
Feminist Africa 12

Land, Labour and Gendered Livelihoods

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Editorial: Land and Labour in Gendered Livelihood Trajectories

Dzodzi Tsikata and Dede-Esi Amanor-Wilks

This issue of *Feminist Africa* seeks to explore the interconnections among economic liberalisation policies, land and resource tenures, and labour relations in the structuring of gendered livelihoods in sub-Saharan Africa. The focus on livelihoods departs somewhat from *Feminist Africa's* niche in providing cutting-edge feminist analysis of issues of sexual politics and identities, national politics and democratisation processes, higher education and feminist research methodologies. The importance of land and labour rights to women in sub-Saharan Africa is on account of the predominantly agrarian nature of livelihood activities, whose low technological base makes labour a critical factor. Beyond agriculture, land has a wide array of uses in the organisation of livelihoods and is also the basis of social and political power, and therefore at the heart of gender inequalities in the control of resources.

In its decision to publish this issue, *Feminist Africa* signals its recognition of the enormous significance of production systems and livelihoods, and the social relations undergirding these. This issue, FA12, was conceived at a workshop jointly organised by the African Gender Institute at the University of Cape Town, the Institute of Statistical, Social and Economic Research of the University of Ghana and the African Institute for Agrarian Studies in Zimbabwe¹ on land, labour and gendered livelihoods with a view to developing a pan-African research agenda to rekindle interest in these issues of longstanding concern, which have been neglected by contemporary efforts to develop African-centred feminist analysis on women's lives. FA12 demonstrates the value of the frameworks and approaches emerging from that workshop and makes the case that more needs to be done. Our contributors also offer a discussion of critical issues with activists lobbying for land and livelihoods rights on the ground. The features we have included draw attention to the ways in which land and labour are not just interlinked, but also integrated elements of the livelihood activities and outcomes of

women and men. The authors propose preliminary elements of a research agenda that will significantly deepen the gender analysis of the land-labour nexus in livelihoods.

All the feature articles explore, to different degrees, four gender characteristics of livelihoods – the longstanding gender segregation and segmentation of livelihood activities, the disproportionate burden of reproductive activities or care work on women, gender inequalities in the control of land and labour, and the role of economic and social policies and institutions such as markets and households in sustaining gender inequalities in livelihood outcomes. In keeping with FA's editorial commitment to activism, FA12 discusses efforts of activists to change the terrain of policy and to tackle the livelihood insecurities resulting from gender inequalities in resource tenures and labour relations.

The decision to publish FA12 is well-timed. It coincides with a sensitive period in African development, when the inability of production systems and economic policies to deliver a decent living to many is so topical. The ongoing global food, financial and energy crises, manifested by food riots in several African countries, have brought to the fore once again the failures of decades of market-driven economic policies to solve the challenge of food and livelihood security in Africa. The discourses on the crises have identified rural women and the poor as those likely to experience its worst effects, which include hunger and poor nutrition, falling incomes and rising livelihood insecurity, an increase in reproductive work to cushion households from market failures and a worsening of social indicators. This recognition of class, gender and location as important dimensions of the crisis has however not influenced policy prescriptions, which – in keeping with the continuing dominance of free market ideas – are promoting further economic liberalisation. What is different this time, though, is the growing recognition that the removal of subsidies on agricultural inputs, the closure of state-owned crop marketing agencies, the low level of public investment in the food sector and agricultural infrastructure, the lack of attention to access and equity in market-led reforms in labour and land tenure policies – all policies instituted in the early 1980s – cannot deliver agrarian transformation and industrialisation.

Such costly policy failures create an urgent need for new research, to which FA12 seeks to respond. Contributors to this issue have reviewed conceptual approaches to analysing land and labour issues in gendered livelihoods and demonstrated the relevance of macro, institutional and micro issues in

the making of livelihoods, taking into account regional, country, local and sector specificities. The volume considers the relationship between women's reproductive labour and gender inequalities in the control of productive resources, together with policies and institutional processes underpinning gender inequalities in land and labour relations and livelihood insecurity. Colonial histories and post-colonial trajectories have resulted in broad differences between the ex-settler colonies in East and Southern Africa, which have experienced land concentration and plantation agriculture, and West Africa with its small producer-based production systems. Regional differences within one country are also highlighted, as are the specificities of different land use issues, for example, between farming and fishing.

Dzodzi Tsikata's article draws attention to the different bodies of literature on land tenure, labour relations and the livelihood approaches which provide a starting point for the consideration of resource tenures and labour relations in the organisation of livelihoods. She argues that while the separate literatures on land and labour provide insights into the implications of gender inequalities in labour relations and resource tenures for livelihoods, their separation has resulted in partial analyses which the livelihoods approaches have attempted to remedy. The livelihoods approaches, though promising, have with few exceptions been unable to adequately take account of social relations in the organization of livelihoods, and have thus failed to account for the gendered land and resource tenures and labour relations at the heart of production systems. The article identifies promising efforts in feminist anthropology, economics and political economy to account for the labour and land relations in production systems, discussing useful insights such as the control of the labour of women and other household members which facilitates male control over land and other resources, and the importance of women's responsibility for reproductive activities for their resource and labour deficits. Other themes taken up in this overview are the ways in which labour relations are embedded in land tenure arrangements such as share contracts and non-market transactions at the level of households, some of which are increasingly the subject of market transaction. Last but not least is the effort in the overview to extend the discussion to the analysis of gendered livelihoods in the urban informal economy.

Some of the issues raised in Tsikata's article are pursued in greater depth by the other feature articles. An example is the question of whether land or labour is the most important constraint in women's livelihoods. Tsikata

argues that this intractable debate has its roots in the failure to recognise the inextricable linkages between land and labour relations or to examine the ways in which they influence livelihood trajectories. Dede-Esi Amanor-Wilks tackles this and related questions through a comparative analysis of Ghana and Zimbabwe that explores variations in access to and control over land for women in West Africa, as compared with East and Southern Africa. She explores the perception that access to land is easier for women in the former peasant export colonies, as compared with the former settler colonies. She finds that women appear to have stronger historical entitlements to land in Ghana, but that patterns vary in different parts of the country and that these patterns have been changing in a deregulated economic climate post-liberalisation. In Zimbabwe on the other hand, women's access has been constrained historically by the form of settler colonialism that took root there in the late 19th century, but there too patterns appear to be shifting. Amanor's paper challenges the notion that women can negotiate access to and control of productive factors in patriarchal societies, even those with strong matrilineal traditions. She argues that conflict-free access to land is determined less by negotiation and more by the relationship between scarce and abundant factors of production and that it is technology that can liberate women from their position of inequality.

The conjugal contract at the heart of productive systems is discussed in all four features in more or less detail. This identifies cooperation and conflict as two sides of the coin of production systems, emanating from intra-household production, reproduction and exchange relations between spouses, between parents and children and between household heads and other members. These relations, which are juridical in character and governed by various institutions, are also essentially economic relations of access to and control of livelihood resources, including land, labour and capital. In an article concerned with the gendered effects of farm production regimes on women's livelihoods in Northern Ghana, A. Atia Apusigah finds that whether constructed as farm hands or non-farm hands, women's access to productive resources is unequal due to the care responsibilities they shoulder in either regime, forcing them into unjust bargains that maintain the status quo. She places her analysis within the context of land struggles in northern Ghana, drawing on Sen's concept of negotiative bargains to explore how women position themselves in those struggles. Cultural appropriations of women's labour mean that even when women have economic rights, they are sometimes unable to claim

them, with disastrous consequences for the farm enterprises initiated by them. Alternatively, women resort to weapons of the weak including feigned illness and outright sabotage to persuade husbands to support their ventures. Weak entitlement to land pushes women to seek alternative livelihoods that further undermine their historical entitlements and their recourse to political activism.

The notion of resource tenures suggests that land is not the only naturally occurring livelihood resource. Indeed, studies of resource tenure have explored how the nature of particular resources such as gold and mangroves and the resources needed for their exploitation are implicated in gendered questions of livelihood. Akua Britwum demonstrates the specificities of certain resources by focusing on the gender dynamics of fish production in three coastal fishing communities in Ghana's Central Region, where both the positioning of women and their livelihood security is determined by what Britwum terms a "mode" of accessing fresh fish. Fishing is a highly gender segregated activity in which men catch the fish, while women process it. Processing adds value to the fresh catch and provides the wherewithal to increase household wealth and security, including food, income and capital security. Yet, even in matrilineal societies, this does not bestow the power and control that goes with ownership of the fresh stock, and the industry is heavily male-dominated. Occasionally women can accumulate sufficient capital to purchase and own fishing equipment, but the fact that they are barred from going to sea reinforces their position in the production chain. Direct access to fresh fish often depends on acceptance of patriarchal norms and though women may recruit the labour of children and other household members to boost the success of the enterprise, few women can rise to the top of a clearly structured hierarchy, and many become vulnerable when men migrate. Britwum argues that the shift to a market economy has undermined the traditional fish production system by distorting household, community and market boundaries and redefining gender identities and conjugal roles in ways that do not favour women. In this context, Britwum questions whether a focus on individual negotiation skills of women is useful in understanding how power relations between women themselves affect the ability of women to form an interest group.

Other themes running through this issue include the implications of female headship for a household's control of land and labour resources, the impacts of lineage systems, particularly matriliney and shifts towards matrifocality on the strength of women's land and labour rights. Another theme focuses on the state. On the one hand, the direct and indirect impacts of economic policies

on inequalities in resource tenures and production systems are discussed. On the other hand, expectations of the state as a key player in the redistribution of land to women and the protection of women's access to land in a deregulated economic environment are also evident. The impacts of macro-economic policies on the care economy, which are not sufficiently analysed as an integral part of the economy, is another broad theme.

The relationship between conflict and negotiation in the struggle to gain control over land is perhaps the most contentious theme of this volume, creating an unresolved tension that lingers in some of the articles. Though Apusigah draws our attention usefully to Sen's linked concepts of "negotiative conflict and cooperative bargains", the tension has to do with unanswered questions about what opportunities exist to choose negotiation over conflict or why so many long-running ethnic or social conflicts remained unresolved despite repeated negotiations. These questions are important in the context of the current preoccupation with negotiation in much of the recent literature on land struggles. Amanor-Wilks argues that the violence that accompanied Zimbabwe's land reform programmes prompted widespread condemnation by scholars and human rights activists alike. However, little attention has been paid to the historical record or the evidence emerging that land access and control has expanded since the land reforms of the 2000s. Whether these processes have benefitted women's land and labour interests and their livelihood outcomes needs to be an important aspect of future research on Zimbabwe's land tenure reforms.

The persistence of different kinds of resource conflicts arising from gender inequalities, the poverty of policy responses to these inequalities and the resulting livelihood insecurities underline the importance of gender justice struggles at local, national and regional levels and at different entry-points of research, policy advocacy and organisation. Three contributions to this issue – a profile, a standpoint piece and a conversation with a women's land rights campaigner – highlight the importance of organisation and campaigns for policy change. The profile of the Tanzania Gender and Advocacy Project (TGNP), which is authored by two of its members, Marjorie Mbilinyi and Gloria Shechambo, is a fascinating account of land struggles in Tanzania and the effort of one organisation in concert with others to ensure the broadest possible transformation of society and politics to promote sustainable livelihoods for all. TGNP's focus on struggles over land tenure and natural resources, associated with land (water, forests, minerals, wildlife) at the family and

community level, and increasingly at the national and regional level was, in recognition that it was a major issue for many women's/gender organisations and activists. The profile examines some of the memorable moments in TGNP's struggles, lessons learned and the organisation's future work on land and livelihoods. Significant among these were the organisation's efforts to navigate its differences with liberal feminist positions on the one hand and those of the male-led organisations on the other. TGNP sought to maintain its conceptual and political clarity while forging relationships with key allies with different standpoints. As the account explains, liberal feminists have tended to treat women as a homogeneous group and focus on the achievement of gender equity, while ignoring equally important questions about the limitations of neo-liberal reforms for tackling inequalities in resource tenures and labour relations. The male-dominated organisations on the other hand, while recognising gender inequalities, have tended to relegate them to the background while promoting community interests as though communities were homogeneous with equitable land tenure and labour relations. The TGNP account is a salutary tale which shows that constant vigilance and long-term engagement are required to protect even the small achievements of land policy struggles.

The difficulties of implementation of gains and their sustainability is a theme taken up in Patricia Kameri-Mbote's analysis of the recently passed Kenya National Land Policy. As she notes, this policy, with its strong equity principles, makes detailed provisions for tackling gender inequalities through the reform of existing legislation and the enactment of new laws to promote women's rights to land and related resources. It promotes gender equity in inheritance and in market transactions in land through provisions such as the co-ownership of matrimonial property and seeks to protect the rights of women before, during and on the dissolution of marriage or the death of a spouse. Kameri-Mbote argues that if the provisions of the National Land Policy are implemented, it would reduce gender inequalities in access to, control and ownership of land and enable women to leverage their labour investment in land and other reproductive duties in their families. However, the history of land struggles in Kenya and elsewhere and the opposition to the policy from the Kenya Large Landowners' Association suggests that implementation will be an uphill task requiring pressure from the women's movement.

Recognition of the importance of organisation and advocacy is at the basis of a recent campaign by ActionAid on land rights. The conversation

between the guest editors of this issue and Kujejatou Manneh-Jallow, Country Director of ActionAid in The Gambia, is about this campaign, which joins social movements worldwide to demand a new agrarian reform agenda. The campaign calls for activists to take up the question of women's land rights and to give women's land rights the place that they deserve in mainstream agendas for social justice and poverty eradication. In The Gambia and in 20 other countries where ActionAid works, women developed Charters of Demands which took national specificities into account. While the conversation focused on the Gambia campaign, it demonstrates the power of an international campaign to galvanise national-level efforts. It also demonstrates the value of multiple strategies to execute a campaign of this nature – research to identify problems and build a gender analysis of women's ownership and control of farmland; sensitisation of key stakeholders, lobbying and engaging policy makers in a dialogue; forming partnerships with different groups; using caravans to collect the voices of women to present to policy makers; fundraising to assist women to increase the productivity of their farmlands and to develop a model farm demonstrating successful commercialisation of women's communal farms.

There are questions of mandate and legitimacy raised by the frontline role played by an international NGO in a series of national campaigns. However, it also points to the organisational and resource challenges facing social movements across Africa. How they can transcend the limitations of the NGO vehicle and their donor dependency to lead national land and other struggles remains a critical issue. These challenges are compounded by the strictures of the policy advocacy terrain – the lip-service governments and donors pay to local participation in policy processes; the rigid framework of neo-liberal thinking and its preference for market solutions, authoritarian states, and the relegation of equity principles – all these mean that the transformation of policies remains a huge challenge.

In the light of the concerns of FA12, it is entirely appropriate that it includes a review by Cassandra R. Veney of a new book by Marjorie Keniston McIntosh, *Yoruba Women, Work, and Social Change*. As Veney notes, the book provides a detailed historical documentation of the multiple productive and reproductive roles that women in various parts of Yorubaland performed, both during and after colonialism. McIntosh's book examines the organisations, activities and actions in various social, political, religious and economic sectors of Yoruba women, paying attention to their multiple roles and responsibilities

as daughters, mothers, wives, sisters and in-laws. McIntosh argues that within Yoruba society, seniority was important, but it alone did not confer status on women or allow them agency. In addition to seniority, women needed resources in the form of money, dependants, land, and other property. This finding is important in the debates about the importance of gender differences in the lives of Yoruba and other African women. Veneay argues that McIntosh overly focuses on agency, ignoring the hierarchies among women at the heart of resource control in Yoruba society, which sanctioned the exploitation by successful women of pawns, slaves, and junior wives. This, Veneay argues, suggests a need for more emphasis on unequal relationships among women.

It is hoped that this issue – the first FA to focus so clearly on the deeply gendered and foundational issues of land and livelihoods – will initiate and stimulate others to contribute to a research agenda that sharpens the conceptual tools for addressing land and labour issues in gendered livelihoods. The goal is to provide cross-disciplinary analyses which account for macro, institutional and micro elements of agrarian stagnation, informalisation of work and livelihood insecurities taking into account regional, country and sector specificities. FA12 challenges readers to extend this research towards gaining a fuller measure of the resource tenure and labour relations which are responsible for gender inequalities in livelihood trajectories in sub-Saharan Africa. Only then will we be in a position to pursue the transformation of unequal and unjust socio-economic relations and systems that currently undermine women's livelihoods prospects in so much of Africa.

Endnotes

1. The workshop was held from 26–28 June 2008 in Accra, and brought together 23 researchers, activists, students and policy makers from nine countries in East, West and Southern Africa.

Gender, Land and Labour Relations and Livelihoods in Sub-Saharan Africa in the era of Economic Liberalisation: Towards a Research Agenda

Dzodzi Tsikata¹

Introduction

The importance of building knowledge about the gendered nature of livelihoods in sub-Saharan Africa for analytical and policy purposes cannot be over-emphasised. The promotion of secure livelihoods rooted in equitable and viable land and labour systems is a longstanding concern which has become even more urgent in the present conjuncture of global food, fuel and financial crises. These crises have exposed once again the challenges of making a living – jobless economic growth; the growth of the informal economy and informal, casual and poorly paid work; land tenure and labour insecurities and poor livelihood outcomes for the majority of people in Africa. Even more critically, the crises have highlighted the different experiences of people on the basis of the permutations of their different identities, social relations and situations – region, country, citizenship, migration status, rural or urban location, class, gender, kinship and generation. This is not unexpected given that these markers are also those which structure access to and control of livelihood resources including labour. What is unexpected is the long-term failure to take these differences into account in policy making. While recognising all these differences, it is the gendered nature of land and labour relations in the making of livelihoods which is the focus of this article.

This article argues that land tenure and labour issues have often been discussed separately. As a result, two insufficiently interconnected bodies of literature have been generated which offer useful but partial insights into the implications of gender inequalities in labour relations and resource tenures for women's livelihoods. While the livelihoods approaches have attempted to bridge the divide of the labour and land literatures using a model of livelihood

resources, the failure of certain strands to fully account for social relations and institutions in the organisation of livelihoods has limited their value for analysing the gendered land and resource tenures and labour relations at the heart of production systems. The article demonstrates the need to make conceptual linkages between land and labour issues and draws attention to some literature which does so. This is on the basis that such an approach is critical for policy efforts to tackle the enormous livelihood challenges facing sub-Saharan Africa's women in both rural and urban areas in the era of economic liberalisation.

The analytical gaps generated by the failure to link land and labour relations have contributed to some of the seemingly intractable controversies in the literature. For example, there is a debate about whether there are gender inequalities in land relations or rather, women are unable to take full advantage of the land on offer because of other constraints they face. Related to this is the broader debate of whether land tenure is a problem in sustaining livelihoods, or whether gender inequalities in access to other factors of production and reproduction such as capital, credit, technologies and labour are the real culprits. These debates can be made productive with more serious attention to the connections between land interests and control over other resources, particularly labour. Government policies have also treated land and labour as parallel entities, thus reinforcing the analytical approaches to the issue. This has resulted in the policy neglect of the interactions among the land tenure and labour regimes and the larger political economy.

There are some studies investigating the gendered character of economies, labour systems, resource allocation and livelihoods, which the article draws on (Elson, 1999; Evers and Walters, 2000; Whitehead, 2002; Tsikata, 2006, 2009; Grown *et al.*, 2000; Hansen and Vaa, 2004). Other studies, while not taking a gender perspective, have nevertheless provided insights into the integral linkages between land and labour relations and drawn attention to broad patterns in livelihood trajectories (Chimhowu and Woodhouse, 2006; Bebbington, 1999; Scoones, 1998). In general, these studies draw attention to the importance of situating analysis within the wider political economy and paying attention to historical processes, the role of institutions, intra-household labour and land relations, and of considering gender relations in terms of the distribution of work, the division of labour, access to and control of livelihood resources and decision-making. These issues will be the main focus of the article.

The paper begins with a quick survey of the literature on labour, land tenure and livelihoods, followed by a discussion of some conceptual issues which help to frame the interconnections between land and labour. A section discussing some of the empirical material on land tenure and labour relations and the importance of reproductive activities in the organisation of livelihoods follows. The last substantive section of the article discusses some elements of a possible research agenda.

It is important to state at the outset that this effort to discuss substantial bodies of literature, which cut across several disciplines, is necessarily broad, inexhaustive and unlikely to fully represent the nuances and details of the literature. It is also biased towards analyses which contribute to highlighting the linkages between land and labour relations in the making of livelihoods. The similarities and differences in colonial histories, processes of agrarian change, land tenure and labour systems in Africa have resulted in specificities in the experiences of various countries which are reflected in the literature. These provide possibilities, but also challenges for crafting a research agenda for sub-Saharan Africa which is inclusive and policy relevant.

Surveying the land, labour and livelihoods literature

Land tenure and labour regimes are interdependent in their contribution to livelihood activities and outcomes. However, because they have often been analysed separately, their interconnections are often missed. In relation to land tenure, studies have demonstrated how inequalities between men and women in ownership, control of and access to land have resulted in gender inequalities in their livelihood outcomes (Davison, 1988; Butegwa, 1999; Wanyeki, 2003; Whitehead and Tsikata, 2003). Where they have considered labour, it has been treated in a tangential manner. One exception to this is in the studies of share contracts (Amanor, 2002; Lavigne-Delville *et al.*, 2001).

Labour studies have analysed women's predominance in the lower levels of formal and informal labour markets as a result of discriminatory employment practices and the extensive gender segregation and segmentation of labour markets (Mupedziswa and Gumbo, 2001; Hansen and Vaa, 2004; Tsikata, 2009). The literature has also noted the labour or skills deficits of women in agriculture, which are a factor in the small sizes of their farms and their lower levels of productivity. Imbalances in the intra-household division of labour which lead to women contributing high levels of unpaid labour to crop production, are also identified as partly responsible for their higher levels

of poverty. Missing from this literature on agriculture and rural livelihoods however, is a serious consideration of land tenure.

Both labour and land tenure studies suffer from an additional weakness of failing to fully integrate reproductive work in their analysis of livelihoods. Thus, while the burden of unpaid reproductive work and its implications for women's livelihoods are increasingly becoming topical², it is yet to be fully integrated into studies of labour and land relations. Often, it is discussed in terms of its contribution to production and its costs to women's productive work. In its full ramifications, taken up in the literature on intra-household gender and inter-generational relations, questions of sexuality and sexual politics open a large arena of contestations and insights which have the potential to transform our understanding of livelihoods. After all, the conjugal unit remains an important site of negotiation of access to land and labour even in situations where it is embedded in more extensive kinship and residential units. Questions of marital residence practices, the physical and social demands of child-bearing and -rearing, the hetero-normativity³, pro-natalism⁴ and male-child preference of many African societies have ramifications beyond personal freedoms and status. These are important in the structuring of men's and women's access to and control over land and over their own and others' labour.

The livelihoods literature makes an effort to link land and labour relations through a shared framework of the five livelihood resources. These approaches have their roots in efforts by Chambers and others to analyse from the perspectives of poor people, how they make a living (Chambers, 1989; Chambers and Conway, 1992). Using concepts such as vulnerability, risk and well-being, Chambers (1989) drew attention to the use of tangible and intangible assets and multiple livelihood activities to address risks to livelihoods. Whitehead (2002) has drawn attention to how differences in the livelihood approaches have their roots in disciplinary preoccupations as well as in geographical and situational differences. Here, Whitehead's example of a disciplinary specificity in discussions of livelihood assets is worth mentioning. While anthropologists stress their relational aspects, economists see assets as analogous to capital, and these differences have influenced approaches to research and analysis of livelihoods (Whitehead, 2002).

