS – LESSONS LEARNED AND THE WAY FORWARD**

The second webinar series explored lessons learned and the way forward for improving women's land rights in Zambia, particularly how to secure women's land rights in both state and customary areas. Matt Sommerville, Chief of Party at USAID ILRG, served as facilitator for the session and was joined by presenters:

- Securing women's land rights in customary land documentation – Chikampha Banda, Petauke District Land Alliance (PDLA), Chiefdom Coordinator;
- Social norms change: Targeting traditional leadership to address barriers to women's land rights – Adam Ngoma, Chipata District Land Alliance (CDLA), Coordinator;
- Documenting the land rights of women: The National Land Titling Programme – Dimuna Phiri, independent researcher; and
- Gender-based violence in land documentation – Patricia Malasha, USAID ILRG Gender and Social Inclusion Specialist.

### **3.1 SECURING WOMEN'S LAND RIGHTS IN CUSTOMARY DOCUMENTATION – CHIKAMPHA BANDA, CHIEFROM COORDINATOR, PDLA**

Securing women's land rights in Zambia is complicated by overlapping state and customary land administration systems, and by cultural inheritance traditions that vary by region. Some areas are governed by patrilineal inheritance systems, where land is inherited through the husband's family. In matrilineal areas, like the Nsenga people in Petauke District, land is typically accessed through a maternal uncle who determines who in the family should receive inherited land. Though land is inherited through a woman's family, her husband still exercises decision making power over land use. Both women and men risk of losing access to their land in matrilineal areas when their spouse dies to land grabbing by family members.

Women's land rights, even in matrilineal areas, are often curtailed by gender norms that view men as the head of the household, and hence the sole decision maker. Many believe that land ultimately belongs to men, and women can only hold property through their husbands. Given the varying traditions between patrilineal and matrilineal areas, and even within marriage customs in matrilineal areas, there is often confusion over whether a woman belongs to her parents' or husband's family after marriage, and hence who her or her husband's land goes to in cases of death or divorce. When a woman's spouse dies, it is traditionally unacceptable for them to remarry and live on the land with another man. In contrast, it is acceptable for a man to remarry and bring his new wife on the land. Men often prefer to register their male children as heirs to inheritance claims, in place of their wives or daughters. These gender norms are reinforced not only by men, but women as well. Women themselves are resistant to registering and owning land in their name because it goes against their culture, and they fear such moves could attract resentment from their in-laws or increase their risk of gender-based violence.

Petauke District Land Alliance (PDLA) works in Petauke among the matrilineal Nsenga people. From 2019 to 2021, PDLA undertook a systematic land documentation effort in Petauke to document parcel

boundaries. Through this effort, 36,000 people registered their land rights across 260 villages, 18,000 of which were women. In order to ensure that land documentation opportunities were open to men, women and youth, PDLA undertook community sensitization efforts to encourage men to register their wives as co-holders or persons of interest on the title, giving them some rights to the land after their husband's death. In cases where spouses did not register as co-holders, husbands were encouraged to include their wives as beneficiaries. Women were able to register land in their own name if they owned the parcel, were gifted it when they got married by family, were widowed and lived well with their husband's family, or if their husband permitted. Women were also encouraged to participate in the land demarcation process and raise concerns during the objection, correction, and confirmation stages.

Improving women's land access in Zambia requires concerted efforts by a number of stakeholders. As the example above illustrates, organizations carrying out land documentation processes should invest in community sensitization efforts to encourage women to take part in the process and claim their rights. Project staff should distill key messages and legal documents into simple, easy to understand language to ensure that women and men have equal access to information and understand the value of documenting land in their name. Gender considerations should be integrated into the documentation process from the beginning to maximize impact, rather than added as an afterthought. Capacity building is a key piece of this effort to ensure staff are trained and buy into a more inclusive documentation process. Engaging traditional leaders is also essential, as they have the local authority to help drive some of these gender norms change and inclusion efforts. Traditional leaders can invite women to participate in land documentation meetings and create an environment where women feel comfortable speaking out and sharing their views. They can also encourage men to list both spouses as co-holders of land titles.

