



# CHALLENGES FACED BY WOMEN IN MALAWI WITH REGARD TO LAND ACCESS, CONTROL, AND OWNERSHIP: A CASE STUDY DONE IN MACHINGA DISTRICT.

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Abstract

Women's access to and control over productive resources, including land, have increasingly been recognized in global discussions as a key factor in reducing poverty, ensuring food security and promoting gender equality. Indeed, this argument has been widely accepted by development theorists since the 1980s. (Agarwal, Bargaining and gender relations: Within and beyond the household. Feminist Economics, 1997.)

Based on qualitative research with 50 purposively selected men and women in the Machinga district in Malawi, this study explored the complexity of women's access to and control over land within a specific relationship of contestations, negotiations, and manipulations with men.

Data was analyzed using thematic analysis. While theoretically, men try to claim that women's secure access to, and control over land have beneficial consequences for women themselves, households and the community at large, in principle, women's access and control status was premised in the traditions, which largely deprive women of equal access and/or control over the land.

The study indicated that even though land is the most revered resource and indeed, the dominant source of income for the rural poor, especially women, gender-erected discrimination and exclusion are key barriers (challenges) that prevent many rural women from accessing land.

This investigation argued that women's weak access rights and control over land continues to perpetuate the feminization of gender inequality while men are reported to possess primary access and control over land as the heads of households, women are argued to have secondary rights due to their 'stranger statuses' in their husbands' families. Overall, the degree of access to land among women was reported to be situated within two broad contexts marriage and inheritance.

Keywords: Access by women, Machinga, Malawi, Land ownership, System of inheritance

## CHALLENGES FACED BY WOMEN IN MALAWI WITH REGARD TO LAND ACCESS, CONTROL, AND OWNERSHIP: A CASE STUDY DONE IN MACHINGA DISTRICT

### 1.11 Introduction

Land ownership is a significant indicator of wealth, power, political and social security in Malawi and most countries around the globe. Despite this, a large percentage of the country's population is estimated to be landless.

Land reform efforts carried out by the Government of Malawi have mostly concentrated on securing land rights of the family, without much regard for differences in land ownership of individuals within households. . (Bell, (2005)).

Over the past few years, consensus has emerged around the idea that there is a link between women's landownership and household welfare. In addition to this, land is a valuable asset for women that raises their community status and shapes their identity as producers. (Odeny, 2013)

Women are responsible for between 60 and 80 percent of food production in developing countries. Yet they rarely own the land they are working on, have tenure securities or control over the land. They often have limited decision making power and control over how to use the land or its outputs.

### 1.12 BACKGROUND STUDY

Women's access to and control over land remain a contentious issue in political, social and economic discourses across Africa. Land is a highly valued asset across all regions in Africa (Odeny, 2013)

Access to and control over land is not just an issue of academic and development considerations, but a question of fundamental human rights. The struggle for land among different classes of people continues to attract critical analysis that can respond to the varying interests between men and women. ((Gichimu and Njeru)

Gender as a social construct has increasingly been recognized as a critical discourse in access to, ownership of, and control over land. Evidence shows that there is a direct relation between access to land, having secured control rights, sustaining food security and ameliorating poverty in agrarian societies (Odeny, 2013).

Notwithstanding women's crucial role in ensuring food security, economic production, and attending to families' nutritional needs, their access and control rights over land are often nuanced by systemic and discriminatory practices that are reinforced by culture, patriarchy, custom and tradition. ((UNECA)

Although land is key in the lives of rural women and despite women's numerical strength in the agricultural labour force and agro-processing activities, access and control of this important asset is often based on gender-erected factors. (. (FAO)

Access to, control and ownership of land remains the domain of male privilege, deep-rooted patriarchal structures of power and control of community-based resources, tradition and culture.

Although women have limited access to land for agricultural purposes, their lower access and control over land could have dire implications for women's ability to invest and practice sustainable and modern environmental management that could improve their productivity and livelihood. Thus the study analysed the challenges faced by women when it comes to land ownership, access and control and the possible solutions to these problems and challenges.

### 1.13 PROBLEM STATEMENT

Land stands as the most valued property, which enhances individual's socioeconomic status. Land rights, as a set of institutionalized rules and regulations that are socially recognized and enforced by an external authority, are linked with the notion of property rights. Land rights as property rights generally entail the use, transfer and control of property. (Agarwal, *A field of one's own: Gender and land rights in South Asia.*, 1994).

It is widely recognized that women's rights to access and control over land are central to the goal of poverty reduction and rights-based approaches to development. The level of women's right to access and control over land determines or greatly influences their overall living conditions, the question of everyday survival, economic security and physical safety and has a profound effect on gender relations. (Agarwal, *Bargaining and gender relations: Within and beyond the household.* *Feminist Economics*, 1997.)

The persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries, including Malawi, is still blocking women from enjoying their rights as State laws and State institutions compete within formal regulatory systems. (Aremu.)

In order to frame gender-friendly legislation and remove institutional and cultural barriers, it first becomes essential to explore and document the ground realities in relation to land and property in the country, perceptions, as well as challenges faced by women in acquiring their rights to own, control and use family resources. (Bell, (2005)).

This study therefore will help in filling in the gaps by shedding light on the barriers faced by women in accessing, using and controlling land in Malawi.

The importance of this study lied not only in understanding the legal, institutional and socio-cultural barriers faced by women in accessing land rights, the findings of this study can also help in formulation of appropriate policy in order to overcome those barriers.

Rights-based organizations and groups can use these findings to support evidence-based advocacy, as well as design programmes that could help in removing socio-cultural barriers.

### 1.14 RESEARCH QUESTIONS:

This study was investigating the issues based on the challenges that women come across when it comes to land control, ownership and rights in some of the villages of Machinga district in Malawi. The main questions to be asked in this research are;

1. Do women have any access to own and control land in their communities?

2. Does the death of their husbands affects them in terms of land owning, access and controlling and does their rights preserved? If yes, how?
3. What challenges do they face when it comes to land accessing, control, ownership and rights maintain?
4. What are the solutions or techniques being implemented in Machinga to increase the access, ownership and control of land by the women?
5. What are the challenges that have been faced with the implemented techniques towards equal land access between men in Machinga district?
6. How can the challenges faced in Machinga be solved?

### 1.15 OBJECTIVES OF THE STUDY

#### Main Objective:

The main objective of this study is to explore and document structural, institutional, legal, social and cultural barriers to women's access to land (ownership and tenure rights) and independent exercise of related rights.

#### Specific Objectives

- To study the barriers of socio cultural and traditional practice of women on land rights.
- To assess the problem faced by women on land registration.
- To assess the gender inequalities associated with land access and control.

### 1.16 SIGNIFICANCE OF THE STUDY

While it has been established that women's ownership of land and property can have far-reaching positive impacts, those rights are not easily realized. According to studies women in Malawi enjoy less ownership over land and property in households in the country. (Malawi G. o., Integrated Household Survey 2010-2011, Household Socio-Economic Characteristics Report., 2012)

This shows that women's access to land tenure and ownership is very limited. Moreover, in most cases, land registration in women's name is an urban phenomenon, used mostly for non-farm purposes. (Malawi G. o., Malawi National Land Policy, 2002)

Overall, women in Malawi face a number of barriers to exercise their rights to access, own and control land as well as property.

1) First, there is discrimination and ambiguity in laws and regulations. Legislation in the country is not yet completely gender-friendly.

In general, laws or programmes that are directly or indirectly associated with land tenure in the country have explicitly or implicitly excluded women, or at least have not taken any steps to guarantee their access to land. Although the Constitution proclaims equal rights to men and women, the laws and policies contain some discriminatory provisions against women.

2) Second, there are several structural barriers that perpetuate gender discrimination in access to services and resources. In Malawi, patriarchal cultural norms continue to hinder women's access to land and property.

