

INTEGRATED ASSESSMENT OF GENDER, LAND AND WATER AND THEIR IMPACT ON FOOD SECURITY

THE CASE OF ZAMBIA

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1.0 INTRODUCTION

Land is one of the most important capital resources for production and a source of livelihood for many people especially women. It is the biggest asset and forms the basis for all human survival in terms of social and economic development. Any concept of sustainable development relies heavily on both access to property rights in land and the security of those rights.

Fundamental as land may be to all humans, and despite being the majority among land users, women in Zambia like in many other African countries, have restricted rights to land, water and other natural resources because of some discriminatory policies in land administration.

Often times, women do not have land rights, which provide collateral for borrowing. Inequalities in land ownership are resulting in an increase in landlessness among marginalized groups especially women.

Access to land is governed through land tenure systems which determine who can use what resources, for how long, and under what conditions.

Water is one of the critical resources needed for economic development of any nation. Women play a key role in household livelihood systems in a productive and reproductive capacity. Inadequate water supply not only exposes women and children to unhealthy conditions, but also acts as a limiting factor in terms of development. In Zambia, approximately 22% of rural households live more than one kilometer from the nearest water source and this is likely to be polluted.

During the dry season, women spend up to 5 hours fetching water and this diverts their labor from household food production and child-care, increasing household vulnerability. This means that women spend more time outside food production, which is, key in their livelihood systems.

Currently in Zambia, about eighty (80%) of the population (mostly women) lives below the poverty line. The prevailing socio-economic situation has had an adverse effect on women because they are mainly the ones providing food security to their respective families. It is against this background that a study on integrated assessment of Gender, Land and Water and their impact on Food Security is being carried.

2.0 LITERATURE REVIEW

Literature was reviewed based on the Land and Water Policies, Legal and Administrative Framework. Such review have revealed how the land and water policies have tended to focus on the provision of land and water resources to all Zambians without further analyzing the gender biases that exist between men and women in accessing these very critical resources. This further impacts negatively on the household food security because women who are the major primary producers of food consumption at the household level lack access and control to the land and water resources which are critical in food production.

2.1 Land and Water Policies, Legal and Administrative Framework

The Lands Act, 1995

Under part II (administration of land), the Act states “ Notwithstanding anything to the contrary contained in any other law, instrument or document, but subject to this Act, all land in Zambia shall vest absolutely in the president and shall be held by him in perpetuity for and on behalf of the people of Zambia”.

The president has delegated the day-to-day administration of land to the Commissioner of lands.

District Municipal and City Councils are responsible for and on behalf of the Commissioner of Lands, in the processing of applications, selection of suitable candidates and making recommendations.

Types of Land

Currently, there are two types of land in Zambia and these are State land and Customary land.

State land is set aside for government use. Settlements in these areas are controlled by the state and development is regulated so as to have cities develop systematically.

Customary land refers to the areas, which were, until 1995 Land Act, called Reserved land and Trust land.

Reserved land was set aside for the exclusive use of the indigenous people and settlement by non-indigenous people was generally restricted.

Under **Trust land**, settlers were allowed to live with indigenous people where it was felt that this could benefit the indigenous people.

Land Tenure System

This is the mode of ownership of land. In Zambia, there are two tenure systems namely; Customary and Lease Hold.

Customary Tenure entails holding land under local customs and traditions governed by rules known to the community where land is situated. Families may hold land jointly or the chief can hold land on behalf of the community.

Under Leasehold system, the right of use or dispose of use rights is in accordance with the lease agreement entered into with the landlord. The agreement is for a specific period of time.

The method of acquiring land on leasehold depends on the type of land in question. Councils select deserving applicants and forward the names of the recommended

applicants to the Commissioner of Lands who approves the application if the land is available.

People currently holding land under custom and those who can prove their customary rights to land and intend to settle on their land are entitled to land in customary areas. Both Zambians and non Zambians can acquire land in these areas as long as land is free from settlements, available for allocation and the applicant obtains approval from the chief and the local authority within whose area the land is situated and the holder agrees to comply with the local customs and traditions. The 1995 Land Act provides that land held under customary holding can be converted to leasehold and vice versa.

Water policy

The Water Development Board is a statutory body (appointed under Cap 312 of the laws of Zambia). Presently, it is under the Ministry of Energy and Water Development (MEWD) and gets technical support from the Department of Water Affairs. The main function of the board is to control the use of all surface water resources in the country by allocating water for different uses.