The Sustainable Rural Livelihoods (SRL) approaches view livelihoods as consisting of three interconnected parts: (a) assets, (b) access (mediating processes) and (c) activities. Two categories of mediating processes were

recognised in the SRL framework. The first category was the policies, institutions and processes (PIPs) and the second was the vulnerability context, composed of the risks, trends, shocks and seasonal factors affecting livelihoods. Livelihood activities included farm and non-farm activities, transfers, etc. (Ellis, 2000). While there are variations in the list of livelihood assets/capital identified⁵, they generally capture natural assets such as soil, water, air, genetic resources and environmental services; economic or financial assets such as cash, credit/debt, savings, basic infrastructure and productive equipment and technologies; human assets including skills, knowledge, ability to labour; and social assets such as networks, social claims, affiliations and associations. Some approaches add physical assets such as roads, buildings and tools, and cultural assets as separate categories.

Whitehead (2002) notes that although livelihood approaches stress the institutional and policy contexts which mediate and constrain households and their members' access to resources and are a critical factor in livelihood outcomes, these elements are often not fully integrated into livelihoods analysis. Similarly, the relationship between land and labour relations in livelihoods is not often fully accounted for, except in the work of certain anthropologists and political economists⁶. Instead, they appear in analyses based on the framework as discrete categories. Social capital is often treated simply as a resource like any other, rather than as a product of social relations, and often discussions have focused on networks of trust and their use in economic transactions (Lyon, 2000). The social embeddedness of livelihoods, the social relations of class, gender and kinship at the heart of resource tenures and labour relations do not receive sufficient attention⁷. The concept of livelihood diversification⁸, which allows a clearer view of the components of livelihood portfolios and draws attention to the connection between rural and urban resources and the deployment of different resources in various combinations in different periods, has failed to explain how labour and land resources are linked in diversification processes.

Conceptualising the land labour connection in livelihoods: some questions and conceptual fragments in the literature

It is important to situate discussions of women and land in the broader context of capitalist transformations and two decades of neo-liberal economic policies in developing countries. Razavi demonstrates this, arguing that while industrial growth has absorbed the labour force released from agriculture

in industrialised countries, this has not been a strong feature of developing countries with the exception of East Asia. Instead, there has been a shift from agriculture to services operating at the level of survival (Razavi, 2007a: 1484). A successful agrarian transition usually involves the shift of labour from agriculture to industry. Small farmers are expected to stimulate the growth of non-farm jobs in rural areas in order to attract labour into industry. In this scenario, continued access to land provides some support in situations of poor wages, unemployment and old age (Razavi, 2007a: 1494). While there have been critics of the transposition of this kind of analysis to land tenure and agriculture in the developing world, it demonstrates the link between land and labour and highlights the importance of this linkage for economy-wide processes and shifts, and for the making of livelihoods.

In his analysis of rural livelihoods, Scoones (1998) identified three patterns: agricultural intensification through the use of more capital or labour; or extensification through the use of more land; and diversification of income sources and migration. His classification has some similarities with Bebbington's (1999) study of sustainable transitions in rural livelihoods in South America, which identifies certain production systems that are relevant to sub-Saharan Africa. These include: (a) capitalised family farms, (b) rural proletarianisation, (c) migration, (d) rural industry, and (e) rural and urban commerce. Each of these demonstrates the interconnections of labour and land relations in particular ways. Capitalised family farms are an important source of rural family employment and accumulation. Rural proletarianisation is linked to an expansion of large-scale, capital-intensive agricultural enterprises. Examples of these in sub-Saharan Africa are the fruit produce and horticultural industries in Kenya, Uganda and South Africa which employ labour from both urban and rural areas and favour women workers. The opportunity of waged work may enable farm labourers to stay on the land while earning supplementary income. However, in some places, land concentration arising from long-term promotion of capitalist agriculture results in widespread landlessness among agricultural labourers, who then do not have the cushion of growing their own food crops. Women are often found in the poorer quality jobs in this sector and are often poorly paid, with longer hours of work, poor conditions of service and no social protection, while facing numerous health hazards (Razavi, 2007a).

In places where rural industries have been established, some people have incorporated home-based work for these industries into their livelihood

portfolios along with industrial work in agriculture. Bebbington argues that these opportunities enable rural residence in situations of extreme land fragmentation (Bebbington, 1999: 18). With rural and peri-urban commerce, urban and semi-rural women have been engaged in building rural livelihoods around commerce. Often agricultural produce from their farms and other peoples' farms are an important source of goods which are exchanged for manufactured consumer imports.

Rural-urban linkages are a feature of livelihoods in sub-Saharan Africa often discussed in the literature (Scoones, 1998; Tsikata, 2006). While certain urban informal economy operators are able to utilise resources such as land and labour in rural areas, others are not. Rural-urban linkages in livelihoods may be stronger in situations of high rural agricultural productivity. For example, some traders in Zimbabwe were engaged in farming maize in both rural and urban areas. Some were also receiving food items from relatives in rural areas – groundnuts, maize, meal and peanut butter – in return for financial support. In Ghana for example, some urban dwellers in times of hardship have sent spouses and children back to rural areas to establish income-earning activities with an agricultural base or one involving trading (Tsikata, 2006). The loss of land and natural resource-based livelihood activities in the countryside are indeed causal factors of the growth of the urban informal economy and slums where informal land markets, overcrowded and insanitary conditions and the lack of capital and training make livelihood insecurity and poverty endemic.

Some studies have drawn attention to intra-household and inter-household labour relations and their linkages with the control of land within agriculture in sub-Saharan Africa. Typically, women and children are very active in providing unpaid labour to farm households. This unpaid labour guarantees women access to household food resources and a varied range of other benefits. Labour relations between households are structured by the control of land and capital. Those who own land (mostly men) are in a position to call on the labour of others for monetary consideration or on share contract basis. Women on the other hand often experience labour deficits particularly when their children go to school and if they are unable to hire labour and do not want to transgress the traditional sexual division of labour in agriculture. This is compounded by the burden of reproductive work. The control over women's labour is enshrined in the conjugal contract⁹.

These conceptual fragments offer ways of making the link between land and labour relations in rural and urban livelihood activities from a gender

perspective. However, effort is needed to begin to theorise more coherently the link between economy-wide developments, policy choices, land and labour relations and gendered livelihoods.

Gender, land and labour in the making of livelihoods

Land and labour in agriculture

Labour mobility across and within borders has been one of the factors underpinning the commoditisation of land in Africa. Population movements from rural to urban and other rural areas and between countries have determined the demand for land and competition for its use. Processes which integrated African farmers into the colonial economy also integrated them into its labour markets. Migration in search of better incomes became a popular response of men wanting to establish themselves in farming. This allowed them to leave their kinship groups through which agricultural labour was organised to set up their own households. These processes resulted in the establishment of land markets powered by incomes from non-farm activities and wage labour. In both the colonial and post-colonial period in many African countries, the creation of informal land markets was exemplified by land rentals and purchases in rural areas by urban bureaucrats and politicians, by migrant farmers moving from areas of land scarcity to those of land availability, and by local farmers without lineage land (Chimhowu and Woodhouse, 2006).

Africa's agrarian sectors remain critical to the continent's fortunes because for the majority of countries, the dream of industrialisation has fast faded with economic liberalisation. And yet, African agriculture experiences cyclical crises which affect outputs, its contribution to the economy, and livelihood outcomes of farmers and food security. After a short-lived boom made possible by investments in export crops under economic liberalisation policies in the 1980s, agriculture was in a state of stagnation for much of the 1990s (Mkandawire and Soludo, 1999). Fundamental problems such as the lack of public investment in support services, land tenure and labour problems and the low capital base of farm families kept African agriculture in a parlous state. Food crop growers and unpaid family labourers, among whom women are predominant, still make up the poorest in many African countries.

Land has a vast array of uses – agriculture, housing, firewood, animal grazing, gathering food, medicine and materials for artisanal activities, and

for space for a range of economic activities. This is acknowledged in the literature, as is the centrality of land to social security, economic development, identity and a sense of belonging (Karanja, 1991; Wanyeki, 2003). For this reason, the dominant position in much of the gender and land literature is that in agricultural economies especially, unequal land rights are an important factor in the reproduction of gender inequalities as well as women's poverty (Wanyeki, 2003; Butegwa, 1991). This runs counter to debates within the World Bank and among academics about whether other factors are not more important than land in determining the problems of African agriculture in general and women's situation in particular (World Bank, 1975). There have been suggestions that in certain situations, factors such as labour, women's increased workloads, and their lack of access to capital, extension services and technologies are much stronger constraints than land (Himonga and Munachonga, 1991).

Part of the explanation for this debate is that agriculture in sub-Saharan Africa utilises small plots of land and very basic technology, with the result that labour is the most important input, and therefore the most critical household asset (Warner and Campbell, 2000; Miblinyi, 1997). Women's labour is critical to agriculture, and although statistics about women's labour need to be treated with care, it is significant that a study of agricultural labour in Mozambique found that 63 per cent of agricultural labour was undertaken by women. Labour on cassava, a highly labour-intensive staple, was mostly women's because of its food crop status and the importance of weeding labour in its cultivation (Arndt and Tarp, 2000).

Arguments discounting land as an issue for livelihoods have resonance especially in countries without a history of settler colonialism and high levels of land concentration and dispossession of local populations. Nevertheless, this position may be based on a narrow consideration of what constitutes a land tenure problem. A broader focus on processes of economic liberalisation, the growing individualisation and erosion of communal principles in land tenure, pockets of land concentration, increased competition for land in the forest, floodplain and peri-urban areas and the volume of land conflicts in some West African countries suggests that even in contexts of relatively abundant land, there are issues of security of tenure for an increasing number of people unable to access land on terms which are favourable for their livelihood activities. Some of these people are women, young people, so-called "stranger farmers" and in some cases, pastoralists.

Under customary law, both men and women could in principle acquire rights in land through membership of landholding groups, lineages and clans. However, women's tenure was often affected by a number of factors. As lineage members, their interests were adversely affected by the sexual division of labour in production. Land clearing, the main method of establishing the usufruct, was designated as men's work which women did only under extreme circumstances. This historical advantage has continued to benefit men through inheritance (Tsikata, 2003). This, combined with practices such as early marriage for women, their marital labour obligations to their husbands, clan exogamy and virilocal marital residence patterns have perpetuated women's limited ability to acquire the usufructory interest in land belonging to their own lineages. Moreover, gender discriminatory land allocations, and in some regions, a strong ideology that they are not farmers, have found women having much less land or the most infertile plots (Manuh *et al.*, 1997; Tsikata, 2003). These customary rules have been integrated into state laws, thus entrenching these gender inequalities in land tenure (Tsikata, 2008).

Economists have been concerned with women's lower productivity compared with that of men farming the same sized plots with the same crops. This has been attributed to the higher levels of tenure insecurities experienced by women (Morrison *et al.*, 2008), without fully accounting for their labour obligations, particularly the importance of household labour in agriculture (Mbilyini, 1997; Tsikata, 2003; Whitehead, 2002). Studies of cocoa growing areas in Ghana for example, have found that while women's participation in cocoa production varied, in general they were less securely established in cocoa farming, operated smaller farms and were less able to mobilise unpaid labour for their farms than men (Hill, 1963; Okali, 1983). At the same time, the importance of family labour has been demonstrated by the practice of men transferring portions of farms as gifts to their wives and children in their life-time, thus circumventing matrilineal rules of inheritance which excluded them. These transfers, when formalised through public thanksgiving ceremonies, gave women control over the land and specifically, the power to dispose of such land. There have not been many studies about how widespread these practices are at present, and there are indications that these gifts can be contested by lineage members on the death of the giver.

One of the clearest manifestations of land-labour linkages in agriculture is the growth of informal land markets. Studies have found that women in Ghana and Benin are increasingly farming rented land in situations of

increasing competition over land (Chimhowu, 2002; Amanor, 2002; Edja, 2001). The popularisation of share contracts is particularly significant. In colonial Ghana, migrants to the forest zone who could not purchase land for farming worked as labourers for the local land owners interested in cocoa cultivation. Colonial tax and forced labour policies brought in more migrant labour (Amanor, 2002).¹⁰

Three resources – labour, inputs and land – are implicated in share contracts, and each is rewarded with either a third of the proceeds from the harvest or the farm itself. There are differences in share contracts depending on region, the relations of production and the interface of land, capital and labour. The nature of the crop and when it is planted in the agreement cycle are further determining factors in the sharing formula. Changes observed in share contracts over the years include a shift from one-third of the harvest to half the crop as rent, and the application of existing arrangements to new crops, new types of land and to new parties, for example, the extension of share contracts from mining to coffee to cocoa and then to citrus and food crops (Lavigne-Delville, 2001). Increasingly, land transactions between close relations are taking the form of share contracts and other tenancy arrangements. At the same time, non-market labour and land transactions between spouses and between family members continue to be a critical source of land for certain social groups such as women, whose access to market-transacted land is compromised by their lack of financial resources.

Labour and land in the urban informal economy

Livelihoods in rural Africa are linked with urban economies in ways which make it difficult to classify livelihoods as either urban or rural. With the pace of urbanisation, Africa is expected to become predominantly urban in 25 years, if trends continue (UN-Habitat, 2003). This has implications for the structure and organisation of livelihoods and therefore, their land and labour relations. Already, changes in land use patterns and terms of land access in peri-urban areas are giving some indications of the changing character of these relations.

In urban sub-Saharan Africa, livelihoods are largely located in the informal economy, which comprises “all forms of informal employment – that is, employment without labour or social protection – both inside and outside informal enterprises, including both self-employment in small unregistered enterprises and wage employment in unprotected jobs” (Chen,

2006). Economic liberalisation policies since the 1980s have resulted in the exponential growth of the urban informal economy and the contraction of the formal economy. Expanding areas of the informal economy are those at the level of sub-subsistence, predominantly populated by women. These have been distinguished from growth enterprises which are not increasing at the same pace as hawking, petty trading, and domestic work (Rogerson, 1997).

Women's predominance in the survivalist sections of the informal economy is linked with the history of colonial urbanisation. Colonial economic policies accelerated urbanisation and promoted predominantly male labour migration to mining, industrial and administrative centres in the colonies. According to Gugler (1989), in many African colonies, almost as a rule, domestic servants, secretaries and nurses were male. This and the discriminatory character of colonial education meant that women participated in the colonial economy on its margins, while performing the critical functions which reproduced the colonial labour force. This also made trading in goods and services an attractive option and resulted in female dominance in this area of the informal economy in many countries (Akyeampong and Agyei-Mensah, 2006). Today, the majority of women in urban areas make a living in the informal economy, mostly in self-employment.

The informal economy is also gendered on spatial lines. Although studies of home-based industries have shown that both men and women work from their dwellings in both affluent and poor neighbourhoods (Kazimbaya-Senkwe, 2004), more women than men do so. Thus women in the informal economy often experience the environmental and occupational challenges of their living space more intensely. These include overcrowding, poor sanitation, infrastructure, power, water, transport and other amenities. This problem, which is especially acute in peripheral urban areas, is exacerbated by planning traditions which have not acknowledged the fact that economic activities occur in areas designated as residential. On the other hand, homeless market traders and street vendors, the majority of whom are women, also face challenges of personal security and are vulnerable to physical and sexual violence and robberies in the markets and streets at night (Tsikata, 2009).

The growth of slums is a result of demographic urbanisation, which is manifested by population growth without industrialisation, employment creation and infrastructural development (Omari, 1988; UN-Habitat, 2003; Davis, 2004). Slums, which are both the dwellings and work-places of the majority of urban informal economy operators (UN-Habitat, 2003)¹¹,

are a particular concern because they are characterised by poor housing, overcrowding, insecurity of tenure of both land and housing, and inadequate or missing basic services such as water and sanitation (Davis, 2004; see also UN-Habitat, 2003).

In peri-urban areas, land conversion has resulted in the massive loss of farmlands to housing developments. Local and migrant women constitute the majority of peri-urban farmers and are most affected by land conversion because of their lack of options and their inability to compete in the land markets (Owusu-Yeboah, 2003). Urban agriculture, either on home gardens or in the urban peripheries, is an increasingly important activity. Its growth in prevalence and economic significance since the early 1980s in the Democratic Republic of Congo, Uganda, Tanzania, Kenya, Nigeria, Lesotho, Zambia, Zimbabwe and South Africa has been attributed to the impacts of economic liberalisation on the urban poor, although it has not been the sole preserve of the poor. In some of these countries, women have been major participants in urban agriculture, which has been critical to the survival of low income women (Rogerson, 1997).

To deal successfully with the livelihood challenges of slum dwellers requires attention to both the land and labour issues implicated in their livelihood activities. This includes tackling the terms of their access to land for housing and work as well as the informal labour regimes implicated in their production systems.

Reproductive activities in the consideration of land and labour in livelihoods

Feminist economists have drawn attention to labour markets as gendered institutions. This is a departure from the tendency of mainstream economics to see labour markets as neutral spaces in which buyers and sellers meet. It implicates sex discrimination in labour markets as a systemic characteristic of labour markets, which bear and also reproduce gender inequalities (Elson, 1999). Feminist economists have also drawn attention to how the operation of labour markets ignores the fact that they constitute an important meeting point between the productive and reproductive economies. By externalising the costs of reproducing the labour force, labour markets treat the reproductive economy as a residual category. Women being predominantly responsible for the reproductive economy, this treatment accounts for their disadvantaged position in labour markets (Folbre, 1994; Elson, 1999). Rather

than fundamentally change the treatment of the reproductive economy, women workers are accommodated in the productive economy through informalised work which does not have the conditions and rewards of formal work (Elson, 1999).

Feminist anthropologists have also made invaluable contributions to livelihoods analysis by emphasising the importance of intra-household divisions of labour and resources such as land, as well as women's unpaid work. Their analysis has drawn attention to women's role in the everyday and long-term reproduction of the labour force (Edholm *et al.*, 1977; Whitehead, 2002; Razavi, 2007b). This analysis draws attention to the connections and inter-dependencies between the market and the unpaid reproductive economy and challenges the rational choice theories underpinning certain strands of mainstream economics (Himmelweit, 2002; Budlender, 2002; Razavi, 2007b; Grown *et al.*, 2000). An important element of this work is the recognition of labour as a produced input (Grown *et al.*, 2000).

In spite of their methodological limitations¹², time use studies have provided some data on the differences in male and female participation in domestic or reproductive work. Women on average, were found to spend four hours a day as compared with less than one hour a day for men. Much of the work women do – food processing, cooking, collecting fuel and water, producing cooking utensils, sleeping mats and soap – is critical for the survival of their households. Moreover, it has often been pointed out that the time spent on these activities has implications for women's productive work (Whitehead, 1999; Omari, 1988). A study of rural households in Tanzania found that less than four per cent of men were involved in household work when their wives were not present (Omari, 1988).

While there is general agreement that women and girls do the most housework and therefore experience the associated time deficits, Sen (2008) has argued that the burden of care is a function of poverty status, location (rural or urban) and the household's status in relation to land. For poorer women, care work is critical for sustaining consumption but at the same time, it limits their choice of compatible income generation activities and their ability to participate in government programmes, social exchanges, rest, leisure, health care and recuperation.

The foregoing analysis which demonstrates the land labour linkages in the organisation of livelihoods, has not influenced economic policy sufficiently. Policy neglect of these issues constitutes the invisible rocks on which many

policies founder. For example, analyses of livelihoods which fail to take intra-household labour and land relations into account can only provide partial explanations for the inability of households to take advantage of incentives for increased production of cash crops (Warner and Campbell, 2000).

Summary, conclusions and some preliminary elements of a research agenda

In this article, we have argued for the need to link land and labour relations in studies of livelihoods, which also need a gender perspective. The failure to link these in analysing livelihood activities and outcomes has resulted in sterile debates about which factors of production are most responsible for livelihood insecurities and poverty. The article notes that there are three separate bodies of useful literature on labour, land tenure and livelihood issues, which need to be integrated to generate analyses which can address some of the controversies in the literature. While the livelihood approaches have provided promising pointers with their framework of five livelihood resources, they have failed to incorporate social relations of production in their analysis and have instead focused on theorising and applying the concept of social capital, which has been contested by analysts from outside economics.

The article concludes that the livelihoods approaches and feminist critiques of mainstream analyses of livelihoods form a good starting point to address the issue of the interconnections between land and labour relations in gendered livelihoods. Four elements of the feminist critique stand out as key: the longstanding gender segregation and segmentation of livelihood activities; the disproportionate burden of care work on women; gender inequalities in the control of resources; and the role of the wider political economy in sustaining these.

A research agenda should aim at sharpening the conceptual tools for understanding and tackling land and labour issues in gendered livelihoods. This involves among other things, accounting for macro, institutional and micro elements of agrarian stagnation, informalisation of work and livelihood insecurities. A third element of this agenda is the exploration of gendered livelihood in the context of land tenure and labour insecurities, with a focus on both country and sector experiences. The agenda would not be complete without a focus on gender, reproductive labour and land tenure, and an effort to identify economic and social policies as well as institutional responses which promote gender equitable land and labour relations and livelihood

security. All such research has to be situated within the context of long-term economic liberalisation and the policy choices countries have made, as well as take full account of developments such as the HIV/AIDS crisis and conflicts, civil wars and post-conflict reconstruction.

In conclusion, pursuing these questions can contribute towards a greater understanding of land and labour in the construction of gendered livelihoods. Their pursuit may reveal how ongoing but separate efforts at addressing land and labour relations can be linked and engendered and how efforts at addressing gendered livelihood insecurities can be strengthened to ensure that they simultaneously reduce insecurity and promote gender equity and positive social transformation. It is hoped that some of these issues would inspire efforts to consolidate old knowledge and generate new analyses pushing the boundaries and contributing to the search for equitable social and economic policies. Such policies would promote full citizenship for women and men through decent work which is equitable, productive and guarantees a living wage and long-term employment security.

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Endnotes

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2. Oppong (2001), Budlender (2002), Razavi (2007b).
3. Heteronormativity is a term used to refer to the institutionalisation of heterosexuality in a society. It is represented in societal attitudes, institutions and the law.

4. An attitude or policy that encourages child-bearing and can be manifested in the measuring of a person's worth by the number of children they have.
5. See Scoones (1998), Ellis (2000), Bebbington (1999).
6. See Chimhowu and Woodhouse (2006).
7. See Fine (1999) and Whitehead (2002) for useful critiques of the uses of the concept of social capital in the livelihoods approaches.
8. Diversification can be simply described as the presence of more than one livelihood activity within a person or a household's livelihood portfolio at any point in time.
9. Studies by feminist economists have also drawn attention to the relationship between men's control over land and their control over women's labour (Evers and Walters, 2000; Grown *et al.*, 2000).
10. Hill's (1963) economic survey of Akyem Abuakwa in Ghana in 1957 found that much of the cocoa (about 80 per cent of farms in some towns) was being managed by share contract labourers, the majority of whom were migrants from other parts of Ghana.
11. In Ethiopia and Chad, 99.4 per cent of the urban populations are slum dwellers. The West African coast (from Abidjan to Ibadan including Lagos) is estimated to have 70 million slum dwellers, described as "probably the biggest continuous footprint of urban poverty on earth" (Davis, 2004: 15).
12. See Whitehead (1999) for a critique of certain time-use studies which concluded that men did little work and were dependent on women.

Land, Labour and Gendered Livelihoods in a "Peasant" and a "Settler" Economy

Dede-Esi Amanor-Wilks

Introduction

Africa historically has been land-abundant and labour-scarce. The situation in Africa contrasts with that in Asia, which has historically been labour-abundant and land-scarce. And it means that until relatively recently, land scarcity was not a major problem for African producers. In spite of this, we can surmise that access to land for women, or more crucially control over land, has been an issue for as long as patriarchy has existed. This is because labour applied to land creates capital; therefore land is a crucial source of power, whereas patriarchy is essentially the monopolisation of power by men.