### **3.2 SOCIAL NORMS CHANGE: TARGETING TRADITIONAL LEADERSHIP TO ADDRESS BARRIERS TO WOMEN'S LAND RIGHTS – ADAM NGOMA, COORDINATOR, CDLA**

Women face a number of barriers to accessing land in Zambia. Some cultural beliefs preclude women from holding land. Traditionally, married women are not considered permanent members of their husbands' families, and are expected to return to their parents upon the death of their husbands. This limits their rights to their spouse's landholdings. Women themselves are sometimes resistant to owning land and do not register land in their names for fear of going against cultural traditions or being subjected to gender-based violence by their husband or in-laws for asserting their rights. When community land documentation processes do occur, time poverty often restricts women's participation, as they are busy with household and childcare responsibilities and cannot participate in meetings.

Traditional leaders have social, cultural, and legal authority in their communities. Local leaders such as indunas, head persons, and chiefs determine the rules for customary land administration. As such, they can act as champions of gender equality and help address barriers to women's land rights. However, views on women's equality vary by leader; some are unwilling to confront traditional gender norms, and still believe that only men should hold land.

Chipata District Land Alliance (CDLA) has been working with traditional leaders on land documentation efforts in Chipata district. Gender was integrated at every stage of the land documentation process to help identify gendered barriers to access, alongside sensitization efforts to encourage women's participation. CDLA engaged traditional leaders in a series of dialogues on social and gender norms change in land administration ahead of community documentation efforts to increase their awareness about women's land rights. Throughout these sensitization efforts, CDLA staff tried to build consensus around proposed changes to give women greater access to land, to ensure the reform efforts were accepted by local community members.

Since 2018, this documentation effort has helped 32,356 people register their rights, 40 percent women. By engaging local leaders in this effort and increasing their awareness about women's land rights under the law, traditional leaders were able to encourage men to include women on land certificates, increasing the number of women registered as landholders and co-holders. Leaders also helped develop by-laws at the chiefdom level to recognize women as landholders, and chiefdom registers were updated to include women's landholding records. As a result, women have a larger voice in decision making over land, leading to reduced conflicts within families. Traditional leaders are also taking women's rights into consideration in dispute resolution decisions, reinforcing women's newly certified rights to landholdings. This household level decision making power is leading to expanded leadership opportunities within the community. Three women now sit on the chief's council in Mnukwa, and one woman serves as a village headperson in Nzamane. In many chiefdoms, indunas and village headpersons now serve as local gender equality champions, continuing to advocate for expanded women's rights in their community.

Despite this progress, CDLA's efforts to work with traditional leaders did face some challenges. Many of the indunas were not supportive of efforts to expand women's land rights, which limited the program's impact in those communities. There was a lack of consensus among local leaders on what traditional practices needed to change in order to expand women's access to land, which led to a lack of message clarity and the spread of misinformation, complicating community sensitization efforts. Each chiefdom has different structures, rules and traditions, and thus the land documentation effort had to be tailored to varying contexts. The program found that the indunas they worked with varied in status, rank, and power within their community, thus not all had the same ability to enact reform efforts. COVID-19 also hampered the land documentation effort, and limited the ability of indunas to engage directly with their subjects on documentation issues.

Social norms change takes time and consistent engagement. It requires dialogue and discussions to ensure that communities are charting their own path to reform. Reflecting on their own lessons learned from implementing an inclusive land documentation process, CDLA has a number of recommendations for future efforts to increase women's land rights. Traditional leaders are central to promoting women's land rights within their community, and can promote harmful gender norms change from a position of cultural authority. Inclusive land documentation efforts need to take the time to understand local social and gender norms that hinder women's land access in order to identify the necessary reforms that need to occur. Targeting a few specific norms is often more successful than trying to change them all at once. Engaging women in land documentation process is essential. CDLA found that women were often reluctant to go against tradition and register land in their own names. Thus, sensitization efforts were important not only to increase men's acceptance of women's land rights, but women's as well. Overall, CDLA found that it was more effective to identify and work with individual gender equality champions, rather than focusing on a whole group, such as indunas. Building the capacity of individuals helped to develop accountability and ownership of the role. Through this work, CDLA identified six champions who continue to report to on successes in addressing harmful gender norms in their community well after the project completion.