In order to streamline the monitoring and allocation of water for various uses by the Water Development Board, it is recommended that the following measures be effected:

- 1) Making the Water Development Board more autonomous
- 2) Strengthening the capacity of the Water Development Board so that it is able to administer its legal and monitoring functions

Water Act, 2003

Cap. 198 state that the ownership of all water is vested in the President. The use, diversion and apportionment of all water shall be made in terms of this Act. This Act provides that a landowner shall have right to take free of charge such private water occurring on his land, as he may need for his own primary, secondary or tertiary use. This implies that only those that own land have water rights. This has gender implications because the majority of women do not own land and only access it through male relatives. Therefore, they cannot own water as well. The Water Board, which is the statutory body, is the only body empowered to consider and grant water rights to individuals. Any person wishing to be granted a water right must apply to the Water Board pursuant to section 9 of the Act. The functions of Water Office, which is an office created by the Act pursuant to section 4, is fulfilled by the Director of Water Affairs and he/she is the technical advisor to the Water Board.

The Water Board controls the use of all surface water resources in the country except shared waters. It has exclusive jurisdiction as regards the allocation of all surface water. An applicant may apply for a water right to impound, store, or divert water from a public stream. With respect to private water, the owner of the land does not require a water right. Any other person who wishes to use private water which occurs on another person's land and which is deemed to be surplus for the use of the land of the owner, must apply for a water right in respect of the usage of such water.

There are several uses of water and these include:

Primary use-, which refers to the use of water for domestic purposes and the support of animal life.

Secondary use - refers to the use of water for the irrigation of land and pisciculture.

Tertiary use - refers to the use of water for mechanical and industrial purposes or for the generation of power.

2.2 Land and Water Policies Analysis

Land

Although the Land Policy does declare interest in addressing issues of equity and efficiency in land delivery to all Zambians so that everybody is afforded an opportunity to own land, it does not go further to mention historical problems such as that, land under customary law is held by men and women only access it through their relationship to the male owner who could be the husband, brother or uncle.

It is clear that the land policy clearly shows the distinction between Reserve, Trust and State land and the extent to which full title could be obtained. However, there is no discussion of the gender biases in access to land and land ownership. It therefore, fails to provide an explanation of the gender discrimination in current laws both customary and statutory.

The Gender Policy is also lacking in any explicit statement of principle on gender equality in access to land. The land policy does not clearly bring out in its objectives, the requirements of the National Gender Policy which provides for 30% of all land available for distribution to be allocated to women, harmonizing customary and statutory laws on land, sensitization, provision for credit facilities to women for land development and legal reform.

Under the **Beijing Platform for Action**, the government is committed legislative and administrative reforms '*to give women equal rights with men to access to, ownership and control over land and other forms of property...*' (Para 165e).

The National Gender Policy of Zambia states that in order to make land more accessible to the majority of people, especially women, the Government will:

'Encourage and sensitize traditional rulers to equitably allocate land to women and men'. (National Gender Policy, 2000.).

Despite this commitment made in the Gender Policy, little has been done to enforce this commitment. Traditional rulers continue to facilitate the whole process by giving more land to men, as has been the tradition. Except for a few women, many still hold ownership only through their male relations or husbands.

Water

The Water Act does express the need to afford all Zambians equal access to clean and safe water. However, it does not identify the inequalities that exist between men and women in accessing and controlling water resources.

The Water Act Cap.312 gives room for the amendment of existing legislation to comply with proposed policies as well as to address any identified gaps. However, gender analysis has not been identified as a gap that needs to be addressed so that both men and women are not discriminated against and have equal water rights.

Problems pertaining to clean water and sanitation affect women more than men because women are considered traditionally the primary transporters and users of water for domestic consumption.

Lack of access to clean and safe water means a general increase in diarrheal diseases and ultimately, malnutrition in children. It also makes women to walk long distances to fetch water. This increases the workload of women and reduces time for developing themselves.

Gender has been left out in the objectives and the strategies of both the water Act and the water Policy. This simply means that all the gender biases that exist in acquiring water rights are not identified or addressed. This has perpetuated the low chances of women's opportunities in ownership of water resources.

2.3 Gender Analysis of Land and Water Policies, Principles and Objectives

The land policy recognizes the need to increase women's access to land. It blames customary and traditional practices for the lack security of tenure to land by women in comparison to their male counterparts. However, although the policy mentions gender, it does not comprehensively address gender inequality in access to and ownership of land. For instance, if a woman went to the village headman to asked for a piece of land, she is asked whether she is single, widowed or divorced. If she is divorced, she has to prove that she is no longer married.

The woman is only allocated a piece of land after the former husband certifies that they are truly divorced. In cases of traditional land allocation to married women, a headman may be accused of marriage interference if he allocates a piece of land to a married woman without her husband's consent.

There is also need to provide women and especially the rural women with secure property rights. In many cases, the major causes of women's impoverishment are continued discrimination and lack of access to education and to resources especially land rights i.e. equal property and inheritance rights. Whether married, widowed or single, women carry the basic responsibility for household food security.