Yet there exists a perception that women in West Africa have more secure land rights than do women in East and Southern Africa¹. This article seeks explanations for this perception, from a framework of the peasant-settler dichotomy in Africa. While there is a growing literature on women's land rights in Africa that makes no distinction between the former "peasant" and "settler" colonies, in African historiography generally, a major distinction has been drawn between them. We thus have separate literatures on "peasant" and "settler" economies of Africa that rarely speak to each other, and comparative African studies rarely cross the peasant-settler divide (Amanor-Wilks, 2006 and forthcoming). The main difference between "peasant" (or "peasant export")² and "settler" colonies is that in the former, land remained in the hands of African producers, who dominated local and export agricultural production. In the settler colonies by contrast, prime lands were expropriated to European settlers, who competed directly with Africans in both food and export production.

Alongside the question of differential gender access to land across the peasant-settler divide, this article considers two sets of questions on which there is division in the literature on land tenure and gender justice. Is customary law harmful to women's land rights or should it be codified

to protect women's land rights? Is access to land for women "negotiated", or are access and control products more of social conflict? The hypothesis of this article is that the assumption that access is negotiated works best in conditions of relative land abundance and that in conditions of scarcity, it is social conflict that produces change.

Negotiating access or inventing tradition in the fight for control?

Negotiation and conflict are not necessarily opposites. Sometimes they are part of the same process with negotiations following protracted conflicts, as in the case of the Lancaster House Agreement that ushered in Zimbabwean independence in 1980. Sometimes negotiations can pre-empt the outbreak of conflict, a classic example being the famous indaba held by Cecil John Rhodes with restive chiefs in the Matopos Hills in the early years of the colonisation of Southern Rhodesia (Thomas, 1996), though this, like the Lancaster House Agreement, did not bring lasting peace. On the other hand, one could argue over how to categorise the agency of the Gold Coast Aboriginal Rights Protection Society, which organised against the attempt to vest customary lands in the British Crown (NAG CPC1/2). Should the Society's success be attributed to negotiation or to the threat of colony-wide social conflict?

Against the weight of such history, Toulmin appears overly optimistic when she argues, following Berry (2002) and others, that access to land is "negotiated"³. For authors such as Amanor (2001, 2007) and Peters (2004), land access and control are not products of negotiation so much as struggle between competing interest groups. In contrast to Toulmin's view of customary law as "dynamic, equitable and flexible", Amanor argues that what goes as "customary law" in fact reflects an "alliance of rural power elites with the state" and that customary land relations are "rooted in structural power relations" (Amanor, 2007: 33–4). Peters (2004: 278) makes the interesting point that the "focus on demonstrating the fallacy of simple economic premises about the 'insecurity' of customary tenure has produced a new conventional wisdom among academic researchers which, in emphasising the negotiability, flexibility and ambiguity in relations governing access to land, is increasingly at odds with the proliferating evidence on competitive and conflictual relations over land". Indeed Whitehead and Tsikata (2003: 96) have noted that the "flexible and negotiable" claims to land use associated with customary African land tenure arrangements can be attributed to the "relative

land abundance that characterised much of sub-Saharan Africa in the past [...] linked to agricultural technology and practices”.

The following sections explore the ways in which tradition can be “invented” to enhance the claims of a particular interest group, often along gender lines, while blocking the prospects for negotiated access by excluded groups or individuals, especially women.

Women and the invention of tradition in Ghana

Polly Hill’s studies of pioneering Gold Coast migrant cocoa farmers showed that the land-buying “companies” that established Ghana’s cocoa industry did not include women. However, the local Akyem farmers who sold the land to these migrants had smaller farms, almost half of them owned by women (Hill, 1959 – cited in Amanor, 2007: 99; Hill, 1963). Earlier, Meek’s 1946 survey of the Gold Coast found that women made up 40 per cent of cocoa farmers. This evidence suggests that women in peasant economies have relatively strong land rights. Yet, although many of the women surveyed by Hill had more plots than men, their plots tended to be smaller: 40 per cent of men’s plots, but only 17 per cent of women’s plots, were over five acres⁴.

More recently, Okali (1983) found that in matrilineal areas, widowed women were dispossessed of their husbands’ cocoa farms on which they had worked, while Amanor’s studies (2001, 2007) of property relations in three largely matrilineal communities of Akyem Abuakwa, a once-thriving cocoa-growing area of Ghana, suggest that there is now no clear pattern of gender entitlement to land in Ghana. At Kofi Pare in New Suhum, where cocoa is still the dominant crop, women had little access to and control over land, which was originally owned by large wealthy pioneer farmers, who put different family members in charge of various plots of land and who also relied heavily on sharecropping arrangements.

There, Amanor (2001: 22) described a “mosaic of social relations based on social differentiation, large holdings surrounded by small holdings and various forms of labourers, labour tenants and tenant farmers”. Women described themselves as “wives” rather than “farmers”, though they grew food on their husbands’ cocoa plantations. Though landowners allocated some land to female relatives, this was largely for the benefit of their male children, and women were not involved in negotiating labour relationships. As cocoa farms matured, the area available for women’s food farms diminished and their roles as farmers became more marginalised. Rather, their role was “placing men in

matrilineages and maintaining the consumption and reproductive units of the men” (ibid: 23). Though most cocoa land at Kofi Pare was acquired at the end of the nineteenth century, Amanor reported continuing evidence of active land markets associated with demand for cocoa lands, though residents insisted that the land was family land. He concluded that land sales were related to distress and discreetly contracted to keep land prices high and thereby prevent sharecroppers from becoming landowners or dependent youth from usurping parental authority.

By contrast, in two adjacent communities at Atewa Range, where plantain had replaced cocoa as the dominant cash crop, the creation of a forest reserve by the colonial government had resulted in land shortage. Yet there was less evidence of land sales. Social differentiation in terms of landholding was less pronounced in these areas. It occurred across generations rather than across gender lines and the youth suffered most from land shortage.

Most interesting was the gender dimension of land relations and disputes. As men passed land to sons at the expense of daughters, women were redefining matrilineal inheritance to exclude male heirs:

“Many women are concerned that men are attempting to pass on land to their own sons at the expense of their daughters. Women are defining their rights in land according to a new interpretation of matrilineal inheritance which attempts to exclude men such as brothers, nephews and uncles from matrilineal land. They argue that if land is passed on to male heirs the men will give portions of the matrilineal land to their wives and children, thus diminishing the land the matrilineage has at its disposal. In contrast, if the land goes to the women of the lineage, their husbands will help them to develop the land, but it will be inherited by children who are of the matrilineages, thus consolidating matrilineal property. This ideology promotes the role of women as custodians of the matrilineage. [...] While this discourse is articulated to appeal to matrilineal sentiments and custom, it essentially subverts matrilineal authority by questioning the allegiance of the male head of the matrilineage to matrilineal principles. It takes advantage of attempts of males to shift the burden of their responsibility towards their sisters’ children and the rift between male elders and male youth, to redefine matrilineality according to matrifocal principles, based on the unity of three generations of female relatives.” (Amanor, 2001: 21–2; 90–4)

Elsewhere, Amanor (2007: 53) argues that the colonial framework “reinvented women as the wives of cocoa farmers”, rendering their land rights insecure and promoting marital conflicts and divorce. He thus joins a growing school on the “invention of tradition” (Hobsbawm and Ranger, 1983), arguing that customary land law is essentially “formulated from above” with origins in “colonial domination and the desire [...] to create ‘appropriate’ systems of land administration for people who had not evolved capitalist relations of production” (Amanor, 2007: 56). He draws attention to the point made by Mary Douglas (1969) that matrilineal systems tend to flourish in economic conditions associated with resource abundance and labour scarcity. This suggests that matrifocality⁵ could increase in significance if the reversal of Africa’s historical land-labour ratio impacts heavily on women.

Amanor’s findings are supported by Toulmin’s conclusion (2007: 98) drawn from ten West African case studies, that land access in West Africa is not based on any single set of rules. Toulmin points out that gender equality of access to land is demonstrably good for economic growth and development, and notes that access to land is especially critical to the livelihood security of poorer groups including migrants, women and pastoralists (ibid: 97). But contrary to the current push by donors and free marketeers for private land titling, Toulmin is one of a growing group of scholars who argue that private titling could damage secondary rights to land, thereby hurting less powerful groups including women (ibid: 112). In contrast to the settler economies, less than five per cent of land in West Africa is estimated to be under formal title, much of it in cities and project sites (ibid: 96).

Amanor’s story of struggle and invention is borne out in case studies from other parts of West Africa, where land shortage is particularly acute. For instance in The Gambia, a drought-prone and ‘land-short’ territory, the creation of a new irrigation project led men to wrest control from women by reclassifying their fields, in the name of custom, as “household” land, thereby ensuring their dominance of the project (Carney, 1988 – cited in Whitehead and Tsikata, 2003: 79). It can be seen from this case study that land scarcity led to the “invention of tradition” to dispossess women of their land, resulting in dominance of a lucrative new venture by men.

Such findings confirm the chief assumption of this article that women’s land rights suffer disproportionately as land becomes scarce. Notwithstanding Amanor’s finding that youths (both female and male) suffer most from land shortage, the fact that women were willing to risk undermining the loyalty of

men to age-old matrilineal systems to ensure that daughters directly inherited land suggests an understanding that the ground was shifting, that land relations were changing and that daughters were likely to lose their rights of access under customary systems. They also suggest that the “invention of tradition” works not only in the absorption of patriarchal attitudes to deny women rights in the name of African “culture”, but that women may themselves also invent tradition to advance their interests as an inter-generational group. Afraid that growing land shortage would impact worse on women than men, women developed new matrifocal traditions that would guarantee direct access to land for their daughters and granddaughters⁶.

Land shortage and insecurity are growing phenomena in Ghana, where chiefs compensate for their loss of revenue when land is allocated to citizens of an area, who have free user rights under customary law, by selling large tracts of land to “strangers” (Amanor, 2007: 37), who may be Ghanaian migrants or non-Ghanaians. These trends appear to be increasing with the deregulation introduced by structural adjustment in the early 1980s. The impact of these trends on women is likely to increase with the search for biofuels by European companies, which has already seen significant stretches of land taken out of food production in the oil palm-growing areas of the Western Region⁷ and in the Northern Region of Ghana, where a large swathe of land between Tamale and Yendi has been converted to the cultivation of jatropha for agrofuel production by Norwegian company Biofuel Africa, allegedly displacing families in farming villages⁸. In forest areas, the conversion of oil palm plantations to biofuels production could conceivably lead to palm oil being priced out of the local market, affecting the livelihoods of women, who traditionally process and market palm oil, a key ingredient in the diet of Ghanaians.

Beyond the rich forest areas of southern and south-central Ghana, gender discrimination in land allocation practices can be acute in the savannah areas of northern Ghana⁹. Patterns differ across the three regions of the north. In the Northern Region, a land crisis is producing “deagrarianisation” and intensification of women’s non-farming activities (Brycesson, 1997), notably in the processing of shea butter which has become a major industry dominated by women, as well as groundnut oil processing and rice husking (Yaro and Zackaria, 2008: 61). In the Upper East Region, with its smaller land surface than the Upper West Region, the rules of land transfer have become less clear, producing greater levels of insecurity as land rules are manipulated by elders and chiefs, according to Yaro and Zackaria (2008), and widows are sometimes

forced into sexual relations with landowners to maintain land rights. In the Upper West where land is more plentiful, albeit more degraded than in the Upper East, and supports a smaller population, there are however reportedly fewer cases of land being taken back (ibid: 58–9).

According to Yaro and Zackaria (2008: 66), women in all three northern regions of Ghana are excluded from agrarian decision-making because they do not own land. Instead they “borrow” land, interest free, from men, paying a kind of negotiation fee by way of kola nuts, drinks or cash, although some resort to begging. Interestingly, recognition of the superior farming skills of women, notably their reputation for applying manure to fields, is improving their access to agricultural land, particularly in the Upper West. With this improved access, they claim that: “women with resources are able to purchase land and pursue their livelihoods under the same conditions as men” (ibid: 67). For most women, though, it appears that purchase is not an option and borrowing arrangements impose constraints. For instance, conditionalities attached to the loan of land mean it may be revoked where a user competes with the landowner’s wife in the harvesting of lucrative wild fruits such as shea nuts, or refuses to give daughters or sisters in marriage to the landowner or members of his family (ibid: 63–68).

Even in the Upper West, where land is reportedly easier to access than elsewhere in northern Ghana, patriarchal attitudes constrain women’s control over land and can keep them in a form of bondage, as reflected in the following quotation by Sonwotuu an 80-year-old male farmer from Chiana in the Upper West:

“Though they [women] play an important role in income generation, we don’t give them rights over land because we the men own them as well. How can there be an ownership within an ownership?” (Yaro and Zackaria, 2008: 67).

This attitude reinforces the lesson of Nieboer’s (1971) hypothesis that slavery exists because labour is scarce in relation to land. In such conditions, polygamy can provide labour solutions. The authors note that Sonwotuu gave degraded lands to his three wives for the cultivation of groundnuts, a soil replenishing crop, reclaiming the land later for his own cultivation of millet. In an apparent reversal of the pattern in southern Ghana, here women grow the cash crop, groundnuts, while the patriarch cultivates millet, which is primarily a food crop.

Traditionally a labour reserve for the south of Ghana, the northern

farmlands must compete in the development of environmentally challenged lands with pull factors that encourage southward migration. The evidence from northern Ghana suggests a close link between the commoditisation of women and that of land. This point will be explored below in a Zimbabwean context.

Women and the invention of tradition in Zimbabwe

In Zimbabwe's history, the "invention of tradition" too often served the needs of the settler economy to secure black labour for white-owned mines and commercial farms. Schmidt (1992) shows that colonial administrators colluded with African patriarchs to control the sexuality of African women. Pass documents were introduced for women in the context of the colonial government's perception that it was losing control:

"Under our administration tribal and parental control has been broken down and is practically non-existent. A native female, married or single, can wander where she wishes. No restrictions are placed on her movements and the lure of the town and compounds attract her."

(Schmidt, 1992 – quoted in Amanor-Wilks, 1996)

In its quest for domination then, the settler state targeted both the movement of labour, including women's labour, and the use of land. Women were excluded from the formal colonial economy, which extracted male labour from neighbouring countries through the oscillating migratory labour system. While Zimbabwe (then Southern Rhodesia) was both a labour-sending and receiving country, South Africa was the main recipient of male labour for mines and commercial farms from Zimbabwe, Malawi, Mozambique, Zambia, Lesotho, Swaziland and Botswana (Amanor-Wilks and Moyo, 1996). In Zimbabwe, where agriculture proved more viable than mining for European settlers, male farm workers were paid sub-subsistence wages, enabling commercial farmers to expropriate huge surpluses. To maintain this system, women were confined to rural areas, the "reserves", where they subsidised the colonial economy through their farming and income-generating activities and raised the next generation of workers.

In relation to land, the term "usufruct" was a colonial invention. Under precolonial tenure, land rights were defined on the basis of evolving traditions and custom and the notion of ownership was well established. The customary rules of inheritance allowed subdivision and family rights to be transferred to succeeding generations. If formal interpretation of customary laws, the

so-called “tradition”, remained rigid, informal institutions by contrast adapted to changing conditions (Rukuni Commission, 1994 – discussed in Amanor-Wilks, 2006 and forthcoming).

Applying an “abundant land, scarce labour” analysis, one could moreover argue that in a context of abundant land, the concept of “well established ownership” is almost irrelevant. Where land is abundant, ownership is easy to establish and social conflict stems from reasons other than land shortage. Under conditions of land scarcity and shortage created by settler colonialism, however, the picture is very different. In the late nineteenth century, Rhodes’ men established a tradition of 3,000 acres for each white, male pioneer (NAZ CT1/20/1–3, Cory 1975), which has had particular repercussions for African women today.

A little over a decade after formal independence in Zimbabwe, land tenure commissioners found a situation of near anarchy in Communal Areas, where the breakdown of administrative structures had resulted in an escalation of land conflicts, leaving widows and divorcees particularly vulnerable. Such were the findings of the Land Tenure Commission appointed by the government in 1993 to review the appropriateness of Zimbabwe’s four land tenure systems (communal, resettlement permit, leasehold, and freehold title), and chaired by Professor Mandivamba Rukuni. In its October 1994 report, the Commission noted that land pressures had reached “crisis proportions” and that the most serious land conflicts occurred in Communal Areas, where the interpretation of land laws was far from uniform, leading to clashes between local government officials and traditional leaders. The Commission found that most inhabitants of communal areas preferred to refer land matters to traditional leaders, whom they saw as the true experts on customary law and less rigid in their interpretation of land law than the employees of local government Village Development Councils and Rural Development Councils. In spite of such conflicts, the Commission reported that the notion of “ownership” was well established in so-called traditional systems. Families felt that they “owned” land even when government officials classified their rights as “usufruct” (Rukuni Commission, 1994).

The Rukuni Commission report acknowledged, in keeping with Boserup’s thesis¹⁰, that increasing land pressure could be a prime mover for change in a self-evolving tenure system, but noted that the debate on tenure had focused narrowly on maximising productivity, with little regard for equity of access. This, it said, meant that the agricultural system inherited at independence

was “efficient” but concentrated in a few hands. It concluded that communal tenure was appropriate in conditions of high population density and limited resources, but required an effective and credible administrative system. Leasehold and permit systems, on the other hand, allowed easier access to land, but short leases and permits were unlikely to facilitate private investment. It concluded that freehold tenure is most effective where private investment is facilitated by public sector investment in infrastructure. But the Commission recognised that land under freehold tenure “may be underutilised and depending on the land market, could lead to skewed distribution of land”. It highlighted security of tenure as the most important ingredient in each tenure system (*ibid*).

Zimbabwe’s post-independence resettlement programme is often claimed to have been a failure. Yet, research by Bill Kinsey demonstrated that it was a huge success in terms of increased welfare for families who moved into resettlement areas, and most pertinently, more secure tenure for widowed and divorced women (Kinsey, 1999; 2004). In Zimbabwe’s communal areas, where 60 per cent of people live, women are more vulnerable to patriarchal denial of land access than in resettlement areas where empirical evidence by Kinsey and others shows greater tolerance of the rights of widows and divorcees by resettlement officials.

Women’s groups in Zimbabwe have called for a repeal of Section 23 of the constitution that places customary law before principles of gender equality in family and inheritance matters and are lobbying for joint registration in resettlement areas. Currently, married women cannot be given resettlement land in their own right, unlike widows, divorcees and single women (Derman and Hellum, 2007). Recent research in three villages over three years by Derman and Hellum showed that widowed women had to vacate their homesteads on the death of their husbands. These authors argued that women’s bargaining power had been eroded under the fast-track land reform programme initiated in 2000, due to the violent and abusive dominance of war veterans in newly resettled areas. Women-headed households constituted 18 per cent of beneficiaries under Model A1 resettlement scheme and 12 per cent under the Model A2 scheme (Derman and Hellum, 2007: 172).

Quoting constitutional commissioners who participated in a country-wide consultation process in 1999, Derman and Hellum claimed that “there was no outcry for land among the peasants in the communal lands”. These authors claimed instead that “small-scale farmers expressed a strong need for better

roads, access to markets, affordable and accessible credit systems – in short, inputs that could help them farm the land they had much more effectively” (ibid: 168)¹¹.

In relation to the land rights of widows and divorced women, Derman and Hellum concluded that: “What they need is to retain land rights where they are and not to have to search for new ones in the former commercial farms” (ibid: 173). Yet, this suggestion is unrealistic and ignores the historical process by which the majority of Zimbabweans came to be crowded onto marginal and unviable lands, far from the rail line and from markets, while half of Zimbabwe’s land, including most of its prime arable land, was converted into a few thousand large-scale commercial farms by white settlers and absentee landlords. Indeed, the authors devote a mere few lines to explaining the historical background to Zimbabwe’s land crisis, sweeping away a hundred years of history¹² on land alienation and racialised violence with the now familiar claim that Zanu-PF’s interest in land reform is politically motivated, as though that should be strange in a Zimbabwean context. Moreover, the authors do not explain where the political space is for women to negotiate retention of land rights “where they are”, or for how long the 1990s average landholding of 2.2 hectares in Zimbabwe’s communal lands can be subdivided to make space for future generations of widows and divorced women. If no land is to be found for resettlement outside the communal areas, the ultimate implications of their conclusions could be taken to mean that land should be redistributed from land-hungry men to landless women, whereas the point should be to create the conditions under which women and men can enjoy equal land rights on holdings that are economically viable and environmentally sustainable.

It is also not clear why Derman and Hellum’s findings should be at such variance from those of the Rukuni Commission. One can note, however, that the polarisation in Zimbabwean politics, following the controversial land reforms of the early 2000s, has spilled over into academic research. While the dominant voice on Zimbabwe holds to a position that the violent redistribution of land since 2000 is a human rights disaster that has benefited a small political clique only, a strengthening alternative voice suggests that land reform has in fact benefited ordinary Zimbabweans, and that women’s access to land is improving.

In relation to women, Derman and Hellum’s claim is challenged by emerging evidence that illegal land markets are developing in land-hungry communal

areas and that this is benefiting women. Paradza (forthcoming) makes the argument that single women in Zimbabwe have more bargaining power than has been thought. In a wide range of case studies developed over 18 months and selected from a village household inventory, she found that women developed a range of mechanisms to increase their access to land for residence and livelihoods, including agricultural purposes, after the land invasions of the early 2000s. Paradza found that women were able to access land in their own right, rather than as secondary users, while some women evicted from commercial farms during the land invasions had been able to buy land in their natal villages, though the terms were not always clear or secure. Paradza cites numerous instances where women or other vulnerable groups were able to increase their access to land through strategies including marriage, betrothal, remarriage or alternatively resistance to widow inheritance, their relocation and that of children. As with the evidence from northern Ghana, however, it would be worth probing whether these successes resulted from effective “negotiation”, or from survival strategies consistent with Scott’s *Weapons of the Weak* (1985)¹³. The one strategy that does appear to speak from a position of strength, political activism, is associated by Paradza as a weapon of the youth, rather than of women (Paradza, forthcoming).

Zimbabwe’s current land reform experiment has sparked international outrage. Until recently, few scholars have been willing to support the case made by Zimbabwean land experts Moyo and Yeros (2005) that land reform is resulting in structural and rural transformation. However, recent research by Ian Scoones has exploded a number of myths created by Mugabe-focused researchers and commentators, and this has opened up a more honest debate on the Zimbabwean experiment. Such is the political sensitivity surrounding Zimbabwe’s land reform programme that Scoones ended his biographical note with the disclaimer: “All views presented in this article are personal ones”, as though to save his publisher and associates from ostracism. Yet the views expressed by Scoones appear to be less “personal” than backed by statistics and feedback from small-scale farmers gathered under his “Livelihoods after Land Reform in Southern Africa” programme. Mamdani’s (2008) reference to the Scoones research along with earlier research by Moyo to explain why Mugabe’s land policies are popular in some quarters prompted a debate in the *London Review of Books* and occasioned a letter of protest signed by 35 academics calling themselves “Concerned Africa Scholars” (Scarnecchia, Alexander *et al.*, 2009).

These authors subscribe to the dominant critique of Zimbabwe's land reforms since 2000, which has employed human rights-centred arguments about the "rule of law" to marshal support against the Zimbabwean experiment. Though dominant, this perspective misses the point made by Berry (2002: 663 – quoted in Amanor-Wilks, 2006) that laws are human constructs, "neither better nor more durable than the political processes that make and enforce them". Berry cited various contemporary land conflicts including that of Zimbabwe, to illuminate the conditions that transformed Africa from a continent of land abundance in the early part of the 20th century to one of growing land scarcity by its end. The complexity of land conflicts examined by Berry suggested that contemporary struggles over governance and the distribution of resources need to be placed in a historical context in which the imagining of timeless custom, the "invention of tradition", and debates about the "social meaning of property" (ibid: 640) are as much a part of the colonial legacy as the lands and boundaries being disputed.