### **3.3 DOCUMENTING THE LAND RIGHTS OF WOMEN: THE NATIONAL LAND TITLING PROGRAMME – DIMUNA PHIRI, INDEPENDENT RESEARCHER**

With the aim of producing 4 million titles, the systematic National Land Titling Program (NLTP) is being implemented by Medici Land Governance in partnership with the Ministry of Lands. The project started in Lusaka and has been rolled out to Kafue and Copperbelt Province, implemented mainly in unplanned settlements. Securing women's land rights in unplanned settlements is important because of property grabbing experienced by women. Therefore, documenting women's land rights helps to minimize difficulties in the future, maximizes economic security, and expands opportunities, social status, and women's income earning potential. It also helps to address major gendered barriers to land access, such

as inadequacies in laws, policies and enforcement, social and cultural barriers, inheritance inequalities, access to justice, and gaps in knowledge and information.

The National Land Title Program will be carried out as follows. Gender has been considered at multiple stages of the process:

- **Obtaining aerial imagery of land area:** It is important that geospatial information systems consider gender and collect gender information. This is yet to be done with the NLTP.
- **Recruiting and training enumerators:** The enumerator recruitment has tried to achieve gender balance by recruiting 50 percent males and 50 percent females. Gender balance among enumerators is important because during data collection some women may be more comfortable talking with another women. Both enumerators and communications teams will require training on gender-sensitive messages to encourage women's participation in the documentation process.
- **Digitization of parcels**
- **Sensitization of communities:** Mainstreaming gender has been an important part of the community sensitization communication strategy. The communications team has also developed context-specific materials such as brochures, leaflets, newsletters, flyers, and pop-up stands.
- **Enumeration of parcels:** During the enumeration process, enumerators are encouraged to promote joint participation. In some instances when both husband and wife are present, the husband tends to speak more than the wife. Enumerators are therefore trained to encourage joint participation to ensure women are involved in the documentation process.
- **Public display and community verification and adjudication of disputes:** The verification process is a consultative process where communities verify the information collected by enumerators. During this process, maps are displayed in different locations for men and women and explained using non-technical language.
- **Final data processing**
- **Government approval**
- **Issuance of offer letters:** Gender mainstreaming involves sensitizing women when offer letters have been issued and ensuring that couples collect the offer letters together.
- **Payment of minimum titling fees:** The process revealed a need to help women, particularly single women, afford titling fees. The NLTP has not considered this to date.
- **Issuance of Certificates of Titles:** Similar to the issuance of offer letters, community sensitization efforts clearly communicate when certificates will be issued and encourage couples to collect the titles together.

There are many opportunities for realizing women's land rights in within the NLTP. These include mainstreaming gender within the land titling process, promoting joint titling between spouses, engaging in legal and policy dialogues with the Government, and providing gender training to all key players. A key component of a gender mainstreaming strategy includes establishing partnerships with other women's rights institutions to help track women's land ownership and participation, raise awareness and

document success stories. These organizations can also help to assemble best practices, develop practice tools, resolve gender related disputes in communities and provide legal and social-economic guidance in land titling.

The pilot phase of the NLTP, implemented by Medici Land Governance, has achieved notable successes in strengthening women's land rights. Forty-seven percent of parcels documented during the pilot phase have had a woman as owner or co-owner. Some women reported that the certificates of title increased their economic security and they were able to earn additional income, which led to better health, nutrition, and education opportunities, and increased their resilience and wellbeing.

Land titling programs have great potential to strengthen women's land rights when gender is considered in the design and implementation process. Land titling interventions should focus on the robustness of rights, their durability and their ability to be implemented. Gender-related tools should be developed for enumerators and communications teams before program implementation to ensure gender is considered from the program outset. There must be a process in place to help waive or reduce titling fees for women and other vulnerable groups to expand program affordability. Gendered accessibility barriers also need to be considered, including how to capture female landowners who reside out of town, and how to include those who are either too ill or do not have finances to travel to the town center where the documentation process takes place. Refresher training courses for enumerators and communications teams on gender-responsive programming and messaging are important to encourage women's participation. Ultimately, the land titling program should also strengthen gender considerations within government itself to ensure sustainability moving forward.