Similarly, there are institutional barriers such as inadequate mandates, budget and human resources that also act as a hindrance for women to truly realize their rights. Therefore, in addition to the establishment of a legal framework and policies with a gender perspective, it is equally important to look into institutional and cultural factors that hinder women's access to land. This study provides a research-based insight into these issues, and many more.



**LITERATURE REVIEW****2.1 INTRODUCTION**

Many people living in a developing country lack secure property and adequate resources and some of them are women who lack access to land comparing to men in their communities. (World Bank, 2020)

According to the food agriculture organization of the united nations, it is mostly women who lack the opportunity of having access to their own land in developing countries and in addition their right on land is totally not acknowledged by the society that is to compare with men and even when they own their own land, its quality is poor.

By giving women access to own, control and have rights on land can easily bring progress of positive impacts on the strata of developing goals in their families, community and the nation as a whole, this will also help in reducing poverty and increase economic growth. (FAO 2.)

Huge focus can be on the rural women whom they are the main strategic centre for hunger reduction, malnutrition and poverty since they play a vital role in household food securing, dietary diversity and children healthy.

**2.2 GLOBAL REVIEW ON LAND ACCESS, CONTROL AND OWNERSHIP**

In more than 30 countries women and girls do not have the same rights to own or inherit land as men and boys. And in dozens of others, customs undermine women's rights to land and property. This tenure insecurity constrains opportunity for more than one billion urban and rural women. Nowhere is the problem worse than in Sub-Saharan Africa. The World Bank estimates that 90% of the rural land in Sub-Saharan Africa is undocumented. And women's land and property rights are least likely to be documented.

To expedite progress on women's land and property rights, the status of women's land and property rights needs to be less terra incognita. Currently, there are tremendous gaps in our understanding of women's land and property rights (FAO).

Despite the lack of data on this pressing challenge, governments and policymakers in many geographies are trying to bridge the gap for women. A growing body of empirical research finds that strengthening women's land and property rights can increase returns of women's labour, increase their control over and ability to benefit from family assets, and increases women's voice and agency. Together, these shifts in women's position within the household can create a profound ripple effect on income, food security, land stewardship, and children's welfare.

On a macro level, strengthening women's land and property rights serves as a key driver of inclusive, country-led, agricultural transformation. Research shows that women's land rights increase investments in boosting agricultural productivity which is a powerful evidence-based pathway to poverty alleviation and inclusive agricultural transformation. In fact, there are few more powerful ways to reduce hunger and poverty than when farmers invest in improving their harvests and their lives.

In this way, securing women's land rights could stimulate entire economies and help grow a more food secure future. The current lack of data shouldn't dissuade us.

Today, we take for granted the broad availability of standardized poverty data or for financial services, but these data sets are relatively recent inventions that have served as necessary early building blocks for addressing global poverty and financial inclusion.

Unfortunately, despite calls from advocacy groups, the necessary data to determine progress on SDG land-related targets (Goals 1, 2, 5 and 15) is not being systematically gathered.

Today, action is needed on several fronts and by multiple stakeholders. We need: Data that centres on people and represents all people. Government agencies are typically charged with registering land, promoting agricultural productivity, or protecting natural resources and therefore their focus is naturally on plots, agricultural units, forests, etc. To ensure secure land rights for all we need to have information on people. Who lacks rights? Whose rights are insecure? What are the barriers that affect them? We will not know this if we only look at those who own land or those who run a business or farm.

Data on land documents, but also on how people experience the systems that support land tenure. It is important to know who has land documents in their name as well as who does not. But data on legal documents is not enough. Tenure security requires that a range of systems are functional and equitable regardless of your gender, race, ethnicity, or income. They include systems for dispute resolution, enforcement, and land administration that can be formal or customary. Tracking perceptions of tenure security is a simple but useful proxy to signal whether those systems are working and promising global effort to gather gender-disaggregated perceptions on land tenure security, deserves attention and support. It recently found that half of all women in Sub-Saharan Africa worried that they would lose their land if they were divorced or widowed.

Data that acknowledges tracking only household heads or their opinions is insufficient and likely to yield biased results. If we want to ensure land rights for all, we have to gather, analyse, and report data understanding that tenure security varies within families and that, in fact, the household head is the most likely to be tenure secure. We also have to account for discriminatory gender norms that often tie women's tenure security to the quality of their relationships with their husbands, in-laws, sons or brothers. Which explains why so many women worry that if they are widowed or divorced they'll be driven from their land. Good practices in this regard include randomizing who within the family is interviewed, relying solely on self-reported information, and always providing gender disaggregated results.

Data from a range of sources that can fill current gaps, provide more nuance, and be gathered more frequently. These complementary sources of data include global polls, research studies, and can be conducted by community-based organizations and grassroots groups.

Data that is actionable and accessible. That addresses the needs of decision-makers in a timely manner that is easy to find, understand and use. Data that can be used by those in a more vulnerable position to advance their rights.

Funding, Donors, international bodies, and governments will need to expand support for data collection and data-driven decision making. Good data is among the most cost-effective investments. Good data can help governments prioritize the most cost-effective interventions—a pressing priority now that COVID-19 has decimated budgets.

Capacity building. NGOs, international bodies, and governments will need to build the capacity at the country level to generate and analyze data. The promising and collaborative Global Land Indicators Initiative could help build capacity at the government level. Global land rights NGOs that are deeply embedded in multiple countries, it also require funding to support “data gap advocacy” with data stewards and to build the capacity of their grassroots partners. Such grassroots civil society groups with the potential to effectively collect data because of their community connections—such as Espaco Feminista in Brazil and GROOTS in Kenya—could also benefit from direct funding and other partnerships.

**Impact of culture** In most of the cases one of the main factor which hinders women to have access and experience their rights is social-cultural like in patriarchal culture, it is men who makes decisions concerning their resources as the heads of the family and this happens even to the community strata and this keep women in distance to have access to own a land and maintain their rights.

Women should be able to secure land rights which it means to be able to have full access, control, ownership and be able to manage and enjoy the incomes that the land outcomes which this opportunity will sustain their livelihoods. (Bentzon, (1998))

One of the factors that promotes women to lose their rights on land is the change in marital status happen because of divorce or death of the husband which if women can be allowed to secure land rights not based on marital status it can be good enough for better positive effects (. (FAO)

Driven by the urgency of a global rush for land and extracted resources and unprecedented urbanization, hastened by the growing impact of climate change and frequency of natural disasters, women have been at the center of human rights violations worldwide regarding their rights and access to land. From large-scale land acquisitions that displace communities without due compensation, to the encroachment of extractive industries on indigenous and communal lands, to the unplanned urbanization that forcibly evicts people living in informal settlements, to the impacts of climate change and natural disasters on land use and productivity, to land and property deprivation by kin or State, women are more harshly affected by land tenure insecurity due to direct and indirect discriminatory laws and practices at the national, community and family level. In this context, States should more than ever comply with their obligation to ensure that women have equal rights, including in access to land in law and practice. This would imply the adoption of measures to prevent private corporations and investors, powerful local elites, multilateral organizations, regional trade initiatives and family members from discriminating women in their rights to access, use, inherit, control, and own land.

### **2.3 IMPACT OF GENDER INEQUALITY**

According to the Food Agriculture Organization, most of the people leaving in rural areas depend on agriculture for their livelihood. (. (FAO) Hence the united nations of economic commission for Africa has high lightened on the inequitable distribution and uncertain land tenure security as some of the main challenges of land policies here in Malawi. ((UNECA)

With this challenge, land tenure issues have not been considered properly and without their middle role in agriculture production across the region and women are not being considered from land or other properties

because of their gender and vulnerability. They are given secondary rights to land hence giving equal land rights to women like men can be important in food security ((Gichimu and Njeru). Hunger and malnutrition are the problems of the whole world but then they do have a negative effect on rural people whom the majorities are women (Aremu).)