The Foreword of the land policy has a strong principle that the new land policy seeks to address the question of equity and sufficiency in the delivery of land to ensure that all

Zambians are afforded the same opportunity to own land. Although the principle may be taken to imply gender equality, this is not specifically stated.

There is need to have clear cut gender sensitive principles that addresses all the outstanding gender biases in allocating land to men and women. Further, the principles should be implemented by those charged with the responsibility of allocating land. The overall objective state that land policy will recognize and promote people's right of access to land. This is an objective to redress gender imbalance and other forms of discrimination in land holding by encouraging women and people with special needs and other disadvantaged groups to own land. However, there exists a gender gap resulting from discrimination. The objective does not identify the types of discrimination nor state the intention to remove such discriminatory practices. Gender analysis does not come out as a very critical issue in land ownership in the objectives.

There are no indicators developed to find out whether the objectives meet their intended goals of equality in allocating land to men and women. The section on gender issues does not identify any specific gender issues in terms of discriminatory practices or gender gaps; instead, there is the claim that current laws do not discriminate against anyone on the basis of gender.

The current Zambian land policy, laws and administrative systems have yet to demonstrate their usefulness to the average woman.

The land policy should have gender desegregated data that should among other things, analyze the many severe forms of discrimination against women in access to and control over land as a major factor underlying rural poverty.

The Water Act is silent on any gender issues that arise in the process of giving individuals water rights. It is lacking in any explicit statement of principle on gender equality in access and control over water resources. Although women are recognized as the major users of water for domestic and agricultural purposes, the Water Act has not included issues of gender in its objectives. The omission of gender issues in the objectives simply means that there is no binding framework to guide those charged with the responsibility of allocating water rights to consider discrimination in water rights acquisition based on gender. This further reduces chances of more women having water rights and property ownership rights. It is important to consider gender aspects in water management to ensure that women, who are the major users of water, have control over the use of water. Women are concentrated in using water at the primary level and not the secondary and tertiary levels that realize income. Sidelining women who are the major users of water impacts negatively on sustainable development because the women would lack the sense of ownership.

The lack of a clear cut gender sensitive water policy has led to worsening of the situation in ensuring food security for female headed households because in the process of commercialization, men have gained more control of the cash crops and the money realized from those crops while women have the primary responsibility for subsistence agriculture due to lack of commercial irrigation equipment and inputs. Ignorance on water rights, economic constraints and women's submissiveness contribute to the failure by the majority of women to contribute effectively towards food security.

Like land, water is a very critical resource in development, which should be accessed equally by both men and women to ensure that there is food security at the household

and national levels. The Water Board, which is charged with the responsibility of giving water rights to individuals, should come up with deliberate interventions aimed at ensuring that more women have access and control to clean water facilities. This could be done by adopting legislation that guarantees women equal rights to own, manage, inherit and control water and also to gain access to credit and appropriate technologies such as irrigation equipment so that they contribute to food security.

The water policy has completely not addressed gender issues in its objectives and principles. It emphasizes on fairness in giving water rights to all Zambians. However, it is a known fact that women have not benefited as much as their male counterparts in the ownership of water resources due to the deeply rooted traditional beliefs that emphasize that women can only own property through their relationships with the males who could be husband or brothers. It has left out the Gender and Development Division as one of the institutions that is very useful in addressing discrimination tendencies based on gender in property ownership rights.

2.4 Analysis of land and water policy regimes on women's contribution to food security

The lack of a land and water policy that clearly identifies and addresses existing gender gaps between men and women on who owns land and water resources as well as who controls these, has a negative effect on food security. This is so because women who are the sore producers and providers of food at the household level do not have access to and control over these productive resources as their male counterparts.

The lack of appreciation of gender issues by the water and land policies and those charged with the responsibility of allocating land and water resources has perpetuated the subordinate position of women and their continued production of food at very low subsistence levels. This further affects their abilities and capacity to produce sufficient food to contribute effectively to food security at the household and national levels.

There is lack by both policies to harness gender issues and to put them into effect. Women have the ability to produce food at the commercial level but they lack capacity due to lack of commercial farming equipment and inputs. This could be alluded to their inability to access loans to be able to produce at a large scale. The customary laws on land and water resources perpetuate the poor performance of women towards contributing to food security because land and water resources under customary laws are held by men and women only gain access through their relationship to the male owners. Gender equality should be promoted at all levels and the position of women should be defined in terms of property and natural resources ownership.