### **3.4 GENDER-BASED VIOLENCE AND LAND DOCUMENTATION – PATRICIA MALASHA, GENDER AND SOCIAL INCLUSION SPECIALIST, USAID ILRG**

Gender based violence (GBV) takes many forms, including physical, psychological, and sexual abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation of land or property on land, and other resources. In the context of land, GBV is any harm or potential harm perpetrated against a person or group on the basis of gender related to land resources.

In Zambia, GBV is a widespread problem and affects women and girls disproportionately. Data shows that 36 percent of Zambian women experience physical violence by the age of 15 (2018 ZDHS), while 32 percent of married women have experienced controlling behaviors by their husbands (2018 ZDHS). The relationship between GBV and women's land rights is complex and depends on legal land and gender frameworks, existing social and cultural norms, family dynamics (including extended family), women's level of economic independence, and the availability of supportive legal systems and services.

The USAID ILRG program has been supporting the documentation of land rights since 2014 and has worked with local partners such as CDLA, PDLA, and the Frankfurt Zoological Society (FZS). So far, over 50,000 people (47 percent women) have had their land rights documented. The program promotes gender integration in the land documentation process and ensures that women's land rights are registered, and their interests and priorities are addressed. Some of the strategies used to address GBV in land include:

- **Develop the capacity** of implementing partners to monitor GBV cases and use referral pathways.
- **Encourage the active participation of women** in all steps of land documentation so their interests and needs are considered and protected and monitor for backlash.

- Inclusion of **gender-responsive conflict prevention and resolution** strategies in the land documentation process.
- **Community sensitization** on harmful gender norms, women's land rights, and GBV to shift perceptions, attitudes, and behaviors.
- **Engagement of traditional authorities** to champion gender equality in land and natural resources, including addressing GBV. This was done through dialogue with indunas to promote gender norms change and the development of customary gender guidelines with the House of Chiefs.
- **Continued collection and analysis** of evidence on the relationship between land documentation and GBV.

During the documentation process in 2019 and 2020, local partners documented women's experiences of GBV related to land. Results showed that GBV affects women of all ages and is multigenerational. Violence is perpetrated by husbands, children, cousins, uncles, aunts, and even neighbors. Further, women become more vulnerable to GBV when their marital status changes (divorce or becoming a widow). The most vulnerable groups were reported to be widows (especially childless widows).

Women experienced various types of GBV related to land, including denial of access, ownership or property grabbing, often accompanied by physical or threats of physical violence and emotional violence, ridicule, and insults. Physical, psychological, and social violence are frequently used to control women's access and use of land and to facilitate property grabbing. Women also face the risk of GBV if they attempt to assert their rights.

Other results showed that women are affected by GBV in both patrilineal and matrilineal areas. Although women can inherit land in matrilineal areas, power inequalities and gender norms threaten their tenure security because women access and use land through male relatives, usually their husband, and leave their villages for marriage. Traditionally, couples are not expected to hold land jointly and if divorced or widowed, a woman is expected to return to their family's village. Due to constrained economic wellbeing, women are often tied to the marriage and do not leave even when they experience GBV.

Although the land documentation process aimed to improve women's access to land, it was found that it can lead to family conflict and GBV as it exposed intra-family and intra-community conflict. The process can also create resentment and increase conflict between spouses, within families and communities, leading to GBV. Family conflict and violence can persist even after a seemingly successful resolution of land disputes.

The process further revealed that traditional leaders can play a key role in addressing GBV. Men hold more power and can hinder or promote women's land rights. However, they sometimes abuse their power or are at the center of land-related disputes. In such instances, community governance structures such as land committees create opportunities for women to seek redress from land-related GBV and provided some degree of accountability.

Based on these experiences, USAID's ILRG program has generated a number of recommendations for funders and implementers interested in promoting women's land rights:

- Include a **strong and comprehensive approach to prevent and respond to GBV** into project design, including adequate training for staff and partners.