## 2.4 OBSERVATIONS

Structural forces creating imbalances in the system of landholding. There are two intertwined forces working to unbalance the systems of landholding both in matrilineal systems and in patrilineal systems. These forces are firstly, declining access to vacant land and secondly, the concomitant urbanization of the surplus population. (Malawi L. n., 2012)

The force of increasing population density has first a local impact, currently best observed in the south of the country. But also here people remember a time when a section of a village might split off and go into the countryside to create a new village. Today this is becoming difficult in Malawi. (Malawi G. o., 2008 Malawi Population and Housing Census, 2010)

High inequalities of land access, despite legislative and policy reforms in water and land inequality of access to land between men and women continue to exist. Women have difficulties in making independent decisions about land use and in accessing the benefits derived from land ownership and utilization. Whether in patrilineal or matrilineal societies, access to land is typically mediated by men (spouses or uncles). (Budlender, (2011))

The study principally employed a qualitative research approach with data collected at household, community, and institutional levels during October and part of November 2016. An extensive review of existing literature was done focusing mainly on annual reports, baseline survey reports, discussion papers, and relevant scholarly publications.

Land policy reform: the role of land markets and women's land rights in Malawi by Stein Holden, Randi Kaarhus and Rodney Lunduka. This study gives an updated presentation and discussion of the on-going land policy reform process in Malawi, a country facing increasing land scarcity and food insecurity for the large rural population.

The land reform includes formalization of customary land rights as private land rights in customary estates. In this context we seek to analyze the implications of the reforms in a setting with emerging land markets, making a clear distinction between land rental and land sales markets as their efficiency, equity and sustainability effects may differ.

Furthermore, we assess how the land reform may affect women's land rights with special emphasis on the distinction between matrilineal and patrilineal inheritance systems that coexist in Malawi.

## 2.5 CONCEPTUAL FRAMEWORK

Despite the growing interest given to studying land access and ownership rights among women in Malawi, there is little understanding on what 'access' and 'ownership' of land are really about.

This is, in part, complicated by specific contextualized socio-cultural, ideological, and political factors that promote or hinder access and/or control rights of land among women.

The argument is often on whether access and control of land are, but two sides of the same coin. Such arguments bring forward ways to conceptualize these two words, and, again, what factors are adopted in studying women's access to and ownership of land as empirically appropriate.

### **2.5.1 RESEARCH GAPS**

We do not know how much land is legally held or controlled by women nor how many women legally hold or control land. We do not know enough about how many women feel at risk of losing their land, nor where this fear is most prevalent. It is challenging, and perhaps impossible, to manage a problem that has not been measured.

### **2.6 THEORETICAL FRAME WORK**

The first theoretical approach sees women's access to and ownership of land as a source of empowerment.

Second, while access to and ownership of land among local level land users, especially rural women, can be argued to be a general phenomenon in developing contexts, the questions of who gets land and for what purpose, the degree of access, and how to negotiate access to a particular parcel of land are further located within a complex and diverse mixture of factors.

Indeed, the debate on access to and control over land among men and women continues to be an endless one, hence the study analyzes that the argument can only be well-placed when situated within a specific relationship of contestations, resistance and manipulations, which changes over time and space.

### **CONCLUSION**

There is a growing understanding among different scholars, activists, and feminist legal actors that acknowledges that historical shifts underpinned by various streams of ideological and political thinking affect land access and ownership among women and men across Africa and Malawi.

Such thinking is in a broader spectrum of gender-based discrimination which simultaneously influences access to land as well as the right to use such parcels of land for any purpose.

In line with this thinking, access to and control over land appears to be influenced by gender inequality ordained or customary land tenure systems and structures, which African feminists and gender advocates argue, do not operate towards meeting on an equal footing the interests and needs of both men and women as basic land users.

### 3.11 Research Methodology

In this chapter, the study discusses the research design, area of study, population, sample of the population, sampling technique, and instrument for data collection, validation of the questionnaire, administration of the instrument and method of data analysis. (Creswell, 2002)

This section describes the methodology that is going to be used in this study. It provides details of the study sites, the design, and methods including the tools that will be employed to collect primary data from Machinga district study communities and the major limitations of the study. (Gonzales, 2008)

### 3.12 RESEARCH DESIGN

Survey research design will be used because it best served to answer the questions and the purposes of the study.

The survey research is one in which a group of people or items is studied by collecting and analysing data from only a few people or items considered to be representative of the entire group. In other words, only a part of the population is studied, and findings from this are expected to be generalized to the entire population ((Nworgu, 1991)1991:68).

Similarly, (Burney) (1994:170) defines the survey assessing public opinion or individual characteristics by the use of questionnaire and sampling methods.

#### i. Study area

This study will be carried out in the southern region of Malawi, covering two villages in the district of Machinga, where most of the people`s literacy and knowledge on human rights are low hence this study aims to focus on people of various villages with experience in challenges on land tenure and with those people working with communities in Machinga District.

Women of this district owns land by birth right from their parents, hence they face several challenges due to marriage calamities.

In addition, this area was also chosen because most communities are medium agricultural potential sites, located on medium elevation, with medium rainfall while others are high agricultural potential site, located on high elevation, and receive well-distributed rainfall.

The other villages studied are low agricultural potential site located at low elevation, with high evapotranspiration and variable rainfall ((Smith, 2016) et al. 2016, (Tamene, 2016) et al. 2016).

#### ii. Sample Size

The size of the sample will be 50, as the researcher will approach 50 respondents from the two villages of Kumpalila and kaudzu the overall census of the two villages remains unknown to the researcher.

#### iii. Sampling Technique/Method

The approaches to be used in the research are discussed below:

### □ **Stratified Random Sampling**

This procedure is also a form of probability sampling to stratify means to classify or to separate people into groups according to some characteristics, such as position, rank, income, education, sex, or ethnic background.

These separate groupings are referred to as subsets or subgroups. For a stratified random sample, the population was divided into groups or strata. A random sample will be selected from each stratum based upon the percentage that each subgroup represents in the population.

Stratified random samples are generally more accurate in representing the population than are simple random samples. They also require more effort, and there is a practical limit to the number of strata used.

Because participants are to be chosen randomly from each stratum, a complete list of the population within each stratum must be constructed. Stratified sampling is generally used in two different ways.

In one, primary interest is in the representativeness of the sample for purposes of commenting on the population. In the other, the focus of interest is comparison between and among the strata

### □ **Convenience Sampling**

Convenience sampling is used because it is quick, inexpensive, and convenient. Convenience samples are useful for certain purposes, and they require very little planning. The Researcher will simply use participants who will be available at that moment.

The procedure is casual and easy, relative to random sampling. Contrast using any available participants with random sampling, where you must:

- a) Have a well-defined population
- b) Construct a list of members of the population if one is not available
- c) Sample randomly from the list
- d) Contact and use as many individuals from the list as possible.

Convenience sampling requires far less effort. However, such convenience comes with potential problems, which will be described. Convenience samples are non-probability samples.

Therefore, it is not possible to specify the probability of any population element's being selected for the sample. Indeed, it is not possible to specify the population from which the sample was drawn.

### □ **Focus group discussions and key informant interviews**

The study purposively selected the communities to be interviewed from their respective differences, others being high potential agricultural sites and the other communities being low and medium potential agricultural sites thus it provided a broader spectrum and hopefully give an insight into the situation on the field concerning land access, ownership and control in Machinga.

The study groups will come from two chosen villages within the district and comprised farmers and various people focusing mostly on women and families.

#### **iv. Data Collection**

This study will require both primary and secondary data collection which will be undertaken from the respondents with some structured questionnaires and the research will include taking notes on the process as well as the content of the meetings in Chichewa. The secondary data will be taken from the journals books and websites.

The research will cover six female and six male groups. On average, each focus group will have about four members and discussions will take about an hour.

The research aims to uncover how hard or easy it is to access land, control and own land for the women in those chosen villages compared to the way men access the land, own it and control it.