The land and water policies are very critical in addressing the gender biases that hinder women from owning land and water because this is the root cause to their inability to perform as well as their male counterparts towards food security. The low levels of contributing to food security have health and nutritional implications, which mostly affects female-headed households. Statistics show that female headed households have the highest levels of malnutrition due to lack of access to and control over resources by women and also due to lack of credit facilities and improved technologies to use for producing food at commercial levels. This has health implications on women and children might suffer from malnutrition if the situation is not addressed. The reduction of

malnutrition requires a multi-sectoral approach especially with the emerging evidence that the gender biases against women in owning property contribute to high levels of malnutrition for female-headed households.

It is therefore, very critical that the policies that are developed empower both men and women equally so that the gender biases and the consequent failure by women to contribute effectively to food security are addressed. Having gender sensitive policies will address the gender biases in property ownership and this will consequently lead to women's improved contribution to household and national food security.

3.0 LEGAL FRAMEWORK

3.1 Legal Provision on Land and Water Resources

The Lands Act, 1995

This is an Act to provide for the continuation of Leaseholds and leasehold tenure; to provide for the continued vesting of land in the president and alienation of land by the president; to provide for the statutory recognition and continuation of customary tenure; to provide for the conversion of customary tenure into leasehold tenure; to establish a Land Development Fund and a Lands Tribunal; to repeal the Land (Conversion of Titles) Act; to repeal the Zambia (State Lands and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 to 1964, and the Western Province (Land and Miscellaneous Provisions) Act, 1970; and to provide for matters connected with or incidental to the foregoing.

In 1991, the new government embarked on a massive economic liberalization programme, which included change of land and water policies. The 1995 Lands Act abolished the various categories of land and replaced them with only two: State land and Customary land. State land is governed by English law and is said to cover about 6% of the total land area in Zambia. It consists of land mainly in urban areas along the line of rail. Application for the land must be made to the Commissioner of lands in the Ministry of Lands who, acting on behalf of the president, issues a title deed. This is given after documentation has been finalized and the necessary surveys conducted. Customary land on the other hand is held under the customs and traditions governing land use and ownership. These differ from place to place and are usually not documented. To obtain a title to land, one identifies land through the village headman or chief.

The Water Act and the Water Policy

At present, there are various pieces of legislation, which play a role in the water sector. These include:

a) Amendment of Existing Legislation

The Water Act: Cap. 312 require amendment so that it complies with the proposal policies. The amendments should include the following:

- Incorporate ground water and control its abstraction, use, supply and distribution;

- Prescribe mandatory measures to be effected during periods of emergencies.

b) **Enactment of New Legislation**

Under the prevailing economic environment, which among others encourages private participation in the provision of services to the public, a new legislation should establish a new board or empower the existing Water Board to perform the following:

- To regulate against monopoly tendencies of water companies;
- To receive representations from consumers and other interested parties on water tariff adjustments and levels;
- To ensure that water tariff adjustments and levels are justified;
- To be an Appeals body for individuals and institutions not satisfied with services provided;
- To be an arbiter between the various stakeholders in the water sector in general and specifically to ensure that the interests of water users and the public are safeguarded.

The objective of the Act is to consolidate and amend the law in respect of the ownership, control and use of water; and to provide the matter incidental thereto or therewith. The Act outlines conditions under which one could obtain the water right. It states that the Water Board is the only body empowered to consider and grant water rights to individuals. That any person shall have the right to the primary use of water which is found in its natural channel or bed. With respect to private water, the owner of the land owns the water and does not require any water right.

3.4 Protection of Women's property rights in relation to land and water resources

Article 23 of Zambia's Constitution of 1991, amended in 1996, forbids laws that discriminate on the basis of sex/gender. At the same time, however, the constitution explicitly excludes from this provision, personal law - such as that concerning inheritance of property and the application of customary law.

Although the Constitution forbids discrimination based on gender/sex, the lack of law or policy to compel relevant institutions (Ministry of Lands and Ministry of Energy and Water Development) to desegregate data into gender has perpetuated the stereotypes and the gender gaps between men and women in owning water and land resources. Records indicating ownership are normally not updated.

The Land and Water policies in Zambia encourages everyone to fully participate in the exploration of land and water resources and they do not discriminate against anyone in accessing these resources. The policies in fact, give the impression that anyone can acquire land without any difficulty. The policy documents state that the current laws do not discriminate against anyone on the basis of gender. But government however, has

recognized that women still lack access to land and water in comparison to their male counterparts. While the land and water policies do not explicitly discriminate against women, the discrimination has been subtle and women have to negotiate for the acquisition of land and water resources. In seeking to address these, the government adopted a National Gender Policy in March 2000, which was formulated after consultations with civil society representatives. Among other things, the gender policy provides for 30% of all land available for distribution to be allocated to women, harmonizing customary and statutory laws on land, awareness raising, providing credit facilities to women for land development and legal reform. However, to date, the Gender Policy has yet to be implemented fully for women to benefit from this policy. Few women however, have had the opportunity to get land. The process and procedure continue to be long, cumbersome and bureaucratic that women end up giving up.