- Plan an **adequate timeframe** for land documentation efforts. Well-intentioned pressure to document a high number of parcels over a short period can increase the risk of GBV.
- Strive for inclusion on land records or joint titling, but be mindful of the **local context and potential unintended consequences** like GBV.
- Addressing intra-familial GBV linked to land disputes is difficult due to **perceptions that it is a private issue**. Women are often unwilling or unable to seek support for fear of social stigma, out of loyalty to family members, economic dependency, or lack of support networks and services.
- Create awareness about **different forms of GBV related to land tenure** beyond physical violence, including those that are rarely acknowledged like economic violence.
- **Engage local authorities**, bearing in mind they may be involved in perpetrating GBV individually or institutionally.
- Invest in **strengthening community governance structures**. Local land governance structures can be a resource (and often the only resource) for women experiencing GBV.
- Work at the household and community levels to actively engage men, women, and local leaders to **shift harmful gender norms**, particularly around who should own land.

## ANNEX I: PRESENTER BIOGRAPHIES

**Chikampha Banda** worked for Chipata District Land Alliance from 2014 to 2016 as a Lead Community Facilitator during the TGCC USAID-funded project. He currently works with Petauke District Land Alliance as a Chiefdom Coordinator and a Gender liaison officer. He has extensive experience in community facilitation, land documentation, and promoting gender inclusion and dispute resolution during land documentation.

**Sharon Chuni** is the Chief Lands Officer in the Office of the Commissioner of Lands at the Ministry of Lands and Natural Resources. She has over 18 years of experience in land management and administration.

**Patricia Malasha** is the Gender and Social Inclusion Advisor for the USAID-funded Integrated Land and Resource Governance (ILRG) program in Zambia, where she provides technical leadership on gender integration in institutional and community land and natural resource governance, including in the forestry and wildlife sectors. She works closely with the government, traditional leaders, local implementing partners, and communities to provide technical expertise and capacity-building support, also collecting lessons learned and best practices. With over 25 years of experience as a policy, gender and social inclusion expert, Patricia has worked on several programs on social protection, economic development, health, human rights, and natural resources implemented by organizations such as, Care International, GIZ, UN, Irish Aid, and the World Bank, among others. Patricia has a bachelor's degree in Social Science (Psychology) from the University of Zambia and a Master's in Public Policy and Management from the University of London.

**Patrick Musole** is the Executive Director for Zambia Land Alliance. He holds an Executive MBA in Leadership and Wealth Creation (UNILUS), and a bachelor's degree in Business Administration (UNISA). He has vast experience in management, research, policy advocacy, stakeholder engagement.

**Adam Ngoma** is a social worker who has worked with different organizations. He has more than 10 years of experience working with communities and currently he is a coordinator at CDLA. Over the recent years with CDLA, he has been involved with supporting traditional leaders in advancing customary land documentation.

**Dimuna Phiri** is currently completing a Master of Laws in Jurisprudence and holds a Bachelor of Laws from the University of South Africa. She is also a member of the Young African Researchers in Agriculture Network. Her progressive professional experience is at local, regional and international levels in the private and Non-Governmental Organizations. She has demonstrated expertise in social and economic justice, research, dispute resolution, legal and policy reform on land governance amongst an array of other issues. Recently, she has been involved in the Systematic Land Titling Program and provided legal and social-economic expert guidance on women and other vulnerable groups inclusion in land titling. Dimuna's research and publications in land governance include land rights on customary and statutory land tenure regimes, gender, inheritance, large-scale land acquisitions and dispute resolution. Her work interests internationally have extended to reconciliation, land rights and the Native Title, examining increasing incarceration rates, costs, higher crime, and the disproportionate rate of imprisonment of Aboriginal and Torres Strait Islander People of Australia.

**Nalucha Nganga Ziba** is woman leader that has over has over 10 years of experience in the development sector. She is a seasoned Feminist and Human Rights activist. Nalucha is a strong collaborator with youth movements and believes in a rooted approach for systematic change. Nalucha

has a long history with working effectively working with Government, Media, UN Agencies, Civil Society and other partners. In addition, she has a strong record of fundraising, lobby, advocacy and networking with various institutions including Government and civil society engagement and influence, strategic partnership building and management. Nalucha currently holds a bachelor;s degree in English and History from the University of Zambia, a Master of Science in Communication/Media and Public Relations and an Executive Masters in International Development.

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