Upon arrival in the villages, local and traditional authority will introduce us as researchers to their various communities then briefly explain the objectives of the meetings.

This will include establishing female and male citizens' awareness of the project and the role of women in land access, ownership and control activities.

The hypothesis is the Malawian male faces less problems while the female faces more problems when they try to access land own it and control it so this research methodology aims to find results that defend the hypothesis and provide possible solutions to the problems faced by women when it comes to land access, ownership and control.

Before each interview, permission will be asked from the interviewee to record the discussion and all the groups to be visited should accept the request in order for the interview to proceed as professionally as possible.

The participating people will to come from two villages in Machinga it will focus on a number of communities and recording all the data and findings upon which observations and conclusion will be made.

The two groups (one female and one male) whose members are mostly in families as wives and husbands and some single people to provide a third voice on the ease or difficulty with which they can access land, own it and control it.

All groups will include people engaged in agricultural production and they will be represented by two female farmers and male farmers' one of which must be single and the other married to provide different points of view.

The participating farmers will come from surrounding communities and villages and the meetings will be taking place at private areas such as household to avoid too much commotion.

Finally, in the final village be conducted will be covered by female and male groups separately. These farmers will come from different communities in the village, to get a better understanding on the situation, the women and men will be separated so both can speak freely.

#### **v. Demographic data**

At the end of each study the research had to capture demographic data from each individual separately. The data captured included: sex of the respondent, age, and marital status, and household size, land holding size, land ownership pattern, and role of respondent in project.

**Table 1.**

SEX	AGE	MARITAL STATUS	HOUSEHOLD SIZE	LAND OWNERSHIP PATTERN	LAND HOLDING SIZE	ROLES OF RESPONDENT

#### vi. Key informant interviews

A total of 20 key informants will be interviewed. Out of these informants 12 will be females and 8 will be males. The study will have different stakeholders to be interviewed and thus guided the choice of the key informants. It will include the following:

- a) Traditional leaders from each of the communities, specifically from the area or village where the studies will be conducted. A specific interview guide will be developed for them. The interview will be conducted in Chichewa the dominant vernacular language.
- b) Local extension workers, officially known as Agriculture Extension Development Coordinators (AEDCs) and Agriculture Extension Development Officers (AEDOs) who are in charge of an EPA and sections, respectively, will be interviewed in English.
- c) At district level the study will require an interview from the District Agricultural Development Officer for Machinga district. The interview will be held in English.

#### vii. Development of study tools

This research will use qualitative methods for data collection. Qualitative research provides an in-depth and detailed understanding of meanings, actions, non-observable phenomena, attitudes, intentions, and behaviour ((Gonzales, 2008) 2008 in Cohen et al.2011: 45).

(Mackie, 2009)(2009) claim that qualitative analysis is essential for establishing existing inequalities and their causes, power dynamics at play along the value chain, and points of convergence and divergence of interests among actors.

To this end a guide for female and male farmer groups will be developed and edited with feedback from the research conducted for this study. Similarly, three sets of interview guides for semi-structured interviews with key informants will be developed and edited for the different levels of key informants described above, i.e., researchers, extension workers, and community leaders.

The interview guides will largely be informed by the evaluation questions in the first chapter but also by contextual knowledge gained through the literature review and the consultants' experience.

The interview guide for both female and male farmers' groups had covered similar issues. They will be summarized into six key sub-topics, namely gender demography; access to productive resources; access to land; control over land; ownership of land; how equal land access, control and ownership benefits the national economy; criteria used by farmers to evaluate new agriculture practices for suitability; adoption and adaptation of new agriculture practices; and sources of information about agriculture practices and management.

#### viii. Data analysis

The researcher will largely use qualitative content analysis to draw meaning from notes to be captured from the interviews and the transcriptions.

Validation meetings with interviewees will be held in all the sampled villages, and specific gaps in the data were filled during second meetings at community level.

### 3.14 SUMMARY

In a society where land-based farming is the dominant economic activity, land is arguably the most cherished asset and indeed, an asset that can enhance the livelihood, reduce the level of poverty and ensure food security among the population within that particular community. As such, those who have secure access rights as well as control over land have more social, economic and political power than those who do not have land.

In addition to this, land is a valuable asset for women that raises their community status and shapes their identity as producers. However, according to the studies women enjoy less ownership over land and property in a lot of households.

Given the importance of securing women's rights to land, this study provides qualitative and quantitative insights into conditions that hamper women's land rights in Machinga district in Malawi.

The study to be conducted looks at socio-cultural and structural, legal, administrative and institutional barriers that women face in accessing and owning land, along with identifying the knowledge gaps among women.

Malawi being a small country it depends a lot in agriculture whereby land is very essential to everybody since there is food insecurity, poverty and then the land is an important factor climate action and resilience.

Due to Malawi's independence in 1964, land was categorized into three kinds of how land is controlled and they are through; private land, public land and customary land. According to the customary land, it is involving traditional intellection for one to be provided with land in that particular village. Before using any land as one wish, the traditional authority should be consulted first.

According to private land, those are the lands that are owned by the individuals or companies whereby no one can utilize such lands without any concern from the owner hence public land is the land that is owned by the government

According to matrilineal, the access of land involves women having power and control over the land and daughters are more recognized over the land to be compared with the male child.

This research will look into deep in land access, control and ownership and the challenges that women come across in both private, public and customary tenure system which those challenges hinders the productivity in agricultural, poverty and food security specifically in Machinga district.

In addition, policies that questions the ignoring and weakens the issues of local communities on the controlling and owning of land and how the challenges can be overcame will be discussed, hence this will also advocate for the widows who are voiceless on how their rights to land are violated each and every day by either the deceased husband's relatives or the community as a whole. These people use insults words, abusive and obscene language, threats to evict, threats to witch craft and sometimes beating the widow knowing that she has no one and nowhere to defend or speak for her.

### 3.15 CONCLUSION

Malawi has a total land area of 9.4 million hectares against a growing population estimated at 16.0 million in 2015 from a population of 4.04 million in 1966. The population density increased from 85 persons per square kilometre in 1987 to 139 persons per square kilometre in 2008 ((NSO)

The country is highly populated and depends on agriculture for its socio-economic development and this underlines the nature of land and water governance challenges the country is facing. Though the country is small it is endowed with relatively vast amount of water resources since a third of its land area is water.



**DATA INTERPRETATION AND ANALYSIS**

This is an account of all the data analysed and interpreted during the research carried out on the topic of womens land access, ownership and control in Machinga district Malawi.

**4.1 INTRODUCTION**

This chapter presents an interpretation and analysis of the study findings. The information that is presented in this section contains the data that was collected through the quantitative and qualitative methods as per the aim of this topic of challenges faced by women in land access, ownership and control in Machinga District Malawi.

The researcher interviewed 50 respondents in two villages of Kaudzu and kumpalila. Herein is hence the analysis of the collected data. In presenting the findings of the study, responses from interview participants were used in order to maintain the originality of the information collected.

The findings are presented in consideration of the research objectives in order to highlight the main issues that emerged following analysis of the data gathered by the researcher. In other parts of the chapter, the researcher the data found followed by a discussion and also discusses first followed by findings in relation to the literature reviewed and theoretical framework.

**4.2 BACKGROUND RESEARCH FINDINGS**

Since the early 2000's, Malawi has been preparing a set of land laws that acknowledge customary land but also provide equal access and control over land for both women and men.

To date, land in Malawi has been managed under customary systems that have undermined equal treatment of women when it comes to land in both matrilineal and patrilineal systems.

The new laws, which only came into force in March 2018, will be piloted in various districts with funding from the European Union. The World Bank has also committed to doing pilots in six more districts.

These pilots have to provide an improved legislative framework to guarantee equal access and control over land for women and men. But in practice, much still needs to happen.