3.5 Legal And Water Resources Rights Provision And The Impact On Women's Contribution To Food Security

Continuing with vestment of all land and water resources in the president for and on behalf of the people of Zambia opens the administration of resources to abuse. Although the policy mentions gender, it does not comprehensively address gender inequality in access to and ownership of water resources.

Women are the main producers, providers and traditional managers of food production at household and national level. Their role in contributing to improved nutrition and food security is crucial. However, women's productivity tends to be constrained by lack of access to productive resources such as land, water, credit facilities and improved technologies. This is worsened by the lack of legal frameworks that ensure that gender biases are eliminated and that women and men have equal access to production resources. The lack of a gender sensitive land policy that specifically addresses women's land tenure rights is one major hindrance to ensuring that women contribute effectively to food security. This lack of ownership by women impacts negatively on food security because they end up producing at a small-scale level.

The involvement and participation of women in administrative structures at local, community, district, provincial and national / regional levels especially in decision-making portfolios is very minimal.

3.6 Administrative Frameworks On Land And Water's Impact On Women's Contribution To Food Security

The frameworks so developed do recognize the problems of gender discrimination in the allocation and utilization of land and water resources. The National gender policy also plays a critical role in the formulation of the revised water and land policies. However, much needs to be done in terms of implementation of the outlined gender equity to ensure that both men and women have equal access to productive resources. The land and water policies are not efficiently gender aware because the administrative frameworks and those charged with the responsibility of allocating land and water resources do not recognize that both women and men as development actors are constrained in different and often unequal ways as potential participants and beneficiaries in the development process and that, they may consequently have differing and sometimes conflicting needs, interests and priorities.

In Zambia, there is a general lack of awareness of the land and water rights. There are several administrative practices, rules and regulations that perpetuate gender discrimination and these are mainly in the area of property ownership, and inheritance rights. There is need to have administrative frameworks in place that ensure that people and particularly women, are sensitized about their property ownership rights. This will encourage and assert them to own land, which would further empower them to contribute effectively to food security.

4.0 NORMS, PRINCIPLES AND STANDARDS ON WOMEN'S LAND AND WATER RIGHTS

The rules of acquiring land and water rights are applied and made operational through land and water administrators. In many communities, both statutory and customary laws govern access to land and water resources. Conflicts can exist between traditional norms and national laws. Local norms as enforced by community members are likely to prevail especially in rural areas. National constitutions and laws granting equal access to productive resources are essential for gender equity. However, for these to appear legitimate and be enforced, they need to be accepted by the local community.

Zambia is a signatory to a number of regional and international instruments including: the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the SADC Gender and Development Declaration of 1997 and the 1995 Beijing Declaration. In so doing, Zambia committed itself to undertake measures that would ensure women's equal treatment in land and water resources.

5.0 WOMEN'S ACCESS TO INFORMATION AND COMMUNICATION TO PROTECT AND ENHANCE THEIR CONTRIBUTION TO FOOD SECURITY

The 1996 Information and Media Policy which was intended to promote and safeguard press freedom, people's rights to information, does not, in its current form, respond to gender concerns. The high concentration of both electronic and print media in urban areas and the erratic production of newspapers in local languages as well as poor radio reception has deprived women in rural areas of information. The high illiteracy levels among women have further compounded the situation. Access to information and communication is very critical in ensuring that women contribute efficiently and effectively towards food security because they would be able to know their rights, assert themselves and make informed decisions.. However, the majority of women especially rural women, have inadequate or no access to information on developmental issues due to lack of exposure.

In certain instances, and due to lack of information women do not realize that they are disadvantaged and they do not realize their needs because sometimes, existing information does not respond to their needs. There is need for community sensitization programs aimed at enlightening women about their ownership rights.

5.1 Information on Land and Water Rights

The majority of women have inadequate or no access to development information. Due to lack of adequate information on human rights in general and land / water rights specifically, several administrative practices, rules and regulations perpetuate gender discrimination in the area of property ownership. Women are not aware of the

oppressive statutory and customary laws and practices that perpetuate gender discrimination in areas of owning factors of production such as land and their contribution to food security. There is need to disseminate information that is easily understood by both men and women. Statistics show that illiteracy levels are much higher among women than men and higher for rural women than the urban women.

Using the forms of media that best reach all people including those in rural areas and distant districts are advisable. The radio, especially community radios where they exist may be a more effective tool of communicating opportunities of land and water resources available at any given time. Those charged with the responsibilities of giving land and water rights should be able to carry out community sensitization programmes aimed at educating both men and women about their rights to ownership. Institutions such as the civil society that work with communities are very critical in sensitizing communities and especially women about their rights.