In relation to the contemporary debates about Zimbabwe, given that women make up the bulk of food producers in Zimbabwe as elsewhere in Africa, more research is needed on the impact of the fast-track land reform on women to truly evaluate the success of land reform in reversing a colonial legacy that has perpetuated the marginalisation of African women in Zimbabwe. Beyond the question of access to land, though, access to labour is a key determinant in the successful control of land by women, in both peasant and settler economies. Without access to labour, women cannot cultivate much land. Where women can mobilise the labour of husbands, in addition to that of their children, new forms of access have developed, even within well established matrilineal systems.

Conclusions and pointers

Women's claims to land have stronger historical roots in "peasant" economies than in "settler" economies. However, while the evidence supporting this hypothesis appears to hold true for well-resourced areas of West Africa and extreme examples of settler economies, it may be open to challenge in resource-poor areas of West Africa and in settler economies that attracted relatively few settlers. Moreover the evidence is patchy yet dynamic, not static, and this makes it difficult to discern the patterns.

Colonial interpretations of customary law undermined women's land rights in both peasant and settler economies. In some matrilineal societies of

West Africa, however, women retained their land rights. In the case of Ghana, women in matrilineal systems appear to have greater scope to influence patterns of access and control than in patrilineal systems. But while it seems clear that women's land rights differ between matrilineal and patrilineal areas, the understanding of matrilineity itself differs across the peasant-settler divide. A starting point for comparative empirical gender research that can bridge this dichotomy would be to develop a nomenclature of terms that capture the landholding experience of women in all parts of the continent.

Despite the lack of clarity, population growth and a shift in land-labour ratios over the last century do nevertheless clearly signify that more people are competing for a finite quantity of land all over Africa. The competition appears to be most acute in the settler economies because of greater land concentration there. However, even in drought-prone areas of West Africa, competition appears to be intensifying. Women in savannah areas of Ghana and countries such as The Gambia appear to face similar constraints as do women in countries where settler colonialism had the most far-reaching effect, notably South Africa and Zimbabwe. The lack of comparative empirical evidence across the peasant-settler divide makes it unsafe to generalise conclusions about women's land rights. Nonetheless, some patterns do emerge.

In Zimbabwe, where European settler colonialism created artificial shortage in areas designated for Africans at a time when land was still abundant, lack of access to land is acute, but particularly so for women. Though independence brought legislation to remove gender discrimination, the legacy of settler colonialism continued to affect women's access and control. Recent findings suggest, however, that access to land is improving for single women. In this respect, the question whether customary law should be codified to protect women's land rights is becoming blurred by evidence that Zimbabwean women, including farm workers who lost employment after the land invasions of the early 2000s, are illegally accessing land markets in communal areas governed by customary law. Prior to the recent land reforms, evidence from Zimbabwe suggested that the institutions of central government, including statutory law, appeared remote and inflexible to rural communities, whereas the institutions of chieftaincy, including customary law, are familiar and navigable. Further research is required to understand how women relate to new land distribution institutions. In both peasant and settler economies, the research suggests that there is some space for women to invent or reinvent traditions that enhance their access to economic resources.

But whereas evidence is emerging that women's land rights may have improved since the land reforms of the 2000s in Zimbabwe, Ghanaian land studies suggest that there is now no clear pattern of gender entitlement to land in Ghana. Rules of access differ widely between patrilineal and matrilineal areas, and even within matrilineal systems the pattern of women's access varies from one place to another. The new trends appear to reflect a gradual shift towards land scarcity in West Africa. Increasing scarcity is reducing women's proportionate access to land, particularly in drought-prone savannah areas, such as in the north of Ghana or in The Gambia. Deregulation under structural adjustment appears to be increasing women's vulnerability. As the rules of access become more complex, women are reinventing tradition to preserve or create security of access.

Against these developments, land subdivisions are reaching their limits in many parts of Africa. Yet despite pressure on land and natural resources, there is so far little sign of agricultural intensification. Women continue to rely on the hoe and have little access to labour-saving and productivity-enhancing technology. Lack of access to technology means that African women face a life of drudgery and a lack of options. Without greater options for off-farm employment therefore, problems of gender injustice will prevail and conflicts can only increase.

An increase in land-related conflicts would test the idea, found to be gaining currency in the literature, that access to land is "negotiated", though the definition of "negotiation" is somewhat open to interpretation. As an antonym to violent conflict, the idea that access to land can always be negotiated appears ahistorical, failing to take into account the effect of racist land laws in closing down the political space for negotiation in settler economies. In Zimbabwe's land history, access to and control over land appear more closely associated with conflict than with negotiation. Even in West Africa, it is as yet unclear how new demands on natural resources, such as the current search for biofuels in countries such as Ghana, will affect an already highly litigious land market. In the north of Ghana, even where access appeared to be "negotiated" by women, this was based on patriarchal rules that refused to recognise women as landowners.

Indeed, negotiation and conflict can be part of the same process. Land access can result from either strategy. But given the peculiarity of land as the finite factor of production, it seems unrealistic to believe that women are in a position to negotiate access to and control of land in a context of

underdeveloped, land-scarce patriarchal societies. It is precisely their lack of bargaining power that calls for state intervention to secure their interests, be it in terms of private title to land or greater security of communal and customary tenure, whichever is more relevant to their particular context.

On the other hand, “negotiation” often appears in the literature on gender access to land to signify a non-violent form of struggle used by individual women who rely on various forms of Scottian “weapons of the weak” in contrast to the violent forms of struggle associated most recently with the land invasions of the 2000s in Zimbabwe. This use of terminology should not mask the reality that access to land and its control remain a struggle for women in Africa. Nor should it divert attention from the fact that acquisition of land is just one factor in the struggle by women to create sustainable livelihoods, the other crucial ingredients being their access to labour and the power of technology.

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Endnotes

1. Although the perception is common, it has not gone unchallenged. For insight into a debate whether or not Ghanaian women face significant obstacles to land access, see Agbosu *et al.*, 2007: 36–40. Within ActionAid, this perception produced an interesting dilemma when a West African country programme opted out of a women's land rights campaign proposed by colleagues from East and Southern Africa on the grounds that women's access to land was not a major issue in that country.
2. See Hancock (1952). More recently Acemoglu *et al.* (2001) refer to them as "extractive" states.
3. Peters (2004: 278–9) believes that Berry's desire to fend off privatisation arguments, reinforced by the World Bank's former aversion to customary law, led her to overemphasise the channels for negotiation even as she drew a link between land scarcity, intensified competition and conflict. For an analysis of the World Bank's shift on land tenure, see Whitehead and Tsikata (2003: 80–85) and Peters (2004: 270–9).
4. See Amanor (2007: 52).
5. In West African matrifocal systems, property is passed down from women to women, e.g. from mothers to daughters and granddaughters (see Smith, 1996). This contrasts with matriliney, where property is inherited by males through the female line, e.g. a man's property may be inherited by his sister's sons. For discussions of differing matrilineal/matrifocal systems in a Southern African context, see Peters forthcoming; Peters and Kambewa (2007), and Colson. For a discussion of the impact of the introduction of male-dominated coffee growing on the rights of women to pass land to their daughters in a patrilineal society of Tanzania, see Tsikata (2003: 156).
6. For additional perspectives on matrilineal traditions in Ghana, see Tsikata (forthcoming).

7. As observed by this author in December 2007.
8. As observed by this author in September 2009. See further IRIN article of September 7, reporting that Biofuel Africa has acquired 23,700 hectares for jatropha production, forcing out inhabitants of seven farming villages around Tamale, capital of the Northern Region.
9. See Yaro and Zackaria (2008).
10. Boserup (1965) demonstrated a relationship between rising population density and agricultural intensification.
11. For a critique of this line of argument, see Agarwal (2003: 189).
12. See Arrighi (1970), Palmer (1968, 1977), Good (1976), Palmer and Parsons (1977), Mosley (1983), Ranger (1985), Moyo (1995), Amanor-Wilks (2006).
13. For some classic examples of James Scott's "weapons of the weak", see the article by Apusigah in this volume.

The Gendered Politics of Farm Household Production and the Shaping of Women's Livelihoods in Northern Ghana

A. Atia Apusigah

Introduction

An examination of the history of land struggles in Ghana reveals a multiplicity of factors that impinge on land-labour negotiations with implications for the livelihoods of different social groups such as women and men, indigenes and settlers, guardians and guarded, titled and untitled, and farm owners and farm hands among others (Tsikata, 2008; Lund, 2008). The diversity of interests suggests that land holding and land titling are political and negotiable. They are political in the sense that they generate class struggles, but recently there has been a growing trend towards recognising the gender struggles also activated by competing interests for land (Tsikata, 2008; Bugri, 2004; Kevane, 2004; Tadesse, 2003). Various studies on the largely rural agrarian communities of Ghana suggest that land plays a central role in positioning and shaping the livelihoods of various interests groups (Lund, 2008; Dittoh, 2008; Songsore, 2001). In processes regulating customary, crown and state lands, from the Crown Lands Bills of the 1870s to Government Ordinances of the 1950s through to the ongoing Land Administration Project, one finds evidence of struggles and counter-struggles as well as responses and counter-responses that hinge on questions of social equity and justice (Aryeetey *et al.*, 2007; Tsikata, 2008; WMC, 2004). Land issues continue to evoke passions and debates that warrant critical analysis and multi-faceted research that can respond to the varying interests.

Politics shape land titling and holding claims at various levels in formal and traditional land administration systems. Struggles over titles often result in conflicts, some of which have been violent. In northern Ghana, conflicting land interests have tended to underpin many of the ethnic clashes (Lund, 2008; Maasole, 2006; Bacho, 2005) along with associated insecurities over

identity and autonomy. This has been the case for the conflicts between the Dagbamba¹, Nanumba, and Gonja on the one hand, and Konkomba on the other (Tonah, 2007; Maasole, 2006), as also between the Mwamprushe² and Kusasi of Bawku and Gonja and Vagla at Tuna. Negotiations and bargains have become important tools for resolving disputes and conflicts and curbing violent outbursts. While the analyses of land and related conflicts in northern Ghana³ highlight the question of territoriality, beneath this are issues of livelihoods and justice (Lund, 2008; Tonah, 2007; Maasole, 2006). Some such analyses have focused on inter-group struggles, with women on both sides portrayed as passive victims rather than interested parties (Bugri, 2004; Nyari, 2005). Analysts tend to suggest that women's interests in land are secondary. An added dimension to the politics of land struggles in northern Ghana is the tendency to ignore non-violent conflicts and intra-group struggles such as those within a production system, between men and women, and within households, families and communities.

This paper, which focuses on livelihoods-based interests in land, draws on the works of Sen (1999), Kevane (2004), Tadesse (2003) and Nussbaum (2000) to inform an analysis that highlights non-violent conflict situations in farm-based households in northern Ghana. In his analysis of household relations and the inscription of inequalities, Sen (1999) offers an interesting model for not only analysing land-labour relations but also for factoring in production and gender relations. Using the "capabilities approach" as an alternative for promoting development that enhances freedoms and enlarges liberties, Sen offers two interrelated concepts – "negotiative conflict" and "cooperative bargaining" – for analysing inequitable socioeconomic systems. Sen's analytical framework sheds light on the household as a dynamic site where various actors negotiate diverse spaces and strike bargains as part of efforts to position themselves for more equitable gains. Aspects of this framework are used here to examine agrarian households of northern Ghana where conjugal relations are underpinned by culturally-specific meanings that trigger gender-based conflicts. The negotiations and bargains propelled by these conflicts are not always just.

The analysis is in two parts. The first examines the household as a critical and contested production site characterised by specific cultural meanings and varying social interactions and relationships that return unequal benefits. The second draws on Sen's (1999) analytical model to examine the negotiative possibilities for women within the contrived spaces as they pursue their

livelihoods options. The concluding part looks at women's gains and losses in these processes. Information and experiences from civil society programming and my university's field practical placement support, gathered through group discussions, informal discussions, unstructured interviews and activity profiles provided the context for the analysis.

The politics of household production

The household as a political space remains a contentious site due to the privileging of some interests and under-privileging of others. For the men and women of the household, who are positioned as super-ordinates and subordinates respectively, this has been found to yield unequal entitlements and capabilities (WMC, 2004; Sen, 1999). This section focuses on the gendering of household farm production with specific reference to provisioning arrangements, tenurial practices and labour appropriations.

Household provisioning and production

Households in northern Ghana depend on collective and individual resources generated largely from agricultural activities (Bacho, 2004, 2005). Under the compound residential arrangements, members of the farm household play specific and critical roles – together and independently – toward its provisioning. These roles are based on culturally-specified gender divisions of labour, authority structures and social obligations.

The community-level interactions drawn on for this analysis reveal that traditionally, men as heads of households and boys as potential heads are socialized as providers and thus owners of the production system. This places men and boys in super-ordinate positions. Their assigned roles position them as heirs of household resources, especially land, over which they exercise decision-making concerning production and distribution. Conversely, women and girls as wives or potential wives are socialised into subordinate positions to depend on male members for resources. Positioned as non-heirs, women and girls have no direct inheritance rights under customary arrangements. They can, however, access family resources, especially land, for so-called secondary production (Millar, 2004; Issaka, 2004). Yet, women, like men, play critical roles in production and provisioning that are hardly secondary and as such, use and require resources, especially land, to support their agrarian livelihoods.

Limitations on the rights and capabilities of women are reflected in their farm production, which focuses largely on non-staples such as rice, beans,

groundnuts and vegetables. Women tend to produce crops used for soup ingredients, minor meals and special diets in accordance with their traditional provisioning responsibilities. Where women are unable to cultivate these crops, they have to engage in non-farm activities such as trading, handicrafts-making and hiring out their labour in order to generate the requisite income to support their household provisioning obligations.

Within the household production structure, one finds a well-defined hierarchical titling structure. Traditional authorities such as chiefs, *tendaamba*⁴, elders and household heads, largely men, are held in high esteem and revered for their decision-making powers and control over resources. Within the agrarian production system, male custodianship is purported to guarantee equitable distribution of resources. Yet, evidence shows that the distribution system is contrived to maintain socio-economic inequalities (Issaka, 2004; Nyari, 2005). Within that gendered space, resource-sharing disadvantages women who are expected to look up to male authorities for support and provisioning.

Within this general picture, there are variations. Among groups such as the Gonja, Nawuri and Nchumburu, there are women leaders such as queen-mothers, but their roles are limited to the mobilisation of women rather than involvement in the politics of land and resources. In some other groups, such as the Nanumba and Mwamprushe, women are chiefs in specific communities and wield the same powers as male authorities. In recent times, where the idea of the *magazia* (women leaders) has spread, there has been a tendency to focus on the mobilisation of women for external resources for resolving internal struggles, although some community-based women's groups have also been recently engaged in political struggles including those over land. The Widows and Orphans Ministry and the Single Mothers Association of Bolgatanga, have also established a history of mobilizing around resource rights, using diverse tools including radio and workshops to engage with traditional authorities and formal structures.

Tenurial arrangements and women's entitlements

In northern Ghana, there is the general perception among traditionalists that people belong to land rather than land to people (Millar, 2004). Hence, land is treated as a divine entity that must be worshipped, and this divine character contributes to sustaining traditional authorities. Land is also recognised as a physical resource to be used for production. Thus, land is held in trust by

particular members of society and is perceived as important and permanent – largely by male traditional authorities. Additionally, land is viewed as an anchor for social identity through which kinship groups trace their origins and commune, and connect with each other, their ancestors and the yet-to-be born. Hence, land has spiritual, physical and social components. Humans, but also animals and spirits, are permitted to use land and enjoy its benefits insofar as they adhere to and respect its values. The gendered character of this world view results in male-dominated administrative systems and structures.

Traditional authorities hold land in trust for the people, in this case families and communities (Lund, 2008; Dittoh, 2008; Bugri, 2004). The two emergent types of land holding – communal and particular – are entrusted to chiefs/*tendaamba* and clan/family/household heads respectively. As holders of lands, chiefs for the Northern Region and *tendaamba* for the Upper Regions have specific jurisdiction over communal lands which include grazing fields, sacred groves, protected areas and unclaimed lands. Particular lands – the dominant category – are held by families, clans and households who acquire them as first settlers, generational heirs or special gifts. Particular lands are held in trust by heads of kinship units. By such traditional arrangements all other members of a community have use rights over communal land, although in practice women and girls depend on men and boys – as real or potential heirs and heads – for access. Use rights generally extend to natural resources such as water, rocks, clay and vegetation (i.e. forests, trees and wood) which can be used for domestic or commercial purpose. Natural resources on particular lands belong to the specific holders, and women of such clans, families and household are assigned use rights on the basis of membership. Traditionally, women control the gathering and use of these natural resources, while men hold the titles.

In northern Ghana, where share-cropping and outright sale practices are relatively new (unlike in southern Ghana), agricultural land acquisition has usually been by settlement, inheritance and gifting. However, belief in the sanctity of land has led to the institution of various rites and rituals that are social, spiritual and physical in accordance with their world views. Such rites and rituals must be performed before titles can be transferred. The largely male custodians conduct transfers and expect the men in the lives of interested women to act on their behalf. This situation has often been found to impede women's access to land (Issaka, 2004; Millar, 2004). Whether women are able to exercise their cultural rights depends on how their interests

in land are perceived and how their labour is culturally prescribed.

In the transitional zones along the fringes of the Northern Region where share cropping practices are emerging and in urban centres where land is being increasingly commercialized, even the limited traditional rights of women are being eroded. Studies reveal that male title holders trade lands without regard to their traditional custodianship obligations (Bugri, 2004; Nyari, 2005). Lands are traded for personal monetary gains without due deference to women's (subsidiary) interests. In irrigated areas such as Tono and Veve in the Upper Region, male-centric projects have placed lands in the hands of men with only a few women beneficiaries. Community-based alternatives are however, beginning to include women in management systems, sometimes in defiance of cultural prescriptions.

Cultural appropriation of women's labour

This section examines two specific cultural appropriations of women's labour in relation to land – where women are considered “farm hands” and where they are considered “non-farm hands”. Although most analyses of northern Ghanaian livelihoods posit women as farm hands, there are in fact several instances where this is not strictly the case. Both arrangements, however, embody a gendered politics in which restrictions are placed on women's livelihoods.

Community interactions reveal that where women are considered farm hands, they serve as primary producers who play both specialised and general roles in on-farm cultivation processes. This arrangement is prevalent among peoples of the Upper East and West regions. Among the Frafra, Kassena, Builsa and Kusasi of the Upper East Region and Wala, Sissala, Dagaaba and Loba of Upper West Region, women's roles on the household farm are critical for production. They are required to work alongside men in many of the stages of production. In this regime, there is a direct relationship between women's labour and land. In this arrangement, women are obliged to play both productive and reproductive roles in the household subsistence process. Their reproductive tasks include cooking, washing and cleaning and productive tasks include activities such as land preparation, sowing, weeding and harvesting. Traditionally, such women are positioned as secondary producers whose culturally-assigned roles also enable them to move out of the household to undertake personal cultivation activities by acquiring land for personal farms (i.e. side farms)⁵, even as they work with their men on the household farm.

In the second case, where women are considered non-farm hands, their roles are perceived largely as non-productive and at best as reproductive. Under this regime, women are not obliged to carry out on-farm cultivation responsibilities. Their obligations are limited to reproductive roles that support men's primary roles, such as cooking for farm hands which may include male members of the household and hired labour. However, women of the household may assist at some cultivation stages such as sowing and harvesting. In the Northern Region, where women are perceived largely as non-farm hands especially among the Mwamprushe, Dagbamba, Gonja and Nanumba, women from the Upper East Region are often engaged as hired hands during sowing, harvesting, carting, cleaning, sorting and storage. When wives engage in farm-based activities, their labour is not considered work on its own merit but as help to the male members. In the Wungu area of Mwamprugu, wives who join hired hands may be rewarded as the hired hands.

Even when women receive rewards like hired hands, their contribution is still framed as help, and their rewards as appreciation. Such rewards – in the form of farm produce and cash incomes – are considered women's personal earnings although they are used – directly or indirectly – to support household or hearth-hold⁶ provisioning. Women may process earned corn for afternoon meals which feed the hearth-hold, while provisions supplied by the husband are used for feeding the entire household. Evening meals, which are considered the main meal of the household, are the responsibility of the head of household. Yet, provisioning is often given in the form of the main staples such as yam, maize and millet, while women are responsible for processing into food and adding other components such as soup ingredients. Each woman in the household has a turn to prepare the collective household meal using jointly produced staples. Women might also sell their individual produce to buy soup ingredients, soap, clothing, crockery and other needs for the hearth-hold or household.

Under both these regimes, the activities of women are shaped by the cultural perceptions of their social location, gender roles and land interests. These same prescriptions and care responsibilities position women to undertake production activities such as the cultivation of vegetables on the household (in both cases) or side farms (for women farm hands) because women's earnings and contributions are key to household provisioning. In addition to these activities, under both regimes women are responsible for gathering and using the natural resources that are directly related to their

gender roles (for example, clay, water, wood) and economically productive trees such as dawadawa and shea. Women's access to natural resources is meant to serve their domestic duties and responsibilities. They use raw clay for medication, plastering and wall designs. They also make pottery for use as crockery and decor. Water is used for cooking and cleaning, and wood for heating. Dawadawa and shea butter are also processed by women for cooking and medications. These resources have in fact become important income sources for women.

In many ways, the characterization of women as either farm hands or non-farm hands is problematic. The two terminologies confound and minimise the diverse and important roles that women play beyond cultivation, as well as the numerous tasks which the two groups have in common. For instance, in both regimes women are involved in the transporting, processing, storing and marketing of farm produce. These post-cultivation activities are burdensome. Whether as 'so-called' secondary producers or reproducers, these demands on women's energy and time serve to complicate their work burdens. Indeed, whether constructed as farm hands or not, women are burdened with both reproductive and productive on-farm and off-farm work critical for farm production. In both cases, compared to men, women's entitlements are limited. While they may have general access to land, the ownership and control of the farms remain largely in male hands. However, women's considerable care responsibilities in both regimes require critical resources beyond their reach, in the absence of full entitlements to important production resources such as land. This situation thus propels women into negotiations around work and responsibilities, resulting in bargains that are not always just.

Above all, whether as farm hands or not, women's contributions are culturally defined as supplementing and at best, complementing men's roles. This gendered contrivance is partly maintained through the dichotomization of productive and reproductive roles, and the association of women with the latter. This results in the conflation of all women's activities with reproductive or at best secondary activities, even when many activities clearly concern production directly. Women's cultivation of vegetables and their tasks in exploiting natural resources for instance, are often treated as unproductive or reproductive work. This falsification serves to undervalue women's labour and to minimize and undermine their interests and entitlements in land.

On the other hand, characterising women as either farm hands or non-farm hands does shed light on some important differences in the challenges

they face. The positioning of both groups in the two household production regimes presents challenges to the exercise of their roles as productive and reproductive agents, constrained as they are by resource limitations. Consequently, both categories of women have to seek ways of negotiating traditional and alternate spaces – nevertheless steeped in the same gendered systems and meanings – for options to address these challenges. The two regimes however, appear to sometimes present different sets of options.

Household production negotiations and the shaping of women's livelihoods

Sen (1999), in his analysis of the household as a site of contestation explains how gendered relations in/capacitate women and men in particular ways, resulting in the creation and entrenchment of inequalities in the domestic and global political economies. His analysis of the household in particular is revealing of how cultural prescriptions and meanings define resource rights for women and men unequally, resulting in a conflict of interests. He further explains that the exercise of agency becomes necessary for negotiating conflicts and striking bargains.

Indeed, in conjugal relations, the subordinate positioning of women, specifically wives, has often meant yielding to the interests and authority of husbands. Within the various ethnic groups of northern Ghana, women as wives or even maidens are considered temporary members of the family (i.e. natal or marital) and as such, their interests and rights are subsumed under those of men who are considered permanent members of the household. Access to the subsumed interests and rights require the negotiation of various spaces and bargains with men as custodians of particular and communal resources.