**4.3 CURRENT RESEARCH FINDINGS****4.311 Land Acquisition**

Patrilineal:

A father gives pieces of land, exclusively, to his male children, beginning with the eldest son at the time of his marriage. Daughters are excluded on assumption that they will marry and move to their husband's households and utilize the land that is allocated to their husbands.

Matrilineal:

A mother gives pieces of land to both her daughters and sons when they are mature enough to have a piece of land or when they get married. For male children, their access to land ceases when they move out to marry because by custom, they cannot own land, while for female children

#### 4.312 Land Ownership

Patrilineal:

Women do not own land because they are those that are married off, only males own land because they stay in the native village.

Matrilineal:

Women in matrilineal society own land

#### 4.313 Access to Land

Patrilineal:

Access is determined by their different positional ties as follows:

- Married; Have access to land through their husbands
- Divorced; a divorced woman's access to land in her former marital homestead is impossible; here women lose their access to land at the moment of divorce. It was further discovered that when they go back to their native homes they have limited access to land since once they are married off and Lobola is paid they are no longer considered part of the family.
- Widowed; in many cases, widows' access to land is dependent on the good will of male relatives of their deceased husbands. It was discovered that at the demise of their husbands most women are denied access to land, which prior to their husbands' death they enjoyed.

Matrilineal:

In matrilineal societies, married women's access to land is not dependent on their husbands. Death of a spouse does not lead to lack of or diminished land access, since most women live in their maternal villages.

Marital status has very little implication on women's access to land, especially in the area where the research was carried out, which practices the matrilineal system of marriage

#### 4.314 Control Over Land

Patrilineal

- Married women; Married women assume control over the land (kitchen gardens) that surround their houses but no control over larger gardens used for cash crops.

•Divorced women: Divorcees automatically lose control over pieces of land they had access to while with their husbands.

•Widowed: Do not have full control over their accessible land because, more often than not, male relations to the deceased come to claim ownership of the land. The situation is worsened when the widowed woman does not have children, or in some situations, male children or they are still young

#### Matrilineal

O Married: Even though women own land and have greater access to it, the capacity of married women to make decisions with regard to the use of land is somehow limited. Inside a family, the husband is said to have a greater say on what should be planted on a piece of land and how the produce should be managed.

o Divorced: women's control over land in terms of what should be grown on her piece of land and how such produce is to be used is not threatened and this situation was not made worse by divorce in any case that we found during the research.

O Widowed: widowhood status does not affect women's control to land use for the same reason of matrilineal system of marriage.

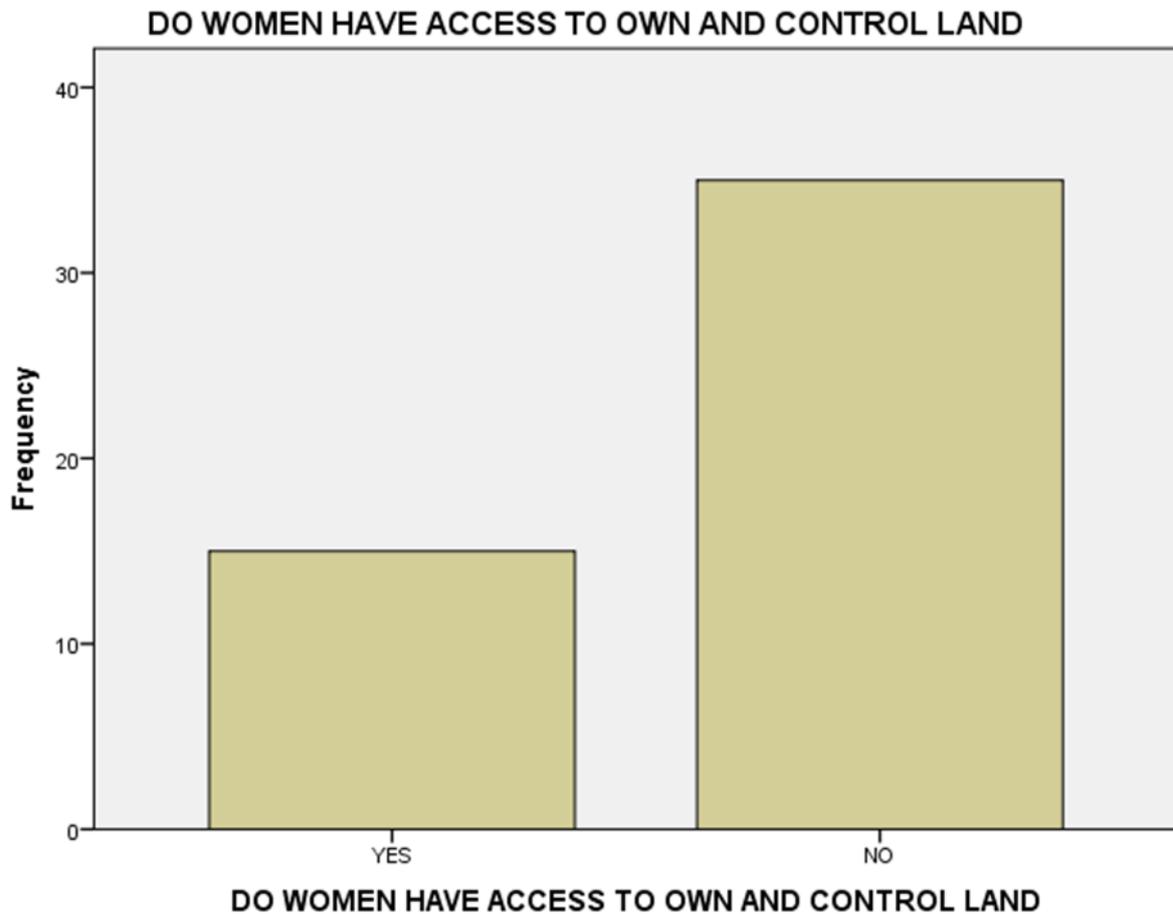
#### 4.315 Women's Access to land and Bargaining Power

The research has revealed that in both matrilineal and patrilineal societies, access, control and ownership of land does not necessarily lead to more bargaining power for women within the household.

Bargaining power is determined by many other factors. The findings have shown that, sometimes where women have control and ownership over land, this does not translate into enhancing their household bargaining power. In matrilineal society where women own land it was discovered that it is still the man who makes crucial decisions in the household.

#### 4.4 RESEARCH METHODOLOGY FINDINGS

Table 2. showing if women have access to own and control land.



The research found out on the barriers of socio cultural and traditional practice of women on land rights that the culture believes that men are decision makers and providers, women should be submissive women and should not own land or any property as it is their husband's duty to take care of the family.



Table 3. showing how culture affects land ownership and control.