5.2 Technical and Institutional Support

There is need to call on government and its agencies to adopt legislation that guarantees women equal rights to own, manage, inherit, and control land and water resources and also to gain access to improved technology and credit facilities. The Ministry of Lands and the Ministry of Energy and Water Development should endeavor to conduct workshops in communities, aimed at explaining the rights and obligations associated with holding title to water and land. These Ministries should also ensure that the revised and enacted laws are implemented. Both men and women holding title should have adequate information about being a titleholder.

They should understand their rights, responsibilities and opportunities that holding a title carries and the potential consequences this may bring in terms of their status i.e. fees taxes to be paid during transactions. Facilitating educational campaigns should be a priority in order to create awareness on gender issues, needs, concerns, and roles of women and men among political, traditional leaders, administrators and policy makers. Information to be adequately and efficiently appreciated especially by rural women, the capacity of institutions should be built so that they disseminate information to the people in the major local languages.

There is no mention of any involvement of the Gender and Development Division of Cabinet Office, nor the various women's organizations of civil society, nor the Law Development Commission as Institutions that could be instrumental in integrating gender, land and water to assess their impact on food security. The National Gender Policy of March 2000 states that there is need to 'review and amend laws that hinder women's access to and control over factors of production like land, credit, technology and information'. Women have the support from regional governments and continental bodies such as the AU, New Partnership for Africa's Development and SADC.

Institutions in that render support services to issues of land and water rights:

- **The Ministry of Lands** - Charged with the overall responsibility of allocating land to deserving individuals through the Commissioner of Lands.
- **The Ministry of Agriculture and Cooperatives** - A review of the role of women in this sector reveals that they are the main producers, providers and traditional

managers of food production at the family, household and national levels. Their role in contributing to improved nutrition and food security at the household as well as national levels is very crucial. This Ministry needs to work hand in hand with the Ministry of Lands to ensure that Women have access to and control over land and other improved technologies such as irrigation pumps and adequate farming inputs. There is need to increase women's access to land rights, credit and extension services. This would improve women's contribution to food security.

- **The Ministry of Local Government and Housing** - the councils are the ones charged with the responsibility of selecting deserving applicants and forward the names to the Commissioner of Lands who approves the application if the land is available. This Ministry is therefore useful in ensuring that in their allocation of land, deliberate measures are put in place to ensure that there is gender balance in allocating land to men and women.
- **The Ministry of Energy and Water Development** - Promoting and increasing women's access to safe and clean water for agricultural purposes so that they adequately contribute to food security.
- **Ministry of Information and Broadcasting** - The majority of women have inadequate or no access to information. This has continued to perpetuate their subordinate position in developmental programmes because they are not aware about their rights, particularly their ownership rights to productive resources such as land and water rights. This lack of ownership of land and water resources has affected their contribution to food security.
- **The Gender In Development Division** -It plans, coordinates, monitors and evaluates gender related activities in the country. Therefore, it is very critical that it is involved in issues of land property ownership and land rights so that it identifies and addresses the gender biases that exist between men and women in land acquisition.
- **Non-Governmental Organization Coordinating Council** - Responsible for coordinating all non-governmental organizations involved in the implementation of gender and gender issues in allocating land and water rights to both men and women.

There is need for the above mentioned institutions to come up with well spelt guidelines that would ensure that they network effectively in ensuring that gender issues are considered and addressed in the allocation of land resources to men and women so that women are given an opportunity to contribute effectively to food security.

In case of the water supply and sanitation related services, several major institutions are involved and these include:

- The National Commission for Development Planning (NCDP), which is charged with the responsibility of resource mobilization.
- The Department of Water Affairs in the Ministry of Energy and Water Development, responsible for rural and small township water supply.
- The Ministry of Health, which ensures the maintenance of acceptable sanitary and water quality standards for human consumption.

- The Ministry of Local Government and Housing (Urban water supply policy and investment projects); Local Authorities (mostly urban municipalities and small urban township councils), which are responsible for maintaining urban water supply and sanitation schemes.
- Ministry of Community Development and Social Welfare (identification of social welfare water and sanitation projects).
- Ministry of Education (running water supply schemes at some public institutions).
- Ministry of Environment and Natural Resources (effluent standards / pollution control).
- On the Copperbelt, some mines are serviced by water supply schemes run by the Zambia Consolidated Copper Mines (ZCCM).