Bargaining with patriarchy

In her thesis, *Patriarchal Bargains*, Deniz Kandiyoti analyses the gendered environments and effects of what she calls “classic patriarchy”. Attributing the maintenance of patriarchy to the gendered cultural engineering of residence and social positioning, which implicates the state and traditional authorities, she explains that “the patrilineal–patrilocal complex for women is not only remarkably uniform but also entails forms of control and subordination that cut across cultural and religious boundaries...” (1997: 469). Undoubtedly, whatever negotiations occur, they are already prescribed by the patriarchal

regime. This situation explains the normalizations of gender inequalities and the unfair accommodations that the women of northern Ghana make, irrespective of the farm regime (farm or non-farm hand), ethnicity (Frafra, Gonja, Mwamprushe, etc.) and even religion (Traditional, Islam, Christian), as they negotiate their options.

Kandiyoti (1997) illuminates Sen's (1999) explanation that resource limitations, emerging conflicts and gender inequalities force negotiations within and across social groups in order to reduce conflicts and secure entitlements. Sen identifies entitlement perceptions and fall-back positions as functions of negotiation processes. By extension, knowledge and understanding of one's entitlements and back-up options also play significant roles in determining the nature of the bargains. Yet, as argued by Kevane (2004), corroborating Kandiyoti (1997), when women come to the negotiation already disadvantaged by cultural contrivances and resulting gendered mis/appropriations of their entitlements, bargaining becomes a way of merely reaching settlements that maintain the status quo. Fear of reprisals, genuine uncertainties and practical challenges place women in uneasy fall-back positions that propel negotiations towards containment rather than resistance.

Kevane (2004) further explains that household bargains become necessary because men and women enter marriage contracts unclear and uninformed of their options and choices. As such they have to resort to negotiations in order to define and secure their entitlements. Kevane recognises, however, that these negotiations are contrived to perpetuate inequalities. Indeed, women often enter conjugal relationships already socialised to accept as norm, and even protect, gender-based inequalities and their resulting limitations on women. This situation leaves women with hardly any gains as they negotiate and bargain within prescribed limits. Under such circumstances, women are likely to be subtle and conforming rather than resisting and contesting during negotiations. They are more likely to persuade and plead than to claim rights.

In the Tumu area, men are obliged to plough an acre of land for their wives every cropping season, but many women are not able to claim this labour entitlement due to practical reasons (Apusigah and TUDRIDEP, 2007). While applying their labour in household production by working alongside men, women are also expected to find time to cultivate their personal one acre plots. Thus they have to straddle personal and collective interests, and where they have been able to do so, they have enjoyed the benefits. However, the same system that entitles the women to one acre plots also gives husbands

priority entitlement to their labour. As such, it is only when women's services, productive and reproductive, are not in demand that they are able to attend to their personal farms. If women are unable to give the farms the required attention, yields become poor rendering their endeavours unproductive. Hence, some of these women choose to work alongside their men during the rainy season or wait to engage in off-farm activities in the dry season. The bargains reached entail the suspension of personal interests and benefits.

Such accommodations are what Kandiyoti (1997) points to in her famed thesis. Such bargains also manifest in the ways that women of northern Ghana negotiate their limited spaces in patriarchal societies. During community-based interactions, it became evident that in the Sissala and Mwamprushe areas where cultural taboos do not permit women to participate in yam farming, they have applied their labour elsewhere. When men apply their labour in yam farms, women occupy themselves on their personal farms or trading activities. Here, women are denied access to an important cash income source but this has released them to pursue personal interests.

In the Frafra, Builsa and Kusasi areas of the Upper East Region, where women are considered farm hands, they often are only able to acquire less productive land (Millar, 2004; Issaka, 2004). For these resource-poor women, one of two options is presented: to spend more resources to add value to the land, by for instance investing in soil fertility improvement, or to put the land under cultivation of legumes and/or vegetables, which are seen as women's crops. Here, women do not only negotiate their culturally-specific spaces but also negotiate their options within the limited space they are able to occupy. More importantly – and especially in the Upper East Region, as land in urban and peri-urban areas gets mis/appropriated for commercial and personal gains, which limits the commons – women's subsidiary title to land is eroded, thus compelling them to seek opportunities elsewhere, e.g. through seasonal migration. This situation accounts for the growing incidence of female seasonal migration (Apusigah and Mohammed, 2005; Mohammed, 1991). Women, who hitherto were secondary migrants, have become primary migrants who leave their homes during the dry season to find temporary jobs elsewhere. They migrate to find work as farm hands in the Northern, Ashanti and Brong-Ahafo regions, where they earn food and incomes. Others migrate to big towns and cities where they work as assistants in eateries while others work as head porters, popularly called '*kayayee*'. Yet others migrate to border towns where they work in bars, markets, parks and streets.

Also, in the Upper regions, especially in the Frafra and Kusasi areas where population density is high and commercial interests are fast replacing household provisioning interests, not only are peri-urban households losing their main source of production but they are also experiencing remarkable changes in their livelihoods. While men are seeking jobs elsewhere in construction and non-farm work, women and children are pushed to take on men's work on farms in order to sustain families and livelihoods. Thus, in addition to the cultural prescriptions, the practical realities of the times as well as women exercising their agency have propelled negotiations that are usually conforming, but also sometimes non-conforming. These accommodations and life-changing decisions can result in both gains and losses.

Women's livelihoods – gains and losses

Cultural appropriations, entitlement restrictions and practical needs frame what it means for women to optimise their options in negotiations. For the so-called farm hands, women have largely positioned themselves in direct agricultural production to pursue their livelihoods ventures. For non-farm hand women, trading – even if it is in food stuff or cooked food – takes precedence over any other activities. Women in the latter category often abandon even the opportunities to grow vegetables on household farms and rely on trading incomes to support their provisioning obligations. In Dagbong and Mvamprugu in the Northern Region of Ghana, but also among urban working class women, trade in farm and non-farm products has become an important occupation. The construction of the farm space as a masculine site crowds out women and compels them to find alternatives elsewhere. In both cases women have tended to carve their livelihoods activities from those spaces that are socially permissible. For non-farm hand women, permissible space related to land is where they can apply their labour to non-cultivation activities. In this case, they engage largely in collection, processing and/or marketing activities such as sale of firewood and charcoal, processing of shea butter and dawadawa, spinning of cotton and selling of food stuff and cooked foods. Farm hand women, on the other hand, are able to cultivate side farms during the farming season, in addition to non-farm activities during the off-farm season.

Interestingly, natural endowments play a significant role in determining not only cultural prescriptions of women's roles, but also the resource entitlements permissible. In the Northern Region, where land is relatively plentiful, women,

especially among the Mooba⁷ and settler groups such as Tampulma, Frafra, Kassena and Dagaaba, are able to access farm land more easily. Among the indigenous communities (Mwamprushe, Dagbamba and Gonja, among others) where women are treated as non-farm hands, some are nevertheless able to explore spaces for planting vegetables in the large farms that their men cultivate. In some cases, even within this non-farm hand regime, women are not only able to grow sufficient women's crops (vegetables and legumes) but are also able to take advantage of men's labour on their side farms or personal plots of family farms.

Also, in the Northern and Upper West regions where shea and dawadawa trees abound, women exercise their rights to natural resources by picking shea nuts and dawadawa fruits from communal and other holdings. These products are processed for domestic consumption and income generation. This situation is different for the women of the Upper East Region, where the impoverished and scarce lands are less endowed with shea and dawadawa except in areas along the wooded fringes of the Northern Region and Burkina Faso. Under such circumstances, the few economically productive trees such as shea and dawadawa contribute significantly to household incomes and as such men have tended to maintain their control over these resources, especially in the case of dawadawa.

Apart from harvesting from nature, women in production regimes that position them as non-farm hands may assist their husbands in the marketing of farm produce. The decision to involve women in the sale of the produce is made by men. Hence, in the largely polygamous farm households, a man might assign his right to sell farm produce to his favourite wife, leaving out the less favoured. He might also decide to use women other than his wife or wives or even conduct the sale himself. Women of the household have to lobby for such rights to apply their labour in return for rewards in the form of cash revenue or leftover produce. They engage constantly in negotiating and bargaining for such opportunities. Some successful women have been able to carve occupations as grain dealers due to their marketing skills. They haul cereals and legumes from farm gates and farmer markets such as Langbensi, Zebilla, Fumbisi, Diare and Namoo to commercial centres such as Bolgatanga, Tamale and Bawku for sale at good profits.

In the case of farm hand women, there has been the tendency to optimize skills in farm production through the carving of livelihoods around direct cultivation activities. Women have thus been key players in NGO-led food

security initiatives by participating in dry season gardening. They also grow vegetables and supplementary crops in small irrigation schemes. Additionally, their labour contributions on the family farm also allow them to make claims to some titles, although these remain limited. Their labour is critical to harvesting, processing and storage and/or marketing of farm produce. By virtue of being there throughout the production process, women are better positioned to make informed demands that enhance household provisioning entitlements and their benefits from sales incomes. Moreover, although men are not obliged to offer labour on women's farms, unlike in the Tumu area noted above, women are sometimes able to pursue their rights to land for side farming under arrangements which allow them to utilise men's labour. Like their non-farm hand counterparts, they access men's labour primarily for growing women's crops of vegetables and legumes on family farms, but unlike non-farm hand women, they are also able to negotiate for exchanged labour on side farms. During community interactions, Kusasi and Frafra men explained that if they did not support wives on their side farms, the women would use tactics such as poor sowing, feigned illness, delayed harvesting and side sales as sabotage. In fact, traditionally, men do not market side farm produce. Hence, women have the opportunity to leverage incomes or leftover gains by taking on this task. This is in addition to what the man might offer for soup ingredients on occasion. Women who sell and/or process and sell their husband's rice or groundnuts are able to benefit from leftovers as well as receive monetary rewards for their efforts. Conversely, unauthorised sale of household staples is near taboo for women. They may make such sales only when authorized by men.

On the whole, evidence from community interactions reveals that women from farm hand regimes are better placed than non-farm hand women to access and utilise land and for that matter, to stretch their entitlements beyond what is traditionally permissible. These possibilities allow them to better meet their care responsibilities without necessarily having to seek alternatives elsewhere. Indeed, while women from northern Ghana generally embark on yearly migrations during the off-farm season to seek jobs and incomes in the towns and cities of southern Ghana, studies reveal that the practice is more popular with women from the Northern Region in particular (Apusigah and Mohammed, 2005; Mohammed, 1991). Conversely, it was also evident that women's work burdens are heavier for farm hand women than for non-farm hand women. Not only are farm women obliged to share their labour in the

family but they also work on men's side farms. This was in addition to other reproductive and productive engagements. However, neither category of women has full control over the use of their labour. Men have priority use of women's labour whether on farm or off-farm. In addition, whatever livelihoods options women pursue are subject to men's endorsements.

Perceptions of farm ownership do, however, differ slightly between these groups of women. While farm hand women perceive the farm as family-owned, non-farm women consider them as men's farms. As a result, beyond household provisioning, women position themselves as entitled to limited rights on the basis of which they negotiate with men. In the second case, women have no expectations and receive support from men as acts of generosity rather than entitlements. Whether as farm hands or non-farm hands, when women make gains in terms of production, these primarily support household needs – with personal needs considered secondary. Yet, when they engage in bad bargains, their losses remain personal. Bad bargains erode women's rights and undermine gender equality. It is also clear that negotiations and bargains for both groups of women thrive only in permissible spaces.

Above all, women's land interests in farm-hand regimes are clear, whereas in non-farm regimes they are indirect. This clarity makes it possible for activists and agencies to emerge in farm hand regimes that enhance women's rights to this most important resource in their agrarian setting and opens up possibilities for lobbying and negotiations through appeals in the name of culture. Under non-farm hand regimes, cultural limitations remain huge blocks to negotiations for land-based resource rights of the farm women, whose access to non-farm resources also remains limited.

Conclusion

Clearly, the social positioning and land-labour ascriptions of women in the farm household are important determinants of their livelihoods im/possibilities. As members of farm families, their livelihoods options and choices are determined largely by the cultural constructions of their labour in relation to land. Although both categories of women, as farm and non-farm hands, are positioned in subordinate spaces, those culturally permitted to offer direct labour towards farm cultivation activities have tended to carve their livelihoods on agricultural activities, and through this process they can express their land interests and exercise their traditional entitlements to secure livelihoods. For those whose labour is directed toward secondary activities,

their weak connection to the land denies them such entitlements and pushes them to seek alternatives that further undermine their land interests and traditional entitlements to secure livelihoods. Yet in both cases, unjust accommodations underpin negotiations and bargains, bringing into question the possibility for change and placing limits on possibilities for agency and activism which might enhance women's land interests and rights.

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Endnotes

1. Original form of Dagomba.
2. Original form of Mamprusi.
3. Northern Ghana is divided into three administrative/political regions: Northern Region, Upper West Region and Upper East Region. This savannah area of Ghana is the poorest regarding literacy and school enrolment rates, levels of infrastructure development and availability of economic resources.
4. Plural for tendaana, meaning land or earth priest.

5. Side farms are independent farms on which men and women cultivate non-staple but important food crops. These crops – considered female crops – are used to supplement household feeding, especially lunch and snacks. Side farms are also important sources of independent incomes for men and women, especially non-titled men, youth and married women.
6. Ekejiuba (2005), in her criticism of households as a male-centric unit of analysis, offers the hearth-hold as an alternative. The hearth-hold is the consumption unit headed by women, as an alternative. The household is the production unit which comprises the hearth-hold(s). Although there is evidence of female-headed households in northern Ghana, in this paper, the focus is on the male-headed household to facilitate the analysis of household gendering.
7. The Mooba are people of the Nakpanduri-Bunkpurugu area of the Northern Region. They are popularly known as the Bimoba and wrongly as Gurma. They speak Moare.

The Gendered Dynamics of Production Relations in Ghanaian Coastal Fishing

Akua Opokua Britwum

Introduction

Women's economic activities, especially outside the formal sphere, in Africa and elsewhere have been the focus of various studies. While their formal sector activities have drawn attention to the manner in which employment patterns challenge or support the status quo, in the informal economy women's income earning activities are often extensions of their traditional roles. Following Boserup's (1970) seminal work, several authors have noted that women in agricultural households are responsible for processing and marketing agricultural products (Bukh, 1974; Schultz, 2005b). In Ghana, women in all communities are responsible for agricultural processing, either together with men or alone (Duncan, 2004), and marketing agricultural products becomes an extension of this role. The situation is the same in fishing communities along the coast of Ghana where women are largely responsible for processing and marketing fish hauled from the Atlantic Ocean (Odotei, 2002; Britwum *et al.*, 2006). Female market systems, while compatible with women's gender roles as housekeepers and caregivers, provide avenues for female autonomy (Shultz, 2004).

This article offers a background for appreciating the interactions amongst women operating the fish-processing and -distribution industry in three matrilineal coastal fishing communities of the Central Region in Ghana: Biriwa, Anafo and Elmina. The information used here draws from previous work begun in 1993 and supplemented in 2001 and 2006. The main data-gathering methods were individual and group interviews mainly with fish processors, leading fishermen and some community leaders. The article shows that the mode of accessing fresh fish, which underlies the security of women's livelihoods, can undermine the empowerment potential of their income earning activities. The traditional production system has undergone change as a market economy gains a stranglehold in Ghana. Household,

community and market boundaries merge, causing a redefinition of gender identities in response to changes in production relations that underpin the coastal fishing industry. The production relations thus constructed generate differential positioning amongst women fish processors, affecting their ability to negotiate and secure their livelihoods. The economic policies that threaten the fishing industry are set to heighten the existing hierarchies amongst women, producing further tensions around gendered identities.

The article begins with a brief description of the structure of the fishing industry and the players within it. It goes on to explain how access to fresh fish impacts on production relations and their underlying market principles. It notes that the sexual division of labour is maintained through social norms that construct gender identities in a manner that supports the existing patriarchal system, and examines how this takes place. The article concludes that women's ability to break through emerging gender norms depends more on economic policies that strengthen the fishing industry and less on women's individual bargaining and negotiating skills.

Women's earnings: autonomy and control

Celebration of the economic and political power of the legendary market women of West Africa speaks to the emancipatory potential of independent female income (Clark, 1994; Schultz, 2004), even while some analysts bemoan the factors or events that lead to further marginalisation of women traders (Schultz, 2004). However, income-pooling arrangements for household expenditure have been identified as affecting women's ability to control their earnings and participate in household decision making. Yet, conclusions are varied, often contradictory (Clark, 1994). Schultz (2005a) notes that family income-pooling patterns determine the levels of autonomy that women will gain with increased earnings. Common pooling systems operate in male breadwinner societies in which women's autonomy tends to be circumscribed; partially separated income systems on the other hand allow economic independence of female and male conjugal pair.

Elson (1999) cautions against equating women's paid work with empowerment since several factors can undermine the impact of an independent income on a woman's status. Quoting Agarwal (1994), she insists on the examination of a number of related factors which are likely to affect women's earnings. These include the period over which earnings are sustained, the level of earnings, community attitudes to women's work

and the social legitimacy of women's claims (described as the attitudes and norms surrounding women's needs and rights). Other factors that can serve to undermine the empowering potential of women's incomes are reductions in income transfers from non-market sources as women's incomes increase (Elson, 1999: 615). The general conclusion is that independent factors such as the nature of income-earning activities, the social system within which women are located and household/conjugal spending arrangements are crucial determinants of the beneficial impact of women's income earning activities. However, a close examination reveals that these form part of interest mediation embodied within particular production systems that serve to maintain male power over women, even in situations where income-earning gives women some level of autonomy. Focusing on the varying degrees to which individual women negotiate such factors can serve to shift attention from the production system, which anchors male power over women.

Furthermore, while food processing and marketing are important income sources in Ghana, the tendency has been to consider women engaged in this sector as a homogenous group with operations geared towards meeting similar goals. However, increasingly researchers and development workers have realised that women's experience of subordination to men is mediated by factors such as age, class and race (Young, 1993). This differential positioning amongst women affects their ability to manipulate events to their benefit. Thus, the varying levels of economic success amongst female income earners in Ghana are better examined in terms of differences in access to economic resources and the social relations that structure this access. Focusing on individual ability and space for negotiations blurs the social distinctions and other forms of power relations between women, which may hinder the forging of solidarity for pursuing common goals.

Coastal artisanal fishing in the central region of Ghana

Most fish consumed in Ghana comes from the marine fishing industry, which can be divided into three main types: industrial deep sea; inshore; and artisanal or canoe fishing. It is the third type that is at the centre of discussion here. Artisanal fishing involves the use of dugout canoes propelled by outboard motors. Ghana's coastal stretch along the Atlantic Ocean provides fertile grounds for artisanal marine fishing. The Central Region is the centre of fishing activity. Historical accounts locate the existence of the fishing industry in the Central Region as early as 1471, operating in household-based units and

utilising small vessels. According to Odotei (2002), fishing spread eastwards from this area into what is now the Greater Accra and Volta Regions.

The three fishing communities under discussion are located in this region. Biriwa lies 12 km to the east of Cape Coast, the Central Region capital. As a small settlement, the population is largely homogenous. In the 1980s, several micro-credit schemes targeting women offered credit in the form of inputs for fish smoking through women's groups like ASAWA, UNDP and the 31st December Women's Movement. The fishing community of Anafo, on the other hand, is a suburb of Cape Coast located in the heart of the city. Though urban, it is home to a significant homogenous population of Fante origin. The third community, Elmina, is located about 10 km to the west of Cape Coast and serves as a district capital. It has the largest fish landing bay in the Central Region and as a result attracts fisherfolk from all over the country. This study, however, is focused on the locals involved in processing fish from artisanal fishing.

The role of women in the fishing industry is embedded in the culture of their communities through the structuring of their tasks and norms for accessing resources. In these communities, the mode of reckoning descent underscores inheritance of office and property. As matrilineal societies, the Fante coastal communities reckon descent through female ancestors who provide the blood link that binds families. Contrary to accounts that celebrate female autonomy under matriliney, these communities are male dominated, confirming the observations that matrilineal societies are not synonymous with matriarchies and do not grant female power over male (Manuh, 2003; Tsikata, 1989). The right to key traditional offices and socially valuable resources, even though accessed through the female line, is mainly available to males (Britwum *et al.*, 2006).

Fishing is a highly gender-segregated occupation (Odotei, 2003). Fishermen catch fresh fish, and women process the fish. There are two categories of artisanal fishermen: the capitalist fisherman and the working fisherman. Afful and Osafo-Gyimah (1979) explain that a capitalist fisherman is one who owns major fishing equipment such as a canoe, outboard motor and fishing net, and hires labour. The level of control exercised over a fishing crew is determined by the fishing equipment owned. The working fisherman, on the other hand, owns no fishing equipment but derives income from his labour in catching fresh fish. Capitalist fishermen who go to sea earn additional income from their own labour (Britwum, 1993). Though several types of fish are caught by artisanal fishermen, their fishing activity revolves around the seasonal herring

catch which occurs from July to September each year.

Once the fresh fish has been landed on the beach, women take over responsibility for processing and marketing. Women's role is significant because they add value to fresh fish, transforming fish into its monetary value, distributing and preserving fish to ensure its availability long after the peak season. Women therefore serve as a main source of family wealth and eventually, male wealth in the coastal fishing communities in Ghana (Odotei, 2002; Britwum, 1993; Bortei-Doku, 1991; Vercrujssse, 1983). Fish is processed mainly by smoking, curing and frying and is done on a relatively small scale. Fish processing methods are determined mainly by fish type and level of freshness when it is landed on the beach. Curing is reserved for fish which is not very fresh. Smoking serves to extend the shelf life of fish. Smoked fish can last as long as one year, allowing women some measure of control over fish prices by regulating the quantity released for sale in the market (Britwum, 1993). Fish processors also perform an important food security function, because poor food preservation and storage facilities generally deplete food harvests. Women are also responsible for finding markets outside their locality. Policy making, however, fails to take these roles into account.

The system of remuneration for artisanal fishing in the three communities is in kind. Portions of the catch are given out to cover payments for fishing equipment and fuel costs. Working fishermen receive a portion of the catch after a fishing expedition as wages and smaller portions for meals. Tradition requires fishermen returning from an expedition to provide fresh fish for household meals (*edzi-nam*). Remaining fish received for fishing work go to female relatives of the fishermen, mainly wives, for processing. Young unmarried fishermen hand over their fresh fish to their mothers who render account to their fathers, who give them some pocket money. Marriage for men constitutes an important avenue to gain control over their fishing income.

Fishing is a capital-intensive industry requiring high outlays for the purchase of a dugout canoe, outboard motor and fishing net. Running costs, especially the fuel component, are very high (Odotei, 2002; Vercrujssse, 1983). The cheaper fuel pre-mix is difficult to access for several reasons and consequently is a highly politicised commodity¹. Fishermen therefore have no choice but to rely on the more expensive petrol. The traditional arrangement is for women to provide money for fuel purchases since they have responsibility for turning fish into its monetary value. This role gives women a special position in the industry since the fuel cost is the number one priority in the distribution of the

fish catch. The precarious nature of the industry means that fishermen can be indebted to the fuel provider for long periods during the lean season. The role has sometimes served as an important leverage for women to acquire capital, fishing equipment, and to enter into the highest positions on the production chain, although their success, as Odotei (2000) notes, is dependent on men since they are barred from going to sea. In addition, where women's resources for fuel provision are exhausted, fishermen seek new partners, suspending their fuel arrangements with the traditional partners for the time being and severing these women's direct access to fresh fish.