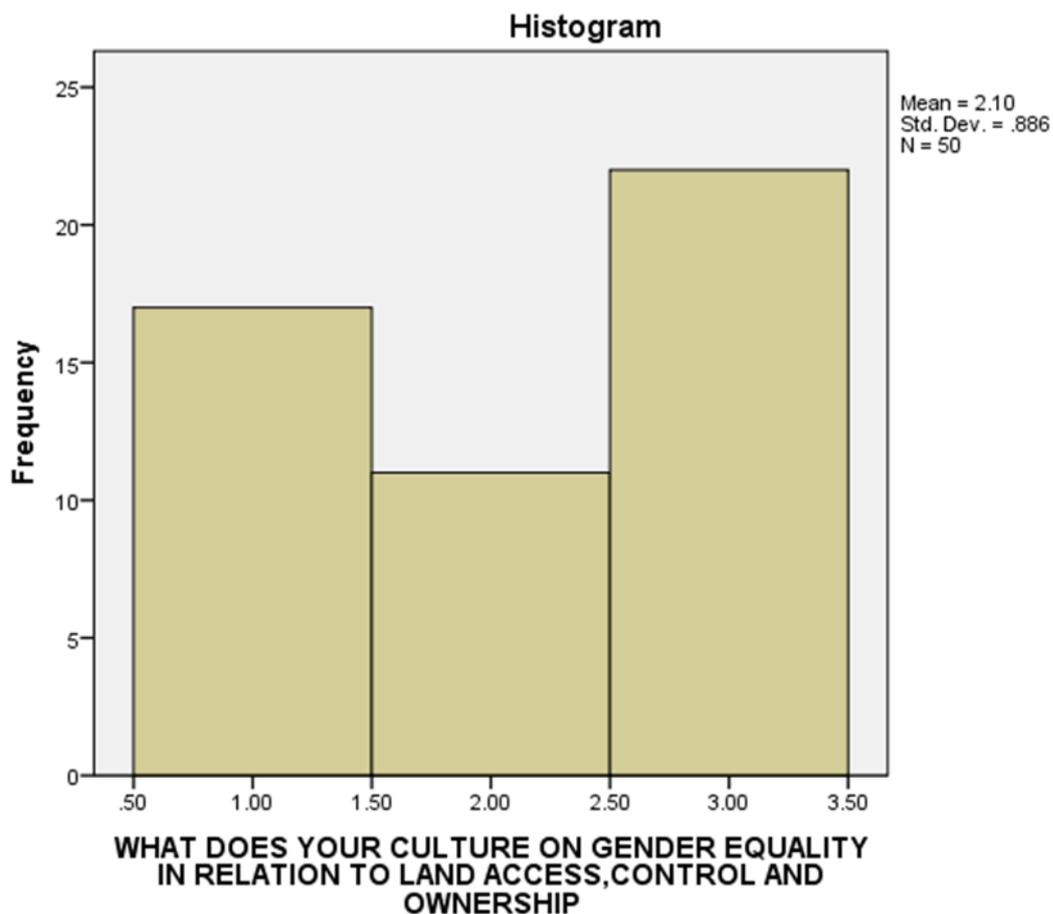
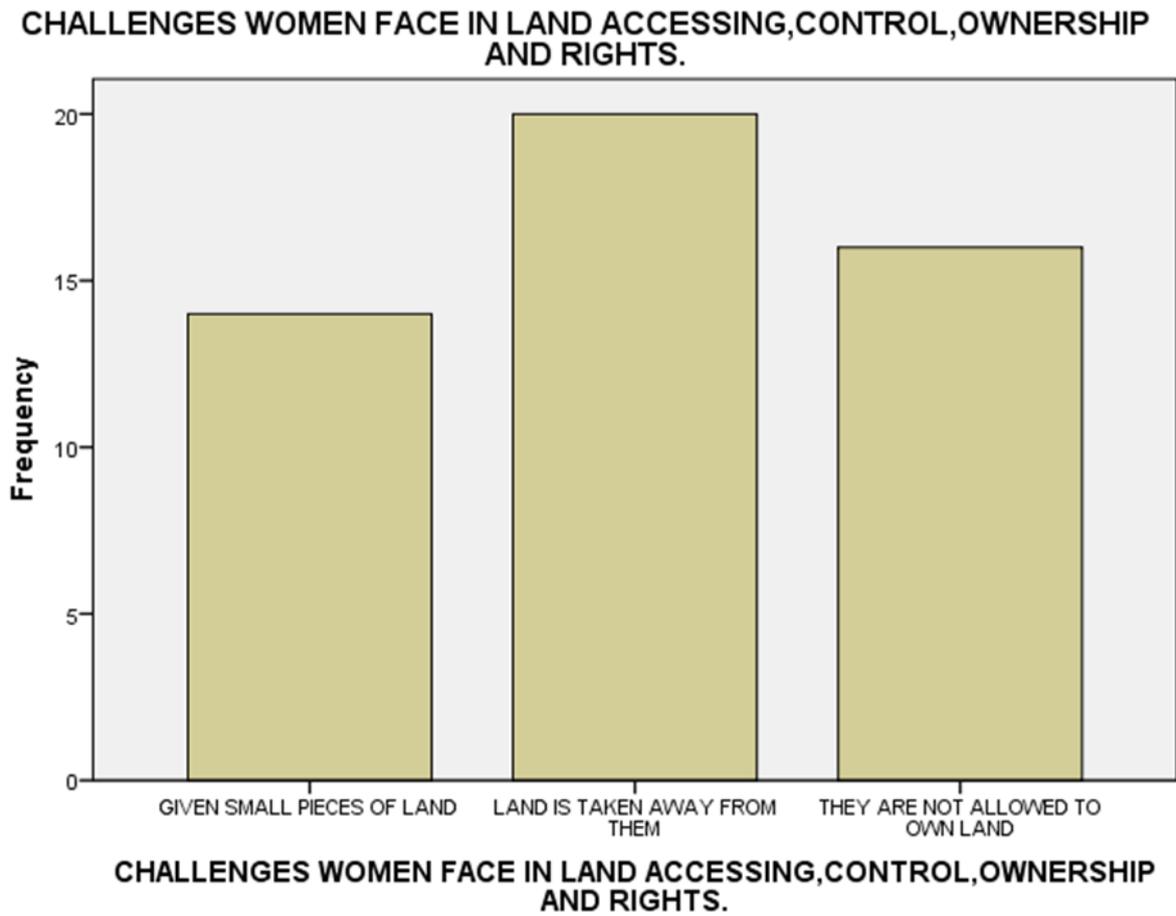


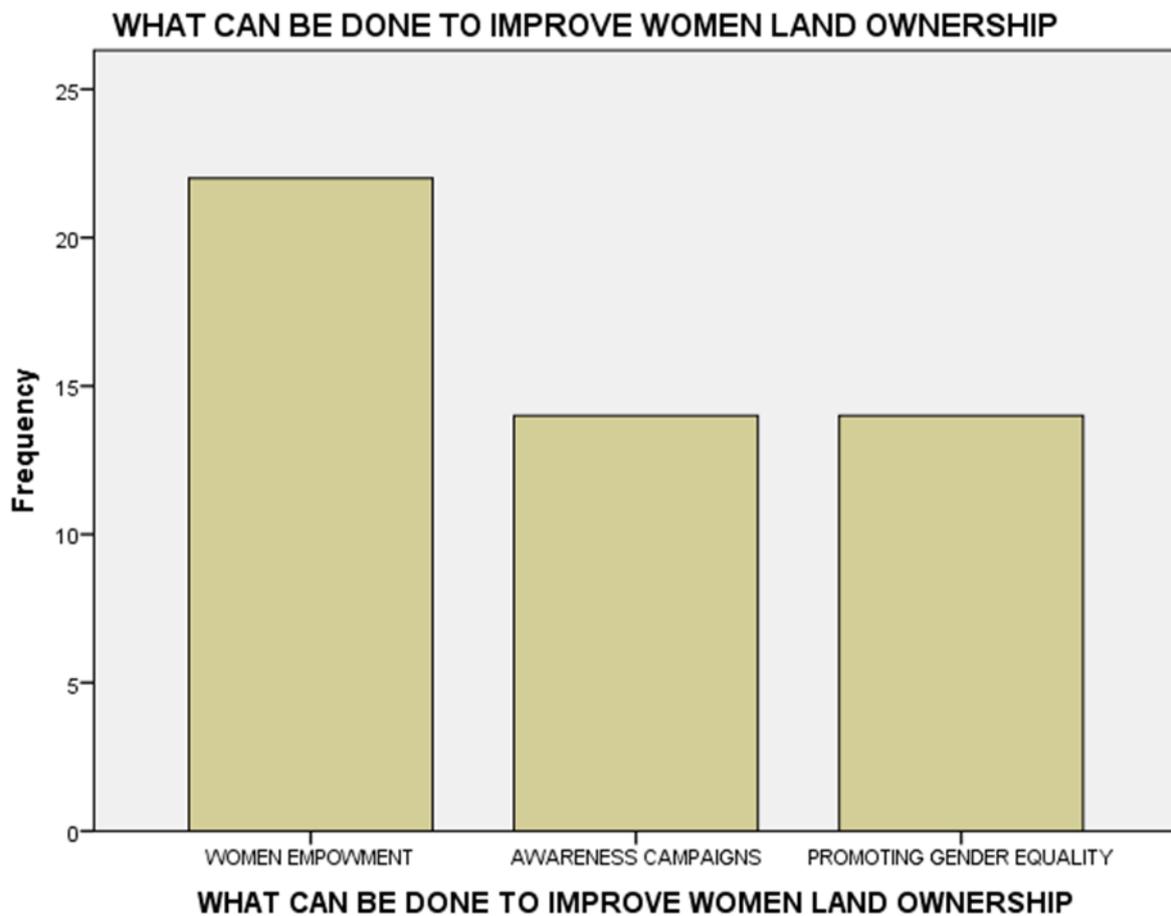
Figure 4. showing the challenges women face in land access, control, ownership and rights.