Due to the diffuse institutional structure and the lack of clear guidelines and coordination links, a number of problems have arisen regarding the management of the sector. These include:

- a) Inadequate legislation for water resources regulation by the government;
- b) Lack of clear distinction between sector responsibilities leading to situation where the Department of Water Affairs combines water resource management and operation of water supply scheme responsibilities;
- c) Inadequate institutional and logistical capacity to put in place effective maintenance, material supply and cost recovery systems to operate water supply schemes;
- d) Lack of adequate skills to ably manage and operate water supply schemes in the country;
- e) Unsustainability of water supply schemes resulting from perception of water as an cost-free social good rather than an economic one;
- f) Inadequate community participation especially low levels of participation by women;
- g) Declining investment and sub-economic tariff adjustments leading to financial hardships for water supply schemes;
- h) Poor coordination of planning and management activities among institutions in the sector leading to wastage of resources and duplication of effort.

In order to address the above problems government has taken steps which include the formation of a **Task Force on Social Rehabilitation and Maintenance** under which a Water and Sanitation Committee exists in order to address water supply and sanitation activities.

As a long term measure, an inter-ministerial coordination body called the Programme Coordination Unit (PCU) has been established administratively to spearhead the initiative regarding "Reorganization of the Water Supply and Sanitation Sector" charged with the responsibility of:

- Sector policy reforms;

- Proposals for institutional strengthening;
- Sector organizational reforms;
- Clarification of sector responsibilities;
- Framework for planning, project development and operation maintenance

In the water policy, there is no mention of the Gender and Development Division of the Cabinet office as one of the very critical institutions that needs to be incorporated in the water sector to address any gender issues that might arise particularly regarding discrimination in water rights and ownership of water resources by both men and women. No matter how much money is invested in the system as it currently stands, positive results cannot be guaranteed in the absence of an institutional framework to guide land and water administration.

6.0 REVIEW LITERATURE ON EXISTING FRAMEWORKS ON THE INTEGRATION OF GENDER, LAND AND WATER RIGHTS IN THE REGION FOR ATTAINMENT OF FOOD SECURITY

6.1 Obtaining knowledge of the local situation

In order to know the extent of gender issues with respect to access to land, there must be an assessment of the situation. Authorities can achieve this by undertaking baseline studies in their respective areas. Explain the rights and obligations associated with holding title to land: both men and women holding title should have adequate information about being a titleholder (**A Human Rights case study of Central and Southern provinces 2003**).

Although women are pillars of subsistence food production (60-80%), they continue to have limited access to factors of production like land, credit, labour, training and technology. The pivotal role of women in ensuring food security should be reflected in the implementation of policies, programs and plans that redress the gender discriminatory practices in acquisition of land and water rights. (**Women's Rights Charter, 1996**).

Harmonize national policies with the international and regional declarations, covenants, conventions on the status of men and women that Zambia has and will ratify. Facilitating and ensuring the incorporation of provisions of international and regional instruments like the Convention on the Elimination of all forms of Discrimination Against Women that Zambia has ratified to become part and parcel of the law. (**Position paper on Gender**). There is need by the institutions to go further by ensuring that gender is integrated in land and water rights to attain food security and that this is being effectively implemented.

Problems pertaining to clean water and sanitation affect women more than men because women are traditionally considered the primary transporters and users of water for domestic consumption. Lack of access to safe and clean water means a general increase in diseases and women walking long distances in search of water. This

increases the workload for women and takes them away from productive activities to enable them contribute to food security. According to the **position paper on gender**, there is need to 'enact laws to ensure that local authorities enforce legislature regarding water and sanitation'.

Women are the main producers and traditional managers of food production at the household and national levels. Their role in contributing to improved nutrition and food security at household as well as national levels is crucial. However, their productivity tends to be constrained by lack of access to productive resources such as land, water, credit and improved technology. There is need for existing frameworks to focus not only on farm production but also increasing women's access and control over water and land rights. The National Gender Policy does recognize the need to afford both men and women equal opportunities to own land and water resources through its vision that 'government will provide a legal framework that will promote ownership of land by women especially at community levels'.

On the water sector, the Gender Policy states that 'government will promote and encourage the involvement of women in the decision making processes in the provision of safe and clean water and improvement of sanitation facilities'. The Gender policy does not state further, issues pertaining to women's ownership rights in the water sector. **(National Gender Policy, 2000).**

To protect women and men's rights to inheritance, the government has enacted the **Interstate Act** to change and integrate the various customary laws and practices relating to interstate succession. However, the Interstate Act does not bring out the specific gender biases that exist against women as regards their rights to inheritance especially at the community level.

For instance, the traditional and cultural practices that make a woman non person make the woman have no rights to own land in that, she is just considered to be part of the late husband's household property because she was paid for through lobola (bride price). This creates problems for the woman once the husband dies because her in-laws without regard to the welfare of the surviving children will dispose her of as part of the late husband's property.

Therefore, the Interstate Act needs to incorporate the gender issues regarding inheritance and these should be implemented. The land and water policies should incorporate all the relevant principles, goals and strategies set out in the National Gender policy so as to address all important gender issues, which stand in the way of equitable allocation and utilization of land and water in Zambia. This will increase women's contribution towards attaining food security.