Fish processor–Fisherman relations

The fishing industry provides a classic case of cooperation or complementarity where the organisation of production systems makes female and male economic activities inter-dependent (Schultz, 2005a). The conjugal union is at the same time an economic relationship embedded within a system of cooperation and dependence. Tradition obliges fisherman husbands to pass on their fresh fish to their wives for processing. Husbands, in turn, give their wives a percentage of the income earned from the sale of fish during the lean season for household maintenance. Wives are obliged to process fresh fish for their husbands and generate income to maintain the household during the lean season and provide husbands income for investment.

Fresh fish is a valued resource that provides wealth to the fishing community. Ownership therefore provides power. The positioning of men as owners of fresh fish reinforces the gender order and allows male access to female labour in the transformation of fish into its monetary value and the management of income to protect male wealth. Selling processed fish does not give women control over the income realised. This belongs to husbands, and the amount a woman gets is dependent on her husband's discretion. The fact that men can refuse their wives access to their fish strengthens their position in this marital/economic relationship.

In the past, fishermen gave their wives fresh fish to process for sale and render account at the end of the fishing season. The husband would then give the wife a percentage of the income earned, varying from 15 to 30 per cent within the three communities. The wife was expected to trade with this money in order to support the household during the lean season. Part of it would also be used to purchase clothing and other needs for children and herself. Fishermen are expected to invest the rest in fishing equipment and in building

a house. The mechanisation of fishing, particularly the introduction of the outboard motor, raised the cost of fishing equipment and meant that canoes and fishing nets had to be larger (Odotei, 2002). Fishing crews enlarged from small family enterprises of four or five members to 24 or more. With high levels of inflation and limited access to formal bank credit, fishermen had to rely increasingly on their earnings as the main source of capital to invest in the purchase of equipment. These economic trends have commercialised the traditional income arrangements between husbands and wives.

Women no longer receive fresh fish from their fishermen husbands for free. They pay the going rate for all fresh fish they receive. Fishermen record the quantities and price of fish delivered to their wives and expect to be paid for the total cost at the end of the season. The fact that the wife might have suffered losses from market failure is of no relevance. Business failure on the part of women is unacceptable and the communities do not tolerate it. Fishermen husbands believe they have fulfilled their household provisioning responsibilities once they provide fresh fish for processing. Women are expected to run the household on the profits from selling fresh and processed fish. Any further direct contributions to the household that men make are at their discretion and are not obligatory. Men believe that women make considerable profits, and some do not trust their wives to declare the true account of their marketing activities. To maintain the old tradition would be to give them access to more resources and power over their husbands (Micah *et al.*, 2000; Britwum, 2007).

The fish processing chain

Women in fish processing operate within a hierarchy of social relations, which devolves from the nature of their access to fresh fish (see Table 1). Women's major access to fresh fish depends on marriage and blood ties and is sustained by entrepreneurial skills, thus producing two main types of access, direct and indirect. These main forms of access position women in several layers of contact with the fishermen. At the apex of the fish processors' hierarchy is the *konkohembaa*, the Queen fish processor who, together with the *apofohene* (chief fisherman), fix the price of fresh fish at the beach. Next are the middle women (the *konkohembaa* was originally a member of this group) who receive fish from fishermen for further distribution to fish processors. Middle women are female relatives of capitalist fishermen (mainly wives) or contract partners – non-relatives who might have advanced a loan for the maintenance

of fishing equipment or for the purchase of fuel. All middle women sell fresh fish for on-the-spot cash and some might also process fish for sale. With the high cost of fuel, single contract partners are rare and several women now come together to foot fuel bills. Contract partners are usually in a position to purchase fishing equipment (Odotei, 2002; Britwum, 1993).

Fish processors are women who process fish for sale. They might have direct or indirect access to fresh fish from their working fishermen husbands or sons. Fish processors with direct access to fresh fish stand in a good position to become middle women or contract partners. The majority of fish processors, however, do not have direct access to fresh fish and as a result, receive it at a higher price. Several situations can cause fish processors to lose direct access to fresh fish, such as:

1. Fishermen husbands migrating because of depleted fishing grounds;
2. Fishermen husbands losing the use of their fishing equipment through accidents which are not infrequent;
3. Fishermen husbands might be so heavily indebted to contract partners for fuel that all the fresh fish caught from the expedition is used to defray the debt;
4. Indebtedness to fisherman husband resulting in his refusal to provide his wife with fresh fish until she has cleared her debt;
5. Widowhood, divorce, or estrangement from fishermen husbands.

Fish processors who have lost their direct access to fresh fish become trading partners of middle women who only sell fresh fish.

Table 1

Player	Role	Position
Queen of Retailers	<ul style="list-style-type: none"> – Head female fish processor – Determines price of fresh fish 	<ul style="list-style-type: none"> – Owner of fishing equipment – Contract partner – Wife of capitalist fisherman
Middle Woman	<ul style="list-style-type: none"> – Provides cash for fishing expeditions – Sells fresh fish – Processes fish for sale 	<ul style="list-style-type: none"> – Owner of fishing equipment – Contract partner – Wife of capitalist fisherman
Fish Processor	<ul style="list-style-type: none"> – Provides cash for fishing expedition – Processes fish for sale 	<ul style="list-style-type: none"> – Wife of working fisherman – Woman with capital to purchase fresh fish

Player	Role	Position
Piece Worker Contractor	– Recruits women for peak season fish processing	– Women from farming communities
Fish Processor's Assistant	– Assists in managing fish processing and retailing	– Daughter/daughter-in-law, niece or aged mother of fish processor
Fish Processor's Help	– Assists in processing fish	– Dependent household member
Piece Worker	– Processes fish for a fee	– Woman from nearby farming communities – Fish processor with no money to purchase fresh fish or no access to husband's fresh fish
Head Porter	– Carries fresh fish from beach to fish processing site for a fee	– Adolescent woman

Source: Updated from Britwum, 1993

Marketing processed fish involves frequent travelling across Ghana to market centres in Accra, Kumasi, Tekyiman, Tamale and neighbouring countries such as Togo and Benin. The fish processor's assistants keep the fish processing enterprise running in the absence of the fish processor. Assistants also take over the management of the processing enterprise when the processor is too old to work, ensuring mother-to-daughter enterprise transfers. The assistantship is a form of apprenticeship and also provides social security for elderly women by ensuring a right to income and care.

Fish processing utilises the labour of female household members and young male school-going children. The helpers of fish processors provide labour but receive no remuneration as their involvement is considered to be part of normal household tasks and a contribution to the enterprise that provides their sustenance. During the peak herring season between July and September, household labour is unable to meet processing demands and piece workers are hired to fill the labour shortfall. Piece workers are also women from diverse backgrounds. They include peasant farmers recruited from nearby villages, who have just completed planting and are in need of income, and fish processors who have lost direct access to fresh fish and have no capital to purchase it. Piece work provides an avenue for fish processors to earn an income and even build sufficient capital to allow them to purchase fresh fish.

Piece worker contractors recruit piece workers for fish processing during the peak season. Fish processors usually advance a mobilisation fee for this purpose (Britwum, 1993), which is used to pay advances to prospective workers. The piece workers use these monies to settle their households in preparation for their absence, and to pay for travel to the fish-processing site. At the end of the season, the contractor settles her accounts with the fish processor who pays a fee for every worker that the contractor was able to recruit. At the bottom of the hierarchy are head porters, women who carry the fish from the beach to the fish-processing site for a fee.

Once it has been handed over to middle women or fish processors, fresh fish might be sold and resold several times. Depending on their position in the production chain, fish processors who do not have direct access to fresh fish might pay almost double the beach price. Fish is measured in wooden crates. The system of fish pricing involves a set price for this standard measure and an additional cost each time it changes hands. The length of the chain represents attempts by women to sustain their livelihoods. The longer the chain from fisherman to consumer, the more women enter the fish distribution process. The chain also offers different forms of risk-sharing and credit relations. Women seldom pay the entire cost of the fresh fish they purchase upfront. Usually a down payment of the additional cost is made, with the balance paid after the women have had time to process their fish. The pressure to sell and pay up debts means that fish processors with little capital cannot store processed fish in order to benefit from higher out-of-season prices. This reduces their ability to become financially independent and gain some measure of autonomy. The credit sharing arrangements, whilst serving to sustain livelihoods for women who would otherwise have no independent income, produce a hierarchy of relations amongst them, placing some women in a position of power over others.

The strength of the coastal fishing industry is its ability to provide employment for the entire community, but the industry's precarious nature means that it is subject to several problems, exposing income earners to uncertainties. Odotei (2003) and Bortei-Doku (1991) both note the high incidence of migration amongst Ghanaian fishermen along the West African Coast. Odotei cites economic issues as a major reason for this. The economic policies that undermine fishing have enormous consequences for entire communities along the coast, but women are the most vulnerable since they tend to remain at home when men migrate.

Gender construction and female economic autonomy

As noted earlier, women's spending patterns and men's share in family provisioning underline the levels of autonomy that independent income offers women (Young, 1993; Bryceson, 1995; Schultz, 2005a). Household spending priorities, which mediate production relations, are constructed around notions of masculinities and femininities. When asked to identify the qualities of an ideal man or women, respondents consistently mentioned men who owned property and could provide income sources and shelter for their wives and children. For women, being a good mother or wife who ensured that her children and husband were well-fed and clothed was the topmost quality mentioned. Being enterprising was also cited as a good quality. Maleness was therefore constructed around property acquisition. A successful man is one who is able to acquire property – either a house or capital fishing equipment. All fishermen aspire to this position. Men's ability to realise this dream is dependent on the entrepreneurial skills of their wives since women provide the key to wealth. Femaleness, however, is constructed around autonomy and subjugation underlying reproductive and conjugal roles and entrepreneurial skills.

In the fishing communities, female responsibility for family welfare constrained the ability of fish processors to generate wealth and decrease their dependence on husbands for accessing fresh fish. Thus even though women had complete control over their income, they were limited by their ability to transform this income into wealth and power, and finally autonomy. The prevailing notion of an ideal woman ensured that women remained faithful to their provisioning role, whilst men were encouraged to invest in property. Women in the fishing communities lament their inability to derive benefit from increased income because of the tendency of husbands to withdraw from household provisioning once they notice an increase in their wives' earnings. Women's autonomy is hindered by the same process that gives them the opportunity to earn an independent income: separate spending. Underlying female and male spending is what O'Laughlin calls separate allocative spending priorities, which are determined by their gender roles (1995: 75).

Women here earn income to support their responsibilities for household provisioning. The absence of formal old age social security and a pension scheme for people engaged in artisanal fishing further complicates female and male production relations within the fishing industry. The tendency has been for fishermen to set up their own fishing enterprise through the acquisition

of capital fishing equipment, a practice that ensures income in one's old age. This social security system however dovetails with the traditional inheritance system to disadvantage women. As members of a matrilineal society, the traditional inheritance system denies surviving wives the benefits of property acquired by their dead husbands. Neither do children born within this union benefit. Since property is passed through the maternal line, fathers and their children belong to different family systems and children from such unions do not have access to their father's property unless this is given as a gift during his lifetime. The PNDC Law 111 of 1986, enacted to provide protection for surviving spouses and children by allocating them the right to all family chattel should a man die intestate, is yet to take effect. This formula for sharing residual property gave surviving spouses and children the largest share, but few of the women interviewed expressed any readiness to stand up to the ridicule of their deceased husband's extended family. They cited the fear of being branded insensitive, or worse still a murderer, as deterrents from using the law to seek redress for dispossession of their deceased husband's property that they have toiled to secure (Britwum, 2007). In this particular instance, Bryceson's use of the concept "circumscribed autonomy" to explain the interconnectedness of women's and household members' interests and their willingness to engage in a relationship that entails a loss of autonomy seems relevant (1995).

The introduction of market principles into traditional production systems has distorted household, community and market boundaries and redefined gender identities. The prevailing notions of female and male identities legitimise male withdrawal from daily household provisioning, encouraging them rather to invest in property and wealth factors that expand their access to fresh fish. While the female provisioning role is emphasised, men are encouraged to renege on theirs. Women's obligations are bound to tradition while men are supported by modern market norms. The tradition which underscores practices within the fishing industry promotes patriarchal norms and assists in maintaining male control over women.

While catching fresh fish remains a male preserve, women have little opportunity to control their access to it. Men, on the other hand, are beginning to make intrusions into fish marketing as the fortunes of fresh fish production take a downturn and investments in fishing equipment begin to elude many. Women are yet to make corresponding inroads in fresh fish production. There are women who own fishing equipment and therefore wield

power over working fishermen and have direct access to fresh fish, but their success is constrained by their inability to go to sea. Odotei's work on women canoe owners in Ghana's port city of Tema notes that such women face the danger of having the male captains, who supervise the crew on their boats, taking over their boats altogether. She notes:

"It is remarkable that in spite of the traditional prejudice, women have reached the highest position in the fishing hierarchy as owners of canoes and fishing gear in the artisanal marine fishing industry. They maintain their position by using men to help them, though this is fraught with the danger of having power wrested from their hands. To solve some of these problems, they often use relatives as captains though this too is not problem free. Women who have sons to captain and participate in fishing operations seem to have better control of their business for their sons know that they will one day inherit their mothers' properties so they are obliged to take good care of them" (2000: 6).

Several social practices and beliefs operate to debar women from fresh fish production (Britwum, 1993; Odotei, 2000). But some fishermen believe that the mechanisation of fish production can break barriers to female involvement, as in neighbouring Cote d'Ivoire. The replacement of dugout canoes with boats reduces the need to paddle, and the winch for drawing the fishing net reduces the physical demands of fishing. Importantly, the skills required with these methods can be picked up in adulthood. Fishing with low mechanisation demands childhood entry into fishing, so boys can build the body mass required for dragging nets and paddling the canoe.

However, fishermen remain wary of the implications of women's participation in fresh fish production. It is fishing that gives men control over fresh fish, which in turn gives them power over women. For women to break this barrier is a task for the future, and state involvement in the mechanisation of fishing holds the key. Production relations within the fishing industry therefore constitute a key site for the redefinition of gender identities: currently, the modernity/tradition nexus is used to stress female autonomy in income earning but at the same time further subordinates them.

Access to fresh fish and female hierarchies

A woman's access to fresh fish depends on kinship ties, the most reliable being marriage. Her entrepreneurial ability and access to capital is important in determining how much control she will have over access to fresh fish

in subsequent years. Despite the commercialisation of the marital relations around fish production, women find direct access to their husbands' fresh fish most convenient, for it guarantees fish at a relatively low price which they do not have to pay in full until the end of the season. This system represents a form of credit relation between husband and wife. This traditional marital right, however, is tenuous and can be severed easily as a disciplinary measure for any behaviour that a husband considers displeasing. The standard for measuring acceptable female behaviour is the prerogative of the husband (Britwum, 2007).

Gender role allocation within the fishing industry allows women some measure of autonomy and opportunity to reduce dependence on men for access to fresh fish. But female ability to gain autonomy depends on the health of the fishing industry and is constrained by the gendered separation in household spending and an absence of social security arrangements inherent in the traditional inheritance system. Female negotiating and bargaining skills are only a secondary factor. The national economic situation, state policies and the vagaries of the climate which affect levels of the fish catch can also affect a woman's access to fresh fish and serve to place her in economic relations with other women. Fuel price hikes, for example, can sever female access to fresh fish as mounting costs can wipe out a woman's capital and her ability to fund fishing expeditions. On the other hand, dwindling fish stocks mean low catches and an inability to break even to cover the costs of fuel. Fishermen are forced as a result to enter into fuel provisioning arrangements with other women or to migrate. Losing direct access to fresh fish can propel a woman from being an independent income earner to dependence on other fish processors, narrowing their profit margins irrespective of their entrepreneurial skills.

It is the different modes of access to fresh fish that introduce hierarchies among fish processors. As women lose access to fresh fish, they enter into production relations with other women within the hierarchy of fish processing, either as trading partners or employees. Women without direct access to fresh fish are in the majority, and are continuously under pressure to secure an independent income in order to meet their domestic provisioning role.

Conclusion

Women's position operates to deny them direct control over fresh fish. A few women, through a combination of factors such as entrepreneurial skills and

access to capital, manage to gain some measure of leverage over access to fresh fish. But for most women, income instability from fish processing makes their access to fish dependent on a relationship with a man. In the absence of this, most women have to sell their labour to others or enter into credit arrangements to gain access to fresh fish. Economic crises undermine income security within fishing communities, impact upon social norms and traditions and relax male provisioning responsibilities, whilst holding women to account for male success.

The key issue for female wealth creation and income autonomy is household provisioning. Issues of social security and the power of conformity that propel women to provide support for male wealth creation to their disadvantage are also contentious. But looming large for women is the health of the fishing industry in general: the high costs of inputs; fuel deregulation; political manipulation of the cheaper premix fuel; and more recently, pair trawling which threatens to deplete the fish stocks in Ghana's waters. Women's entrepreneurial abilities will only serve to provide autonomy if the fish industry is healthy – a situation which would provide an opportunity for the norms of male provisioning to come under better scrutiny for change. Falling catches will lead to a deepening of the hierarchies amongst women and remove resource poor women further from direct access to fresh fish. Women's agency and empowerment lie in support to their livelihoods through strong economic policies promoting the industry. To this end, efforts made to impact the position of women which do not take account of the differential positioning of women in relation to the economically valued resource, fresh fish, might only end up strengthening a particular group of women and leave the vast majority still dependent on men for economic survival.

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Endnotes

1. The failure of the NPP government to retain power after the 2008 elections has been blamed largely on its dismal performance in the coastal regions of Ghana. Fishermen cite amongst a list of grievances that motivated them to vote against the NPP, rent seeking and political manipulation of the distribution of premix fuel.

What Would it Take to Realise the Promises? Protecting Women's Rights in the Kenya National Land Policy of 2009

Patricia Kameri-Mbote

Land is a critical resource in Kenya, having economic, social, political, environmental and cultural significance. Kenya's population continues to rely on land for both subsistence and economic activities. In fact, the increase of the population from about 20 million people in the 1960s to about 40 million currently, has put enormous pressure on land. Only a third of Kenya's land is arable while the rest is arid and semi-arid. With most Kenyans still living off the land, contestations over access to, control over and ownership of land are prevalent. In the broader Kenya context, the land question has emerged as a major political issue that can erupt anytime and threaten the existence of the state, as was witnessed in the post-election violence in December 2007 (Kameri-Mbote and Kindiki, 2009).

Within this context, women's rights to land have remained at the core of the quest for gender equality in Kenya. Among various Kenyan communities, women do not traditionally own land or other immovable property. They have use rights which are anchored in their relationships with men as husbands, fathers, brothers or uncles. Such access is tenuous and can be denied by the male benefactors. This situation affects the survival and livelihoods of women and also stifles their effective role in, and contribution to, national development. This is despite the fact that women provide the bulk of agricultural labour.

Further, gender-neutral laws on property ownership have not resulted in more women owning land because of structural barriers such as access to credit and a general lack of resources to purchase land. Women are under-represented in institutions that deal with land and their rights under communal ownerships and ranches (groups established in pastoral areas to own land under the Land [Group Representatives] Act)¹ are not defined. This allows men to dispose of family land freely. Few women have land registered in their names and lack of financial resources restricts them from accessing

land markets. Women want legal provision for their right to own land and capital assistance to purchase land and other property. In matrimonial contexts, women have argued for a presumption of spousal co-ownership of matrimonial property and specific provisions protecting spouses from sale of jointly occupied land without their knowledge and consent. Women have also demanded that laws regulating the registration of land and other property rights be amended to simplify the procedures and make land more accessible to women. Significantly, when the proposed draft national constitution was defeated in a referendum in 2005, women's rights to land emerged as one of the nine most contentious issues (Kiplagat Commission, 2006).

The existing laws on land provide for individual, group and government ownership. The Registered Land Act provides for registration of land rights in an individual's name after the process of consolidation and adjudication. However, registration was bound to exclude most women from acquiring titles to land since they only had use rights, while men retained those of ownership and allocation, and the tenure reform process only considered people with ownership rights. In most cases, families designated one member, usually the eldest son or the male head of the household, to be registered as the absolute owner without realising the latitude that person would have. According to the registration statute, a right of occupation under customary law would be protected if registered, but few families saw the need to acquire this piece of paper. Cases of family representatives seeking to evict other family members from family land escalated².

Not surprisingly, of the 17 per cent of land registered in individuals' names, less than one per cent belongs to women. On land owned by groups – over 60 per cent of the total land area – women's rights are determined by customary norms. While community ownership is promoted as egalitarian and more likely to guarantee disadvantaged groups rights to resources, there is no literature illustrating whether this is the case for trust land and group ranches in Kenya. In a study carried out among the Samburu, Rendille and Maasai, where group ranches are the norm, it was noted that most decision-making fora were dominated by men (Kameri-Mbote and Mubuu, 2004).

While the Law of Succession Act (Cap 160 of the Laws of Kenya) bestows rights on widows and children, including girls, to inherit the property of the deceased, there has been a need to protect spouses who invest time and energy to develop land, especially ancestral land, from eviction by relatives of the deceased. Similar protection is needed where customary rules of intestacy

prevent women from inheriting agricultural land and livestock, which comprise the main means of production in those areas.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which came into force in 2005, pays particular attention to the rights of women to property (see articles 6j, 7d, 15 and 19 for provisions promoting gender equality). Unfortunately, Kenya has not ratified the Women's Protocol. It is within this context that the Kenya National Land Policy of 2009 must be seen.

Context and processes leading up to the National Land Policy

The National Land Policy arose from the draft constitutions generated in the Constitution Review Process – the Bomas Draft Constitution (2004) and the Proposed National Constitution (2005). Both documents articulate the principle of gender equality in access to, ownership and control of the benefits of land and other resources, and in inheritance and the administration and management of estates and other properties.

Provisions on gender equality in the bill of rights and among the national values, goals and principles amplify the provisions in the specific chapters on land and property. The principle of at least one third representation of women in elective and appointive bodies facilitates women's representation in land bodies from the National Land Commission to the lowest levels of land administration. The National Land Policy would be strengthened if these provisions were included in a final constitutional document. However, as noted, during the referendum on the Proposed National Constitution in 2005, the issue of women's ownership of land became a contentious issue. The quest for a new constitution is currently being steered by a Committee of Experts, who will harmonise previous drafts and address contentious issues.

The absence of a national land policy since independence has baffled many, given the importance of land in Kenya's history. This absence has given rise to the instrumentalist use of law to achieve political objectives and a plethora of land statutes, some contradictory, which have been cited as the cause of Kenya's land problems. In 1999, the Commission of Inquiry into the Land Law System of Kenya was appointed by the President (Njonjo Commission Report, 2002). It was charged with reviewing land issues with a view to recommending principles that would foster economically efficient, socially equitable and environmentally sustainable land tenure and use systems. The Commission recommended that gender issues in land access, control and ownership

should be addressed. This led to the launching of the National Land Policy Formulation Process (NLFPF) in 2004, drawing stakeholders from public and private sectors and civil society. The policy was developed by groups organised along six broad thematic areas: (a) Rural Land Use, Environment and Informal Sector; (b) Urban Land Use, Environment and Informal Sector; (c) Land Tenure and Social Cultural Equity; (d) Land Information Management Systems; (e) Legal Framework; and (f) Institutional and Financial Framework.

The groups, under the guidance of a national coordinator and a technical advisory committee, sought to come up with a national land policy to guide the country towards a sustainable and equitable use of land and to conduct an all-inclusive and participatory process that ensures positive land reforms through accessibility and beneficial use of land. Gender issues came up in each of the groups. For instance, in the Rural Land Use group, gender issues were identified in the management of communal, trust and pastoralist land; security of tenure to rural lands; land rights delivery (ascertainment of rights, registration, planning, demarcation and/or survey, the preparation of cadastres and land market regulation); and land rights of hunters and gatherers.