On the problems faced by women on land legislation found out that they were completely ignorant on that one can go and register land .they only knew that as long as the chief knows it is yours.



Figure 5 .showing solutions to improve land ownership



## CONCLUSION

### STRENGTHENING WOMEN'S LAND RIGHTS IN MALAWI

It is evident that land is a key resource for all because of the close link between land and livelihoods. This research revealed that despite legal protections, women are largely disadvantaged in terms of accessing or acquiring land in many districts in Malawi and countries in Africa.

A variety of factors affecting access to land, including socioeconomic status, insecurity (both historic and modern), and government policies and practices, have aggravated vulnerability among already disenfranchised groups. The study further points out that the existence of gender disparity in access to and control over land in all the countries under this assessment.

Issues related to land policy range from absence of land policy in some districts to gaps in implementation in others. These issues need to be addressed effectively to ensure women's access to and control over land in these countries.

The assessments also revealed that the customary land tenure system, which remains relevant even within the statutory system, has affected women disproportionately in terms of limiting their access, control, and ownership of land by virtue of their gender in some areas in the district and the country as a whole.

Therefore strengthening women's land rights can be achieved by formulating land policies in places where such policies are non-existent, reviewing policies that are inconsistent with international and regional women's rights

instruments, mainstreaming gender in land policy and land administration system, carrying out advocacy and awareness creation activities on women's land rights, establishing strong women's movement and networks, and carrying out further research

## **CHAPTER 5**

### **DISCUSSIONS OF RESEARCH FINDINGS**

#### **5.1 INTRODUCTION**

This chapter has been designed to substantiate the results and observations from the research findings which have been fairly presented in chapter 4. In this section, the researcher has provided thorough explanations on major topics under each specific objective of the research as per the findings.

These explanations are based on the qualitative data that the researcher obtained through structured questionnaires and interviews conducted, there is also use of quantitative analysis of the patrilineal societies.

The discussions made in this chapter are derived from the qualitative data provided by respondents from three age groups, whose marital status varied, their religion, tribe and many other factors were included in the study, the research was conducted in two villages in Machinga district, a mainly matrilineal traditional system and the findings will be discussed in this chapter.

The researcher has also applied in the discussions the use of quantitative data to make a case of women land access, control, ownership in a patrilineal society and thus concluded the chapter by giving out recommendations to make land access, control and ownership equal for both genders in Malawi.

### **DISCUSSIONS**

#### **5.2 PRACTICES REGARDING EQUALITY FOR WOMEN'S LAND RIGHTS**

The matrilineal societies have at least made the ownership; access and control of land by women equal to the land rights afforded to the men, below are some innovative practices carried out in matrilineal and patrilineal societies in Malawi, the area of study for women's land rights in patrilineal tradition will be the patrilineal society of Mzuzu.

- i. Quantitative analysis identified working with customary leaders yielded results in the patrilineal societies of Mzuzu. Chiefs have now been speaking against land dispossession which widows experience in the area.
- ii. Use of Theatre for Development for sensitizing communities about women's rights to land proved effective as it acts as entertainment at the same time educating community members on the challenges women face. These events also facilitate community discussions on how women's rights to land can be protected.

iii. Creation of women's advocacy groups has proved effective for supporting women's agency. In the patrilineal societies in Mzuzu, "WOLREC" women's groups have been networking with Coalition of Women Farmers initiated by Action Aid in engaging customary leaders on their own to claim their land rights.

### 5.3 CHALLENGES FACED BY WOMEN ON EQUAL LAND RIGHTS

#### 5.311 Effect of Formalization of Land on Women's Access to Land

Women's ability to register land and have primary land rights becomes limited under the formalization process.

##### Matrilineal

For instance, in matrilineal societies, the gender equality clauses in government laws will result in these women losing some of their rights as men are allowed to own and register land.

This will result in these women's access to land being under threat as they may now end up holding secondary land rights, with the primary rights being with the men.

In addition to this, formalizing land rights as clan/family land will have differing effects on these women depending on the kind of influence that male relatives have.

With the male relatives exercising control over such land at present, the formalization process will act as a reinforcement of this situation.

##### Patrilineal

Whilst for women in the patrilineal societies, men and women are currently not experiencing the land problem in similar fashion since many women do not own land and access the same through their male relatives.

Thus women in these societies are currently at a disadvantage in that as it stands many of them do not have interests in land which they can secure as individuals due to the prevailing customs that do not allow allocation of land to women. The government passed laws that provide them with an opportunity to register and own land.

Though, if these customs subsist, the laws may not benefit women as owners of land and hence not change their current disadvantaged position. These women would also have to rely on land held by the community or family landholding.

Community landholding and family landholding will continue leaving the control and ownership of land in men's hands as it will only allow women access rights. However such access rights will not be secure due to women's lack of ownership and control over the land.

Hence the gender neutral stances adopted by some of the sections of the laws passed by government has the potential of enforcing existing inequalities between men and women resulting in women not benefitting from the law.

#### 5.312 The Role of Customary Law in Securing Women's Access to Land

Furthermore, the study also revealed that customary law has a role to play in securing women's access to land but that the same must be positive customs and practices which guarantee women's land rights.

Formalization will result in land being concentrated in the hands of the elite few leaving out women who would have benefitted from positive customs. Hence customary law, if not interpreted to mean positive customary law, risks acting to the disadvantage of many women, especially those in the patrilineal system who cannot be allocated land in the same way that men are.

### 5.313 Women's Failure to Fully Benefit from Existing Land Markets

The emergence of land markets in both matrilineal and patrilineal societies has presented the people with the opportunity of claiming land rights that are independent of family allocations/transfers.

However women's ability to benefit from these informal markets is limited. The most relied on path by women being land rentals, does not adequately assist them as a result of lack of money and also the lack of control and ownership over such land.

Unless women own and control under the formalization process, their participation in the formally recognized markets will not act to their benefit. Their economic status will among other factors restrict their ability to fully participate due to their having no land or resources with which to engage in these markets.

Hence, though gender neutral; the government laws will not achieve substantive equality for men and women.

Below are some recommendations on how to tackle the above discussed challenges

## 5.4 KEY POLICY RECOMMENDATIONS

### 5.411 Women Empowerment on Land Rights

There is need to improve women's effective control over their land rights by empowering them with relevant women's rights knowledge to defend and challenge cultural constraints which impinge on their land rights

### 5.412 Collaborated Use of Customary and Statutory Laws

It would be important that customary practices and indeed the law should be able to take into account both women's and men's land requirements.

Women should be empowered to use the law to claim their land rights and be able to negotiate their way taking advantage of legal pluralism to find spaces for their agency.

In cases where statutory laws fail them they should be able to see through customary laws and negotiate their land rights for example asserting the rights of widows to secure land because of the Lobola paid.

### 5.413 Use of Women Empowerment Programs on Land Rights

Some of the interventions required from empowerment programs are:

- Educating/Empowering women on their rights especially those regarding land.
- Tackling masculinity and all related issues to provide the women space to negotiate their needs properly.