The National Land Policy formulation process was designed to be consultative, participatory, interactive, inclusive, consensus-based, timely and professional, transparent and gender-sensitive. Among the principles guiding the policy formulation process were the promotion of intra- and inter-generational and gender equity in access to land for subsistence, commercial productivity and settlement, and the need to achieve secure land rights and a sustainable balance between land uses. It is worth noting that women participated in the process both as technical resource persons and as stakeholders in the regional and national meetings held to deliberate on the policy.

Analysis of the National Land Policy

The NLFPF set out to correct the defects of the existing land ownership system, among which is the disparity of ownership along gender lines. Addressing historical injustices is a major thrust of the policy. These are defined as:

...land grievances which stretch back to colonial land policies and laws that resulted in mass disinheritance of communities of their land, and which grievances have not been sufficiently resolved to date. Sources of these grievances include land adjudication and registration laws and processes, treaties and agreements between local communities and the British.³

The policy notes that these grievances “remain unresolved because successive post-independence governments have failed to address them in a holistic manner”⁴. It explains a contributing factor to this state of affairs as the “lack of clear, relevant and comprehensive policies and laws”⁵. Among the solutions proposed for historical injustices are redistribution, restitution and resettlement.

Gender is considered as a cross-cutting issue requiring special intervention⁶. According to the policy, there exist “gross disparities in land ownership, gender and trans-generational discrimination in succession, transfer of land and the exclusion of women in land decision-making processes”⁷. Similarly, the need for “a comprehensive, efficient, user-friendly, accessible, affordable, transparent and gender-sensitive land information management system” is proposed in the section on Land Information⁸. Gender discrimination in land matters over the years is also cited as a factor justifying redistribution⁹.

Policy proposals include facilities to empower youth and women, as well as mainstreaming youth and gender concerns in anti-poverty programmes. On HIV/AIDS, the policy notes that “the HIV and AIDS pandemic underscores an urgent need to reform cultural and legal practices that discriminate against women and children with respect to access and ownership of land”¹⁰. The government is required to protect the land rights of people living with HIV/AIDS by ensuring that their land is not unfairly expropriated and to raise public awareness on the need to write wills to protect land rights of dependants in the event of death¹¹.

Part 3.6.10.3 of the policy lays out gender and equity principles. It proceeds from the premise that family laws are not gender-sensitive and that culture and tradition continue to support male inheritance of family land, bringing about a conflict between constitutional and international provisions on gender equality on the one hand and customary practices that discriminate against women in relation to land ownership and inheritance on the other. To protect the rights of women, the government is required to:

- (a) Put in place appropriate legislation to ensure effective protection of women’s rights to land and related resources;
- (b) Repeal existing laws and outlaw regulations, customs and practices that discriminate against women in relation to land;
- (c) Enforce existing laws and establish a clear legislative framework to protect the rights of women in issues of inheritance to land and land-based resources;

- (d) Make provision for joint spousal registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure;
- (e) Secure inheritance rights of unmarried daughters and their children;
- (f) Facilitate public awareness campaigns on the need to write wills to protect dependants in the event of death;
- (g) Carry out public education campaigns to encourage the abandonment of cultural practices that bar women from inheriting family land; and
- (h) Ensure proportionate representation of women in institutions dealing with land at all levels.

With respect to matrimonial property, the policy proceeds from the premise that existing laws and practices governing matrimonial property discriminate against spouses whose contribution to the acquisition of property is indirect and not capable of valuation in monetary terms¹². It also points to the inconsistency of Kenyan courts in determining spousal contribution to matrimonial property where some spouses have unfairly been denied of their rights to land¹³. To secure the rights of spouses to matrimonial property, the policy requires that the government take several measures including reforming existing legislation, passing new laws to protect married women, ensuring the equal rights of men and women in land-based resources before, during and after marriage and curbing land transactions occurring without spousal consent¹⁴. These provisions provide a useful basis for recognising matrimonial assets, spousal co-ownership and spousal non-financial contributions to the acquisition and development of such assets.

The removal of land governance matters from the President's office and their location in a proposed representative National Land Commission presents an entry point for women in land governance matters. The proposal comes amid widespread grabbing of public land and its conversion to private land without consultation (see Government of Kenya, 2004). Significantly, few women are among those allocated illegally and irregularly acquired land, pointing to the gender and power dynamics in the parcellation of public land. Part 4 of the policy requires the government to overhaul the existing institutional framework for land administration and management to facilitate the delivery of efficient, cost-effective and equitable services. It also requires access to land administration and management by the poor to achieve poverty

reduction, and participation and accountability in land administration and management. It proposes the creation of land boards to deal with land matters at district and community levels and requires that these bodies be representative of different groups.

Conclusion

The National Land Policy contains provisions which, if implemented, would catapult women's access to, control over and ownership of land from the current dismal levels to a level where women would be able to leverage their labour investment in land and other reproductive duties. The challenge however, is translating these bold policy provisions into law. There is likely to be immense opposition from groups that have benefited from previous arrangements. Indeed, a group styling itself as the Kenya Large Landowners Association has vehemently opposed the policy. This group is likely to draw the sympathy of diverse people who believe that they would lose large amounts of land to restitution, redistribution and resettlement. The main argument advanced by this group is that, as title holders, they have constitutional protection of property. It will be interesting to see how the matter is handled. If, however, the handling of the grabbers of Mau forest¹⁵ is indicative, the policy will not be implemented because of cost implications. Parliament voted to compensate these grabbers, costing the taxpayer billions of shillings.

Implementation of the land policy requires great political will. The women's movement should rally to get the government to implement it. The ongoing constitution review process as well as implementation of the Kenya National Reconciliation Accord, brokered by former United Nations Secretary-General Kofi Annan after the post-election violence in early 2008, present great lobbying opportunities for women. The accord identifies resolution of the land question as critical for durable peace in Kenya.

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1. Chapter 287 of the Laws of Kenya, No. 36 of 1978 introduced as an Act of Parliament, provides for the incorporation of representatives of groups who have been recorded as owners of land under the Land Adjudication Act Chapter 284 of the Laws of Kenya.
2. See Obiero V. Opiyo (1972) East African Law Reports 227; Muguthu V. Muguthu Civil Case No. 377 of 1968 (Unreported) and Esiroyo V. Esiroyo (1973) East African Law Reports 388.
3. Part 3.6.2 Draft National Land Policy (2007).
4. Ibid.
5. Ibid.
6. Part 3.6.10 Draft National Land Policy (2006).
7. Part 2.3 Draft National Land Policy (2006).
8. Part 3.5.6 Draft National Land Policy (2006).
9. Part 3.6.1.1 Draft National Land Policy (2006).
10. Part 3.6.10.1 Draft National Land Policy (2006).
11. Ibid.
12. See Part 3.6.10.4.
13. See e.g. Echaria v. Echaria Civil Appeal No. 75 of 2001 (judgement issued on February 2nd 2007) where the Court of Appeal ruled that there is no legislative basis for taking non-financial contribution into account in a case involving division of matrimonial property.
14. See Part 3.6.10.4.
15. Mau forest is a critical water catchment area parcelled out to powerful individuals who converted it from forest, thus contributing to reduced rainfall and water levels in major rivers and lakes in Kenya.

Struggles Over Land Reform in Tanzania: Experiences of Tanzania Gender Networking Programme and Feminist Activist Coalition

Marjorie Mbilinyi and Gloria Shechambo

Tanzania Gender Networking Programme

Tanzania Gender Networking Programme (TGNP) is a feminist organisation with the vision of a transformed Tanzanian society characterised by gender equality, equity, empowered women, and social justice. To achieve this vision, TGNP seeks to build a feminist movement for social transformation and women's empowerment. For over 15 years, the organisation has been at the forefront in the struggle for gender equality in Tanzania. With its vision and mission, TGNP has crafted its identity through transformative feminist theory and ideology which challenges patriarchy and neo-liberalism. It acknowledges the fact that all women are not the same, and women and men within the same class or 'imperialised' location may have much in common when it comes to questions of the right to sustainable livelihoods for example, or quality schooling. This became very clear in the struggles which took place over land reform, as will be discussed below.

TGNP began informally in 1992–1993 in a process of facilitating women's/gender NGOs to reflect on their achievements, challenges and strategies for the future, in preparation for Beijing 1995. Participants demanded that the facilitators create an organisation to sustain their collective processes through information-sharing, capacity-building, knowledge-generation, networking, advocacy and activism within a clear feminist conceptual framework and a participatory animation methodology. This demand resonated with the dreams of the facilitator team, composed of women – and a few men – who had all been involved in some form of organising and/or research work concerning women's rights as adult educators, university scholar activists, and educators working with women and men peasants in rural development

training colleges. What brought them together at that moment was their shared ideological position, embrace of participatory animation (or what many refer to as popular education) and commitment to practical activist work in order to make change happen. After careful reflection, the facilitators grouped themselves into a formal organisation registered in 1993. Many of these organisations which participated in the 'birth' of TGNP in 1992-1993 became active members of the Feminist Activist Coalition (FemAct) which began to organise itself as a self-conscious coalition in 1995-1996. Now consisting of more than 40 organisations, FemAct provides space for like-minded, community-based organisations (CBOs) and non-governmental organisations (NGOs) to jointly analyse, articulate, strategise and act to challenge inequality, inequity and the disempowered position of women and other marginalised groups.

Ongoing land struggles in Tanzania

TGNP and FemAct were focused on land issues from the beginning, in the context of ongoing struggles over land tenure and associated natural resources (water, forests, minerals, wildlife) at family, community and increasingly at national and regional levels. Land was a major issue for many women's/gender organisations and activists, given its significance as the major productive resource for women peasants, and their vulnerability arising from patriarchal principles in both customary and statutory law.

Struggles over land ownership and land alienation date back to the colonial period. The colonial state perpetuated and sometimes imposed patriarchal structures of land use and ownership within 'native' communities and reinforced a gender division of labour which empowered men and disempowered women. At the same time, the colonial economy was structured according to racist principles, whereby African communities were dispossessed of land, forests, waterways and other resources, in favour of white settler farmers, mining companies and large-scale, company-owned sugar cane and sisal plantations. During the 1960s and 1970s, racial segregation was abolished, tribal chiefs were also removed, and major resources were allocated to support small-scale peasants. Women in many areas gained independent access to land and the cash proceeds from their labour on collective farms, although men retained control over major cash crops at family level.

Structural adjustment programmes and other neo-liberal reforms that began in the mid-1980s swept away all the gains of the socialist era, and

privileged the needs and interests of large-scale farmers and plantation owners, many of whom were foreign companies. Poor peasants and women in particular were pushed even further to the margins (Mbilinyi, 2003). Marginalisation was also catalyzed by the continuation of the British Land Act of 1923, which stipulates that the President has ultimate power and authority over land, as did the Governor in the past.

TGNP adopted a critical position and publicly challenged neo-liberal economic reforms from the start, in contrast with many other women's/gender organisations. The negative impact of structural adjustment policies imposed on the Tanzanian government by the World Bank, IMF and all major bilateral donors is widespread and well-known in Africa – a growing gap between the haves and the have-nots, and a radical shift from decolonisation of the economy to further integration into the global capitalist economy on terms set by the dominant multinational corporations.

Struggles over land tenure issues and land resources have increased since economic reform, and have been a source of conflict and civil strife in many parts of Africa, including Tanzania. There have been struggles between community and government, community and community, clan and clan as well as peasant farmers and livestock-keepers versus big companies, with differential impacts on small and large capitalists, peasants, and women and men (Kamata, 2003a).

Related sites of struggles over land are patriarchal gender relations within the household and community, with growing resistance from women and children against the powers of the patriarch. According to the current interpretation of customary law, women are denied access to and control over this valuable resource and are pushed to the margins. They do not inherit land in most communities and worse, they often work as unpaid labourers on cash farms owned by male household heads. Their major source of independent income is through the sale of food crops, which remains the domain of women in many areas. Entangled with this is the undeniable fact that the majority of agricultural producers are women.

These struggles over gender, class and national relations often occur simultaneously, as men sell off family land to large-scale farmers for example, or to hunting companies and tourist hotels, without involving their wives and children in decision-making or sharing the proceeds. From TGNP's perspective, one cannot separate the interests of women from those of their communities in the face of the greater enemy in their view: the outside investor and often

the corrupt government go-between (Kitunga, 2003).

The land question became even more central because land deprivation goes hand-in-hand with food insecurity. According to participatory action research conducted by Kihacha in Shinyanga Rural, Ngorongoro and Njombe districts during 1998–2002, land is a gender as well as a national and class question. More than half the village households researched lacked food security throughout the year (Kihacha, 2002). In all three districts, women and men farmers and livestock-keepers agreed that food security depended on access to and control over land and achieving participatory democracy at home and at community and national levels. They collectively designed and organised a campaign, ‘The Right to Food, Land and Democracy’ and won support from activist NGOs, including TGNP and many FemAct members.

TGNP led a major campaign, ‘Return Resources to the People’ during the 2000s which linked HIV/AIDS, gender and resources. Women’s economic empowerment was understood as essential to reducing their vulnerability to HIV infection, which arises partly from lower immunity due to poor nutrition, and diseases like STDs, malaria, anemia, and water-borne parasite infections – all of which are enhanced by insufficient income for food security and health services. Moreover, many women in both rural and urban areas are forced to engage in risky sexual practices because of their economic dependence on male partners or involvement in commercial sex work. Independent access to productive property such as land, as well as housing and cash incomes, are essential aspects of economic empowerment. Hence, the ‘Return Resources to the People’ campaign embraced women’s efforts to access and control land and other natural resources such as water, minerals, forests, and wildlife. TGNP, FemAct and many grassroots activist organisations joined together to challenge privatisation and commoditisation of land, water and forests.

Struggles over land reform

After the government had taken cognizance of the need for land reform and to address land disputes, a survey was carried out by the Presidential Commission of Inquiry led by Issa Shivji in 1992. The study documented the extent to which rural villagers felt, and were insecure in terms of access to and control over land. It examined the underlying causes of this phenomenon and the views of the community on how to ensure their land rights. Among many other findings, the study noted that women were excluded from land tenure decision-making and land ownership.

The findings and recommendations of the 'Shivji Report' were basically ignored by the government which, under pressure from donors, commissioned another land reform survey that called for further liberalisation and commoditisation of land. A new land act was drafted to meet the needs of large-scale investors, with a clear bias towards foreign investors. In response, the National Land Forum (NALAF) was organised, under the leadership of HakiArdhi (Land Rights Research and Resource Centre), to challenge neo-liberal land reform and defend the land rights of Tanzanian women and men, especially in rural areas. TGNP and many other FemAct members played an active part in this land coalition, as well as grassroots activist partners. A popular petition was produced and signed by thousands of citizens, and presented to Parliament in an effort to slow down, if not halt, the pro-capital land reform process. One of the major bones of contention was over ultimate authority over land. The coalition called for a shift of authority from the President to Parliament, which is representative of the people.

At the same time, women/feminist activists within the land coalition became increasingly disturbed over its failure to adequately address the specific concerns of women. Another coalition, in which TGNP was also active, was therefore formed within the Land Forum, the Gender Land Task Force (GLTF), under the leadership of the Tanzanian Women Lawyers Association, TAWLA. This was especially active from 1996 to 1999¹. Through lobbying and advocacy, the GLTF demanded the rights of both men and women to own land in commonality as members of the community. More sensitively, they also demanded the rights of women to own and inherit land, as daughters, wives, widows and as independent producers, and that women participate equally with men in the local administration of land tenure reform. These are similar to the kind of demands made by women's rights groups in the past, in Tanzania and elsewhere in Africa and 'the South'.

In the course of the land reform struggle, some memorable engagements have occurred. A public hearing was called to input into the draft of the basic Land Act bill in March 1995. In 1996, HakiArdhi organised a consultation session involving many FemAct members to discuss the national land policy and examine its implications for small-scale producers, especially in rural areas. Grassroots activists took the lead in the ensuing media campaign challenging the government's version of the land bill, and took the campaign straight to Parliament. The public debate aroused in part by NALAF's advocacy work slowed down the land reform process, forcing the government to adopt alternative

strategies, including passing separate bills on mining and public land.

Another consultative workshop was organised in 1997 on the draft bill for the Basic Land Act – later the Village Land Act – in order to develop a more gender-progressive Land Act (Kamata, 2003a), which was the main aim of the GLTF at this time. TAWLA successfully engaged with the drafters of the bill, ensuring provisions that land cannot be sold without the permission of a spouse, that women have the same rights to own and purchase land as men, and that village land committees overseeing land transactions must include women as well as men².

Regarding land reform however, many of the broad demands of the National Land Forum were not met, including that of shifting ultimate authority to Parliament. Communal rights to land remained marginalised to the priorities of the ‘public interest’, increasingly defined in neo-liberal terms as ‘national growth’. At the same time, the new Village Land Act embraced many of the gender-balanced demands of the GLTF. Hence, the National Land Forum felt that the GLTF had sold out the interests of the people for the sake of ‘gender-balance’. To put it simply, women now have equal rights to be alienated from their land by large scale investors. TGNP was caught in the middle, having sought from the start to support the broad demands of the National Land Forum as well as the specific demands of the GLTF.

Lessons learned

There are many lessons to be learnt from TGNP’s engagement with land reform, for future work. The challenge of conceptual clarity is one. TGNP tried to promote a transformative feminist consciousness and position from the start, in which it articulated its position clearly in support of both ‘communal’ and ‘gender’ demands. This position ran counter to that of liberal feminist ‘partners’ in the GLTF who tended to isolate the ‘gender question’ from the broad question of communal rights and the relationship between the state and the people. Gender equality can best be achieved by finding a way to link these issues together, from the perspective of grassroots women and men themselves, without compromising either the struggle against patriarchy or neo-liberalism.

Another lesson noted was the challenge TGNP faced in working on movement building with male-dominated organisations whose priorities were not always the same³. Even when they fought together for one broad issue, interests differed. Organisational egos were a challenge, making it difficult

sometimes to work together on one collective agenda. This was found in both the National Land Forum and the GLTF⁴.

TGNP and other like-minded members of the GLTF also realised that struggling for women's rights is a long-term issue requiring a long-term perspective and built-in sustainability mechanisms including spaces for celebration of achievements. Also essential is persistence with our ideological position as transformative feminists, so as not to separate issues of gender from those of class and nation/imperialism. Greater clarity within the feminist movement is needed, as is addressing the challenge of linking different feminist and progressive organisations in one broad movement without losing the feminist position.

FemAct set out a number of priorities regarding land tenure, including the need to appreciate the different implications of land tenure issues for all marginalised groups. Women are not separate from the societies in which they live and have taken the lead in defending communal land/resource rights. Documenting experiences that have brought gains in women's rights and the process of gender mainstreaming is also a priority, towards which this article is a contribution. Promoting feminist leadership through training and identifying like-minded partners is also required⁵.

Future work

TGNP and FemAct continue to campaign so as to galvanise popular pressure on the government to involve all the people in the formulation of key policies and budgets, especially those pertaining to basic productive resources. They also play a lead role in challenging neo-liberal, macro-economic policies and demanding alternatives which ensure land security as well as sustainable livelihoods and employment for all⁶.

Both media and legal reform strategies remain fundamental. To feed into these strategies, TGNP makes use of invaluable contributions/views obtained from grassroots activists through the weekly Gender and Development Seminar Series. In 2008, it also carried out participatory research of transformative feminist movement building in three districts in Dar-es-Salaam and one district in Mbeya region, in order to clarify the priorities of grassroots women/feminist activists and their strategies for organising. The results of this research have already been incorporated into restructuring the organisation so as to better support a transformative feminist movement which is grounded locally at the grassroots level.

One of the major findings was the priority given by grassroots women to economic empowerment, and their struggles over the alienation of productive property arising not only from patriarchy at family level, but also from oppressive actions of the state, such as the destruction of their stalls and stoves. The interests of company investors, supported by neo-liberal economic reform, conflict directly with those of poor women active in the informal sector in both urban and rural areas.

Major challenges remain to address resistance to implementing progressive elements of the Village Land Act, including joint titling and the involvement of women in land tenure administration institutions. Joint work is also needed to stop the escalation of the land grabbing process, and to ensure that people are not deprived of their land. Despite the government being aware that 75 to 80 per cent of Tanzanians still depend on land as a major source of employment and livelihoods, rampant sales of huge blocks of land persist, with dire effects on rural women and their communities. In addition, the rights of pastoralists have been increasingly trampled upon, as farming and livestock-keeping communities compete with each other over valuable water and land resources⁷.

TGNP and many of its activist grassroots and FemAct partners continue to prioritise struggles over land as a source of livelihood and employment. Land as well as other productive resources feature in its new campaign of 'Making Resources Work for Women', which challenges how the dominant neo-liberal, macro-economic framework denies the rights of all but a small elite minority of women to the resources needed for quality life and livelihoods.

What will be the future of struggles over tenure rights for women in Tanzania? These will heighten in response to growing land grabbing, and challenge the concept of both 'communal solidarity' and 'solidarity among women', given the diverse gender, class and national interests of different actors involved. There is enormous pressure coming from the banking, mining and agro-industry sectors for *more* neo-liberal land tenure reform as a condition for further investment. The main stumbling blocks, in their perception, have been communal land rights and the government's policy of not allowing full land ownership to foreign investors. Donors will continue to support 'liberal' efforts to mainstream gender equality into land tenure reform, in the context of their efforts to further promote commoditisation and privatisation of land, water, forests and other natural resources. Feminist activists on land issues will need to decide whose side they are on in this struggle; and communal

land rights activists similarly, will be called upon to join forces with grassroots women activists in the struggle for democratisation of land rights in the home as well as the community, the nation and the African continent.

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In Conversation:

Dzodzi Tsikata and Dede-Esi Amanor-Wilks speak with *Kujejatou Manneh-Jallow*¹

Dzodzi Tsikata and Dede-Esi Amanor-Wilks: Thank you for agreeing to talk to *Feminist Africa* about the ActionAid International Campaign on women's land rights in The Gambia. Can you tell us how you became interested in gender and land issues in Africa? What is it about these issues that motivate you?

Kujejatou Manneh-Jallow: I developed this interest during more than 30 years of working with women farmers, starting as a district extension worker and working through the ranks within the Ministry of Agriculture from 1974 to 1999. During this period, I coordinated the agricultural component of a multi-donor funded Women in Development Project for six years. I also worked as the Executive Director of the National Women Farmers' Association (NAWFA) for more than seven years. In addition, I wrote my PhD thesis on the *Management of Small-scale Women Farmers' Agricultural Projects in The Gambia*. The above experiences exposed me to the wide range of constraints affecting women farmers' production and productivity, among which women's ownership and control over farmland is core.

In The Gambia, women generally have access to farmland but very few have ownership and/or control, particularly in the uplands. This has become increasingly important with women's greater participation in the production of upland cash crops like groundnuts, sesame and upland rice. The uplands form the bulk of the farmland area in The Gambia. Almost all of these lands are controlled by men and women are only allowed user rights. Men would always allocate land to the women after they have selected all the land they can manage. The land allocated to the women is often of poor quality, very far away from their homes and allocation is often done late in the season. The latter is important because the rains last for only three months of the year. Thus it is important to start early in order to benefit optimally from the short rainy season in terms of increased production and productivity.

The lack of ownership has also made it difficult for women to invest

in improving the quality of land as there are no guarantees that the same land would be available to them in subsequent years. There was a series of incidents in which men would loan their land to women's village groups (*kafos*) supported with development projects, only to evict them when the site was fully developed. Recently in the peri-urban areas, men have been selling women's farmland for residential purposes, often without any notice or consultation. The women would just find themselves evicted from land they have worked on all their lives for their livelihoods. Often this land is the only or major source of income for them and their families.

Several studies have echoed the above concerns on women's land tenure in The Gambia. They revealed gender inequalities in the land tenure systems in The Gambia. These problems affected the implementation of a number of development projects. A good example was the 20 year land development programme for rice production by IFAD (1997–2005). According to this report, women who are the traditional rice growers in The Gambia do not own land and depend on land borrowed from the men. The report indicated that most of the lowland areas suitable for rice growing were owned and controlled by a small number of influential farmers, the original founder-settlers, who gave out the land on loan and took it back once the season was over – including land that had been improved during the season. This reduced the incentive for women and other landless farmers to invest in the land.

DT and DEAW: What is the AA Women's Right to Land campaign and how did it start?

KMJ: The ActionAid International (AAI) land campaign is part of its single international campaign which started in 2007. However, campaigning on land for women started in 2005, supported by both the Women's Rights and Food Rights themes. AAI joins social movements worldwide in calling for a new agrarian reform agenda, in which the state plays a central role, ensuring that land is established as a common public good and that its benefits are enjoyed equitably by women and men, regardless of race, class or ethnicity. It calls for activists and development workers to take up the question of women's land rights, and give women's land rights the place that they deserve in mainstream agendas for social justice and poverty eradication. AAI believes that land for rural people is the starting point for sustaining livelihoods and to live a life of dignity; and that lack of ownership and control over land is both a symptom and a cause of injustice. At a broader level, discrimination in land rights contributes to increased poverty, food insecurity, conflict and environmental degradation.

The campaign for women and land is necessitated by the fact that more than 25 years after the UN Declaration on the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), which obliges governments to guarantee women equal access to land and other resources, poor rural women in many countries have less access to land than ever.

In AAI's analysis, securing women's land rights requires that: action is taken on many fronts and not just on tenure reform; deeply entrenched patriarchal attitudes which dictate that women cannot own property in their own right are challenged; cultural and legal norms that define wives and daughters as chattel are changed; legislation governing women's status within the household and society at large is urgently reformed and new laws to eliminate the discrimination that women currently face in matters of inheritance, widowhood, or divorce (with disastrous consequences for their dignity and well-being as well as that of their children) are put in place; and that the World Bank and other international lenders and donors stop pushing policies and schemes that have had disastrous consequences for poor rural women, including initiatives to privatise land and liberalise agriculture.

At the national level, ActionAid The Gambia's (AATG's) land campaign is aimed at ensuring that the 48,000 women farmers in NAWFA each has guaranteed access to and control of a minimum of 0.25 ha of good quality farmland with the ability to develop and manage it for increased production and productivity, using appropriate labour (drudgery) and time-saving technologies, with the possibility of year-round production using surface and underground irrigation.

DT and DEAW: What are the campaign's key messages and how were they generated?

KMJ: AATG's campaign messages, (which also resonate with campaign messages from other countries and at international levels) were generated from the many voices of desperate women farmers. In The Gambia and in 20 other countries where AAI works, women developed what we called Charters of Demands, and these essentially were the demands of women who depend on the mercy of their male folk for access to farmland. The charter from 20 ActionAid countries (including The Gambia) reads:

- Governments must dismantle all discriminatory policies and legislation in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Where women have been unjustly deprived of land and other resources,

measures must be put in place for compensation and restitution;

- Governments and civil society groups should work together to develop programmes to sensitise and train government administrators and traditional leaders to deal fairly with women's claims to land;
- Policies for agrarian reform need to give priority to the needs and interests of women as farmers and economic actors in their own right, and particularly the needs and interests of the large number of female-headed households;
- National development strategies and macro-economic policies need to be reconsidered in light of the crucial importance of supporting small farming, and women's role in small farming, in order to eradicate poverty, achieve food security and generate sustained pro-poor growth;
- Small-scale farming properly supported with improved technologies has proven to be efficient contrary to the claims made by the modernisation theory;
- Fresh ideas and bold strategies for strengthening small and especially female producers and revitalising rural communities are urgently needed if international goals for eradicating poverty are to be achieved;
- Customary law should not be used to deprive women of land rights; practices that do so, including the widespread dispossession of widows in AIDS-afflicted countries, must be abolished. However, policy-makers and civil society groups must seek ways to reform customary and communal forms of tenure in order to secure the rights of women without losing the many benefits of vesting land rights in a collective or community rather than in individuals;
- Rural women must be supported to gain knowledge, voice and power in community and national decision-making. Priority should be given to increasing women's representation in local bodies overseeing land matters (village councils, committees etc.) and providing the necessary training to women office holders. At national level, governments must support forums where rural women engage one another in dialogue and put forward proposals to policy makers;
- As part of the reviews of World Bank and International Monetary Fund conditionality currently taking place, these institutions must thoroughly assess the gender-specific impact of their policies (especially their initiatives to promote private tenure, willing-buyer willing-seller markets in land, and export-led commercial farming) on poor rural women. Programmes and

policy conditions that undermine the rights and livelihoods of women must be rescinded.

DT and DEAW: Who are you targeting the campaign at and who are you involving as campaigners? Who are your allies and who else have you engaged with in your campaign?

KMJ: The AAI campaign at the international level targets governments, and regional and international bodies such as the United Nations, the Africa Union and the World Bank. At the local level, AATG targets women farmers (to increase awareness on rights and change attitudes to enable them lead in the campaign), land owners, local authorities (village, district and regional leaders) and policy makers (parliamentarians, cabinet ministers and permanent secretaries).

Key allies for AATG include members of the National Alliance for Food Security (NAFS), which is composed of local NGOs working in agriculture and related areas. Other allies include village development committee (VDC) executives, youth groups such as ACTIVISTA (Global Youth Network for AAI) and AYCAH (Africa Youth Coalition Against Hunger) and FAO.

DT and DEAW: What strategies have you used to achieve your aims and objectives?

KMJ: The main strategies we use at the national level include sensitisation and mobilisation of women affected by landlessness to participate and lead in the land campaign and to speak loudest and longest in the land debate using evidence-based advocacy to tell their own stories and sufferings.

The specific strategies include:

- Research to identify problems of women's ownership and control of farmland including review of the land tenure system in the country;
- Sensitisation of local authorities (regional, district and village heads) and land owners;
- Lobbying parliamentarians and other policy makers;
- Forming partnerships with different groups including youth groups such as AYCAH and ACTIVISA;
- Engaging policy makers in dialogue on women and land;
- Conducting national-level campaigns using caravans to collect the voices of women to present to policy makers;
- Building a differentiated analysis of women's and men's land interests and household resource allocation;

- Developing proposals to raise funds for the development and management of women's farmland for increased production and productivity;
- Developing a model farm to demonstrate the use of a women's communal farm to promote commercialisation and profitability of small-scale agriculture.

DT and DEAW: Before AAI were you involved in campaigns/activism around gender and land? Can you describe these and explain how different or similar they are to the AA campaign?

KMJ: Actually AATG land campaign was built on the NAWFA land campaign which I spearheaded as the Executive Director of the Association. NAWFA has a membership of 48,000 women farmers in 1,074 villages and started the land campaign in 2005. This was as a result of the numerous problems we encountered in accessing farmland for women during our campaign for increased sesame production which the women embarked on as a cooperative.

The problems of timely access to good quality farmland hindered women's increased production and productivity. This was my major motivation as it directly impacts on the mission of the Association, which is to increase the production, productivity and income of the women. As a result, we developed a land acquisition, development and management programme proposal for which we solicited funding from Catholic Relief Services (CRS) and AATG. Both CRS and AATG funded the first phase of the programme. AATG eventually signed a partnership contract with NAWFA in 2006 to implement the land campaign nationally. This was before AAI declared the single international campaign in 2007.

The campaign realized some key achievements which include: increased awareness both among women and the land owners for the need to support women to own and develop land for increased production and productivity; the sensitisation of local authorities (Chiefs, Alkalolu, and commissioners) on women's land ownership issues; and commitments for support made at different levels. A total of 3,000 ha of land has already been allocated with documentation (ownership titles).

DT and DEAW: Has this present campaign generated any debates in your country or in Africa as a whole? Can you share some of these with us?

KMJ: The land campaign is very controversial in many quarters in The Gambia. The most difficult part of the campaign is penetrating the patriarchal structure embedded in the community land tenure system. The main argument put

forward in favour of community ownership of land is that it makes it possible for women who move to their husband's community to access farmland. The other side of this debate raises issues of women who have been married for many years, who get divorced or are widowed only to find themselves left landless; the overall insecurity of land tenure for women making it difficult for them to invest in land; or worse still that it is now a common occurrence for husbands to sell land without informing their wives.

DT and DEAW: Can you recall any exciting significant moments in the campaign?

KMJ: My most significant exciting moments were with the regional and district authorities at the beginning of the campaign. We were met with unexpectedly high levels of support from the commissioners who called on all the district chiefs to respond to our call. This was highly welcomed by the chiefs who demanded that we hold district-level workshops for the village heads (Alkalolu) and land owners. These were the most exciting moments of the campaign which gave us great hopes and energy to move on. At the international level, the campaign became prominent when the International Conference on Agrarian Reform and Rural Development Declaration (ICAARD) was organised, clearly indicating the need for women to be supported and given ownership rights to land (see ICAARD declaration, www.FAO.org).

DT and DEAW: Have you experienced any disappointments and challenges with this campaign?

KMJ: At the international level, we are disappointed with the fact that after the ICAARD declaration there is still no clear cut mechanism to monitor compliance. Nationals are not fulfilling their commitments in that declaration. At the national level, after a very successful country-wide caravan campaign collecting the voices of women on land issues, the demands made by women are still largely not addressed.

DT and DEAW: What do you hope to achieve at the end of the campaign and what are the signs that you can achieve these goals?

KMJ: I would like to see the following: traditional land laws revised to ensure that each village women's group will own enough land to ensure guaranteed access to and control of a minimum of a quarter (0.25) of a hectare for its members; current land laws reviewed to identify elements that negatively affect women's ownership and control; simplification of the interpretation of laws to increase public understanding; government and civil society projects providing women adequate access to grants or soft loans to purchase land

in their own capacity, that is, via a revolving fund set aside for financing women's land purchase; and women farmers owning and controlling productive resources, including labour (drudgery) and time-saving technologies which are efficient in increasing their production and productivity.

DT and DEAW: Does the campaign speak in any way to the linkages among land, capital and labour in livelihoods from a gender perspective?

KMJ: The campaign at the national level is aimed at acquisition, development and management of land. This requires capital investment to allow for year-round production, including use of surface and underground irrigation and efficient labour and time-saving technologies. This is why the block ownership by women village groups is necessary to allow for the use of improved technologies on an economic basis. Villages are encouraged to allocate blocks of not less than ten hectares to justify capital investment. The campaign links women's access to productive resources to their efficiency in providing food for themselves and their families, which is particularly important given the current food crisis.

DT and DEAW: Some people have observed that the same solutions have been proposed by women's groups irrespective of region and the peculiarities of the land tenure issues. Joint titling and the involvement of women in land tenure administration institutions have been quite common recommendations. In your view, is this a fair assessment? What accounts for the similarities and what in your view would be the best approaches to gender inequalities in land tenure systems?

KMJ: I think it is fair to say that most of the solutions put forward are in favour of titling which allows women to have guaranteed control over land and thus allows for investment in land. It should however be noted that there are varying arrangements suggested for titling, which range from communal or cooperative arrangements; household-level titling, involving intra-family negotiations; to individual women purchasing land, which is on the increase; as well as land acquisition through inheritance in Muslim communities.

The similarities in the solutions are a result of the similarities in the problems. For example, the major problem in the issues of land and women is the lack of security of tenure. Women generally have user rights but do not control or have ownership over land. The user rights only allow women to cultivate and to dispose of produce and crop incomes but they cannot allocate or sell the land or even invest in it to allow for increased productivity. This is why titling is a favoured solution across the board. There are, however,

arguments against titling where men use it to dispose of land, denying women their traditional limited access.

DT and DEAW: Some persons have argued that AA as an international NGO should not be leading campaigns of this nature, but should instead support local initiatives. What would you say to this? In your campaign, have you experienced any tensions in this regard?

KMJ: Although tensions have been reported in some countries and by some civil society platforms like GCAAP, which complained that AAI is taking the space of local NGOs, we in The Gambia fortunately have not experienced such problems. This is because AATG's role in the campaign is mainly focussed on providing financial and technical support to the lead institution (NAWFA) and her allies.

The involvement of the single international campaign in 2007 gave the campaign more prominence and increased awareness at both national and international levels. AAI brings to the debate the effects of national and international policies on the lives and livelihoods of women and their families. For example, the AAI campaign questions the World Bank policy on “willing buyer and willing seller” and the whole agrarian reform and privatisation policies as they affect poor rural families.

DT and DEAW: Do you have lessons to share with people planning campaigns of this nature?

KMJ: The most important lessons learnt were the significant achievements that can be made through negotiations with local authorities and the important role of the women themselves in leading such campaigns. Another important lesson is the effectiveness of evidence-based campaigns. The use of model development farms has served as a great incentive for local authorities to increase allocations to village women's groups. This serves as an encouragement for community land allocation, as it has demonstrated tangible benefits to the women and to the communities at large.

Endnotes

1. Kujejatou Manneh-Jallow is Country Director of ActionAid, The Gambia. She has long years of experience working with women farmers in The Gambia.

Review

Cassandra R. Veney

Marjorie Keniston McIntosh. 2009. *Yoruba Women, Work, and Social Change*. Bloomington and Indianapolis: Indiana: Indiana University Press

Yoruba Women, Work, and Social Change provides a detailed historical documentation of the multiple productive and reproductive roles that women in various parts of Yorubaland performed, both during and after colonialism. McIntosh has carefully researched their organisations, activities and actions in various social, political, religious and economic sectors, while also attending to their multiple roles and responsibilities as daughters, mothers, wives, sisters and in-laws.

McIntosh divides the book into three major historical periods: the period preceding the imposition of British rule (1820–1893), the colonial period (1893–1960), and the period following the end of British rule in 1960. This is an ambitious project to undertake, as the Yoruba exhibit multiple cultural variations even within a single period. McIntosh does an admirable job of analysing and explaining the important roles women played in all periods. Once again, we see the complexity and richness of women in Yorubaland – from market women to farmers, to priestesses to teachers, nurses and midwives. As such, her study provides a valuable counterpoint to a prevailing discourse on African women that centres on their marginalisation and victimhood. The women McIntosh describes are agents and architects of their lives and livelihoods. Furthermore, the sheer variety of their lives illustrates the complexities of gender roles that change over time and are profoundly inflected by class, marital status, educational background, membership of organisations, and religious affiliation. McIntosh is careful to point out that she is using the term Yoruba to refer to “people who speak any language or dialect within the Yoruba linguistic family” (7), noting that there are marked regional differences.

She observes women’s adeptness at taking full advantage of whatever educational opportunities became available, in the face of the prevailing

gender inequalities. Women were hampered by colonial racism that saw inferior, subordinate educational opportunities being offered to women. This was in keeping with the European belief that African women were only worthy of vocational education, as there was no room for other roles for them in the colonial administration, economy, or the wider society they envisaged. Despite this legacy, girls and women found greater educational opportunities both in Nigeria and abroad towards the end of the colonial era, even though this was still gender-based and directed them into them into “suitable” careers – in nursing, midwifery and teaching.

McIntosh argues that because Yoruba women could and did make decisions concerning their lives and the lives of others, they exercised agency. In other words, they had power and control and although the colonial experience constrained this in many ways, women were determined to circumvent the system for their own economic and social gain. This was particularly evident in her discussion of the role of missionaries’ attempts to introduce Anglo-European Victorian values and attitudes. Yoruba women thus faced multiple demands as they were expected to trade to earn money to support themselves and their children, but they were also to work on their farm plots, as well as on those of their husband’s family. They were in no position to withdraw into domesticity, but had to remain active in various economic sectors, continuing to engage in everything from trading to weaving, to dying cloth, to cooking and selling food. In addition, they rejected the missionaries’ views that women should not play a visible and active role in the church. When it was evident that their roles would be diminished or eliminated in churches, they, along with men, formed breakaway African churches.

McIntosh sets out to examine whether there were aspects of colonialism that served to advance the security and social status of Yoruba women. She does this by examining court cases and court decisions, especially as they pertained to marriage, divorce, child custody, and widow inheritance. There is good evidence that both women and men in Nigeria used different aspects of colonialism to advance their social and economic agendas. McIntosh examines cases in which women took it upon themselves to sue their husbands for divorce, child custody and maintenance, reading these as demonstrations of individual agency rather than through a human rights framework. At the same time, men reverted to the Native Courts to demand return of the dowry, or to retain custody of the children of their marriages.

McIntosh analyses the agency of women in the section that addresses

economic organisations and protests. She describes a number of organisations (market associations) from the 19th century into colonialism that women established and ran based on particular commodities such as cloth, poultry, beads, pots and pans, and fish. There were also market associations which represented women who engaged in crafts and services. Women voted to elect the leaders of the associations and they were “responsible for the overall supervision and maintenance of the market, and they resolved disagreements between people in various sections of the market and acted as guardians of the women and their children” (227). This was not the practice throughout Yorubaland as men and male officials continued to make important decisions. In terms of the women establishing and participating in the market associations, McIntosh does not reveal their religious affiliations until she addresses the connection between the economic organisations and the protest mounted by Muslim market women in Lagos during the 1930s and 1940s. She explains the difficulty of Christian and Muslim women building a coalition because although they “were Yoruba women, they were divided into two groups: a large number of market sellers, the majority of whom were Muslim and had gone through no more than primary school; and a much smaller number of well-educated Christian women” (231). She explains how the educated elite women supported the concerns of the Muslim market women, including around additional taxes and higher rents for their market stalls. During the 1930s and 1940s, Muslim and Christian women cooperated against the imposition of additional taxes and their lack of representation in local government. Although Christian women’s associations did not enter into formal alliances with the Muslim market women’s associations until 1957, the differences in educational and class backgrounds did not prevent them working together on colonial policies which they believed undermined the economic interests of women.

However, all was not well in Yorubaland when it came to women who were enslaved or pawned. McIntosh explains how people who were enslaved or pawned could not be compared to those from Nigeria and other parts of the continent who ended up on slave plantations in the Americas. It is not important to delve into this issue in the review. However, it is notable to point out that Yoruba women were gaining and exercising agency and status through other women and men who were less fortunate, poorer, or less industrious, or women who were married to men who agreed to exchange them for monetary gain. The enslaved or pawned women’s labour was available to the woman

but also to her husband. Through the use of this labour, the household could also be enriched through reproduction, especially when the enslaved or pawned person married into the household. McIntosh also discusses women gaining agency through the labour of their co-wives, usually younger ones. The presence of a co-wife allowed older or first wives to engage in trading and other economic activities as they could stay away from home longer, engage in long-distance travel, and have another person responsible for the day-to-day running of the household. This situation benefitted the women who had the upper hand and resistance to it is evident in the number of women who fled from marriages, enslavement, and pawnship when the opportunity presented itself.

Some women were able to gain status and agency after accumulating wealth, titles, as well as relatives and others who were dependent on them. Again, the dependants, like the enslaved and pawned, could be men and women, boys and girls. It is not the reviewer's intent to claim that males were treated better under these arrangements. Yet, it is to point out that while women in Yorubaland were able to establish and maintain agency within a patriarchal system before, during, and after colonialism, this was often at the expense of other women who lacked similar resources, status and education.

McIntosh's emphasis on gender and how women exercised agency before colonialism contradicts the arguments made in Oyeronke Oyewumi's important book *The Invention of Women: Making of an African Sense of Western Gender Discourse* (1997). Oyewumi, unlike McIntosh, argues that gender is a western construct and was not found in Yoruba society. She demonstrates this by illustrating the lack of gender distinctions in the Yoruba language before the Atlantic slave trade and the imposition of colonial rule. She further argues that gender is not the important marker for social status. In other words, women were not automatically inferior to men as a result of patriarchy, but rather, social standing was based on seniority for both men and women. This allowed women to obtain power in their own right as senior sisters, wives, and in-laws. In sum, according to Oyewumi, the very concept or category of woman did not exist.

Nevertheless, there were clear duties that only women performed – cleaning, preparing food, and providing child care. These duties may not have left women in an inferior position, but they had to be fulfilled before all others. For those women who had resources, regardless of seniority, these could be delegated to other women, demonstrating power relations among

women that were not based solely on seniority. An older woman could be pawned or enslaved and a junior wife could control her labour. In this context, it becomes important to question whether widowed older women without children, grandchildren, property or status were better off than a junior wife who had a husband and children? Was an educated, professional, younger woman better off than an older woman who lacked property, dependents and titles?

From the McIntosh book, it appears that seniority was important, but it did not solely confer status on women or allow women to have agency. They needed resources in the form of money, dependents, land, and other property. It appears that no single category should trump the other – analysis of seniority should not trump gender or class, but rather, all three and others need to be fully analysed in order for us to get a better understanding on women's agency in Yorubaland and Africa.

The main disagreement I have with McIntosh is over the issue of agency. While it is very important for women to have it and to exercise it, obtaining it and exercising it at the expense of other women – the use of pawns, slaves, and junior wives to obtain economic enrichment – warrants some attention. I believe that McIntosh should have placed greater emphasis on these unequal relationships.

This book is recommended for courses in African women's history, African history, and Gender and Women's Studies courses. It is well-researched and documented and it covers a span of history that is invaluable to the broader understanding of Nigeria in general and the Yoruba in particular before, during, and after colonial rule. The book is well-written and organised and would interest readers who are new to African studies or African women's history.

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Contributors

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Kujejatou Manneh-Jallow, who has a PhD in management of small-scale women farmers' agricultural projects, has been the country director of ActionAid in the Gambia for the last three years. She has 35 years of experience working in the Gambia's Ministry of Agriculture at different levels, mainly with women farmers, as district extension worker, in-service trainer, co-editor of a field workers' magazine (Senela), Head of Food and Nutrition Unit, Head of Horticulture Unit of DAS, Principal Officer responsible for Food Security issues and as the gender focal point. She was the Executive Director of the National Women Farmers' Association (NAWFA) for more than seven years.

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Call for contributions: *Feminist Africa* 14 and 15

The theme for *Feminist Africa* 14 and 15 proposes a focus on issues of sexual and reproductive rights, with special interests in three main areas. The first has to do with the ways in which the term “sexual and reproductive rights” has developed within African contexts, and how vital areas of work (such as the on-going battles on violence against women or questions of the right to termination of pregnancy) have been both strengthened and – in some cases – threatened by new formulations of violence and social justice. The tensions between different constituencies (‘rape survivors’, ‘men’, ‘LGBTI groups’, ‘MSM’, ‘teenage mothers’, ‘sex workers’) deserve complex theorisation, within African contexts, and we hope to explore this as one area of concern for *Feminist Africa* 14 and 15.

The second area of interest involves notions of pleasure, agency, innovation and exploration within the terrain of sexuality. This area arises from the need to address an overwhelming sense that African contexts involve only ‘victims’ within the sexual and reproductive zone, and that work around ‘sexual and reproductive rights’ is a matter only of addressing discriminations and prohibition. This second area of interest will lead *Feminist Africa* to include considerations of film, media, music, ICTS and text (fiction, poetry and drama) as well as to explore the complex meanings of ‘pleasure’ and their implications for a feminist theory of sexualities.

The third area of interest involves the need to explore African-based engagements with sexual and reproductive rights with those from the global South. *Feminist Africa* 14 and 15 will include at least one feature article written by Latin American writers, seeking to build linkages between work done through feminist lenses in African contexts and that done within Argentina, Chile and Mexico. There are powerful similarities between some Latin American and some African countries, and alliances between feminist writers within the South can strengthen our perspectives in interesting ways.

Feminist Africa 14 and 15 will also include a focus on NGO (and other) work where strategies for advocacy and activism around sexual and

reproductive rights drive projects and programmes. Here, we will be especially interested in writing that illuminates recent achievements and innovative strategies.

Pieces for consideration (articles, profiles, book reviews, proposals for 'In Conversations') should be sent to agi-feministafrica@uct.ac.za by the end of March 2010.

All pieces sent will be acknowledged.