#### 5.414 Improvement of Household and Agricultural Technologies

On the other hand where women assume automatic control of kitchen gardens increased technology on these small gardens could be ideal so that there is increased productivity, particularly in patrilineal society, where women's ownership of big fields of land is a dream yet to come true.

#### 5.415 Gender Sensitive Statutory Laws for Equal Land Rights

In addition, it would also be important that statutory laws should give women equal access to land as men. In addition, it would also be important if the land law should also cater for women that are widowed, divorced and not married since the land policy as it stands now assumes that every person is married and therefore their land be registered in their family name.

#### 5.416 Use of Traditional Leaders as Advocates for equal Land Rights

The role of chiefs in changing the status quo cannot be overlooked; they are considered custodians of culture and some of those cultural practices that violate women's land rights. Therefore, working closely with chiefs would help in bringing about the social change.

Any advocacy strategy which can be put in place should be twofold; community based and also policy makers focused. There is need for a multidimensional approach to women's land rights by manoeuvring through the spaces in the current legal pluralism.

#### 5.417 Promotion of Positive Customary Law

Positive customary law plays a vital role in safeguarding women's land rights especially as was seen in the matrilineal societies. Hence upholding of the same will assist women in securing their land access rights.

For women in patrilineal societies, regard must be had to those customs and practices which also ensure the protection of women's rights. A blanket reference and application of customary law risks disadvantaging women if not focused on the positives.

It is therefore crucial, for instance, to ensure that there is active engagement with traditional leaders who are the custodians of culture with the aim of raising awareness on the need to ensure that customs and practices are those which are responsive to the protection of human rights for all.

#### 5.418 Land Reform Process should not be Solely Focused on Formalization

Considering that women are more likely to lose out in the formalization process, it is crucial that the government's land reform initiatives are not only concerned with formalization.

It is important to recognize what type of reform programmes will act to safeguard women's land rights and not lead to their further marginalization.

For instance, without having regard to the landless women, they will have no land to formalize. The question that must be dealt with is the availability of land which can be secured.

#### 5.419 Research/data Disaggregated by sex to understand the Current Situation

It is necessary that the government ensures that there is adequate research on access, control and ownership land by both men and women. Particularly important is that data collected must be gender-sensitive as well as disaggregated by sex with the aim of appreciating women's position.

Lack of data disaggregated by sex for example has led to a failure to appreciate how many women are „owners“ of land under the existing systems which would crucially help in understanding their position in matrilineal societies. Further, considering the use of land rental/sale markets, data collected must reflect the number of women able to participate as well as to what extent their land rights are being protected.

## FINDINGS

### 5.5 WOMEN'S LAND ACCESS, CONTROL, OWNERSHIP IN MATRILINEAL AND PATRILINEAL SOCIETIES IN MALAWI

#### 5.11 Land Access

The researcher analyzed the findings and thus concluded the following on the current situation regarding women's land access in both matrilineal and patrilineal societies.

##### Matrilineal

The researcher interviewed 50 respondents in two villages of Kaudzu and kumpalila and it was found that a majority of the women roughly 60% have equal access to land as men but the majority of these women were married, divorced or widowed.

##### Patrilineal

Access is determined by their different positional ties as follows:

##### Married

Have access to land through their husbands

##### Divorced

A divorced woman's access to land in her former marital homestead is impossible; here women lose their access to land at the moment of divorce. It was further discovered that when they go back to their native homes they have limited access to land since once they are married off and Lobola is paid they are no longer considered part of the family.

##### Widowed

In many cases, widows' access to land is dependent on the good will of male relatives of their deceased husbands. It was discovered that at the demise of their husbands most women are denied access to land, which prior to their husbands' death they enjoyed.

## 5.12 Land Control

The researcher analysed the findings and thus concluded the following on the current situation regarding women's land control in both matrilineal and patrilineal societies

### Matrilineal

#### o Married

Even though women own land and have greater access to it, the capacity of married women to make decisions with regard to the use of land is somehow limited. Inside a family, the husband is said to have a greater say on what should be planted on a piece of land and how the farm produce should be managed or land should be utilized.

#### • Divorced

Women's control over land in terms of what should be grown on her piece of land and how such produce is to be used is not threatened and this situation was not made worse by divorce in any case that was found during the research.

#### o Widowed

Widowhood status does not affect women's control to land use for the same reason of matrilineal society marriage.

### Patrilineal

#### •Married women

Married women assume control over the land (kitchen gardens) that surround their houses but no control over larger gardens used for cash crops.

#### •Divorced women

Divorcees automatically lose control over pieces of land they had access to while with their husbands.

#### •Widowed

Do not have full control over their accessible land because, more often than not, male relations to the deceased come to claim ownership of the land. The situation is worsened when the widowed woman does not have children, or in some situations, does not have male children or they are still young.

## 5.13 Land Ownership

The researcher analysed the findings and thus concluded the following on the current situation regarding women's land ownership in both matrilineal and patrilineal societies

### Matrilineal

Women in matrilineal society own land.

### Patrilineal

Women do not own land because they are those that are married off; only males own land because they stay in the native village.

## CONCLUSION

To make the land rights equal for both genders, affirmative action/temporary special measures for women must be taken in the societies where women are at a disadvantage and cannot access own or control land as men do.

The land scarcity problems as shown by the research require state-led initiatives towards allocation of land to the landless such as land resettlement programmes. As previously done under the Community Based Rural Land Development Programme, the same can be used to secure the land interests of those women who are completely landless so that they have land to which their access can be secured.

Lessons must be learnt from the previous projects to ensure that it benefits those in real need and not the elite. Implementation must also ensure the availability of social services and other resources to ensure that they do not overburden women due to their gendered roles.

In addition to this, such an initiative must be accompanied by programmes aimed at ensuring access to credit/loans so that women whose economic status is enhanced. This will in turn enable women to utilize other land access mechanisms as have emerged in the communities.

## QUESTIONNAIRE:

### SECTION A: PERSONAL INFORMATION

1. What is your Name?

2. What is your age?

a. 18-20

b. 20-24

c. 24-28

d. 28-above7

3. What village or community are you from?

Comments:

4. What is your sex?

a. Female

b. male

c. Transgender

d. other

5. Religion?



a) Christianity

b) Islamic

c) other

6. What is your marital status?

a. Single

b. Married

c. Divorced

d. Other

7. What is your tribe?

a. Yao

b. Tumbuka

c. Lhomwe

d. Chewa

e. Other

SECTION B: CHALLENGES FACING WOMEN ON LAND ACCESS, CONTROL, OWNERSHIP IN MALAWI A CASE STUDY CONDUCTED IN MACHINGA DISTRICT

8. Do women have any access to own and control land in their communities?

a. Yes

b. No

9. Are women in your society given land ownership and controlling roles same as men?

a. Yes

b. No

10. What factors hinder equal land rights among men and women in your community?

a. Culture

b. Religion

c. Illiteracy

Comments:



11. Are women part of decision making in your community?

a. Yes

b. No

SECTION C

12. What challenges do they face when it comes to land accessing, control, ownership and rights maintain?

Explain

.....

13. What are the solutions or techniques being implemented in Machinga to increase the access, ownership and control of land by the women?

.....

14. What are the challenges that have been faced with the implemented techniques towards equal land access between men in Machinga district?

.....

15. How can the challenges faced in Machinga be solved?

.....

16. Does the death of their husbands affect them in terms of land owning, access and controlling and does their rights preserved?

.....

17. What does your culture say on gender equality in relation to land ownership, control and access?

.....

18. What can be done to improve land access and ownership by women? Explain

.....

19. To what extent do you feel land access and control can be improved?

.....

20. How can you reduce gender inequality so that women can equally access, own and control land in Machinga and in your village?

.....

21. What have you done in order to promote gender equality so that women can equally access land in your community.....



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