Governments in the Southern African Development Community (SADC) have come up with land and water policies that would address the plight of women. They have been listening to lamentations of women in their quest for equal and equitable distribution of the scarce resources and are now working towards reversing the trend. It is a notorious fact that women have been marginalized in most of developmental programmes and many of these have been designed in a way that does not take the interests of women, making them even more vulnerable.

The women's land and water rights in Southern Africa Strategic Planning Meeting, which met in Lusaka under the theme " Land, Water, Gender and Food Security for Sustainable Livelihood in Southern Africa" brought out serious issues about land acquisition in the region that needed to be addressed by the governments. The government of the Republic of Zambia considers land as a very important resource, which forms the basis of all human survival, hence the need for them to play their role accordingly.

In South Africa, the white paper on land policy has been applauded for including the principle of gender equality as one of the principles governing the land reform programme. The land reform programme should bring out equitable opportunities for both women and men while at the same time realizing that women applicants are given priority, as they are more disadvantaged. Most SADC governments have shown the commitment towards addressing gender imbalances in land matters.

Zimbabwe is equally on a similar path of reforming the land policy so that gender disparities in the acquisition of land and water are addressed. The Zimbabwean government has seen the need for the improvement of the entire land policy framework so that it becomes gender sensitive.

The AU Southern African Region Office strongly believes that the issue of water and land ownership is very critical. This is due to the fact that, despite their predominant role in the agricultural sector, the majority of women have no legal rights to land and water. Since women are the majority players in agriculture, it is prudent to say that the road to food security and sustainable agricultural production lies in the empowerment of women. The sooner the gender disparities are corrected, the better for Africa if it is to attain gender parity and food security. **(Zambia Daily Mail: Gender Focus, 22nd July 2004).**

Despite the significant contribution women have made in the agricultural sector, the legal and policy framework continue to marginalize them on the basis of gender. Women in Zambia and some other SADC countries have had a lot of difficulties in accessing land and water due to the fact that the legal systems are not gender friendly. This has a lot of profound effects on food security.

7.0 CONCLUSIONS

Integration of Gender in Land and Water Policies

The objectives on the land and water policies do indicate the need to provide these resources to all Zambians but they do not specifically state the gender discriminations that arise against women in property ownership. Gender has not been reflected in the objectives of both policies. This has negative impacts because implementers leave out all gender concerns and those charged with the responsibility of allocating land and water resources.

Women's Lack Of Access To Land And Water Resources

The lack of access to land and water are but symptoms of a grater problem. The government should take adequate measures to ensure that women who are part of the development process have access and control over land and water resources. There is need to provide women and especially the rural women, with secure property rights. For

instance, the gender policy provides for 30% of all land available for distribution to be allocated to women. Sadly, to date, most of these commitments have not been implemented and they remain on paper, yet to be realized. This lack of access to land and water rights has negatively affected women's contribution to food security.

Legal and Policy Framework

It is cardinal to all Zambian women that the government initiates an extensive review of current land and water policies to enable them explicitly spell out the position of gender in relation to property ownership. The cumbersome administrative procedures in acquiring land and water rights contribute to low levels of women who own land and water rights. These should be revisited and simplified so that women easily go through the processes of acquiring land and water rights.

Institutional Framework

It is very vital that the various institutions that play a part in land and water rights are responsive and accommodating to women as well as men. They should recognize both men and women as stakeholders and emphasize the importance of gender inclusive participation when rights of access to water and land are determined. This gender inclusiveness could also open up communication barriers to the communities reducing gender biases in property ownership. This will improve women's contribution to food security.

Access to Information

Inadequate access to information by the majority of women is one of the major contributing factors to their lack of land and water rights and also their poor performance in contributing to food security because they are not aware of their rights to property ownership as well as the institutions that could assist them.

There is need for the government and all agencies that deal with land and water resources to work together to remove barriers to access to information. This information should be disseminated in a way that is easily understood by both women and men. Statistics show that the illiteracy rate is much higher among women than men and higher for rural people than the urban population. Using the forms of media that best reach all people including those in rural areas and distant districts are advisable.

Women's Contribution to Food Security

Women make vital contribution to food production at the household, national and international levels. The Women in Zambia produce 60-70% of the food for consumption. However, although women are the pillars of subsistence agriculture, they continue to have limited access to and control over factors of production like land, credit, labour, training and improved technology. This has negatively affected their contribution to food security because they continue to produce at small-scale levels.

There is urgent need for the development of comprehensive policies that link land and water from a gender perspective. This would be the only sure solution to the current predicament facing Zambia and Southern Africa. The onus is on every Zambian in

general and policy makers in particular to assist in the formulation of gender sensitive policies that benefit both men and women equally.

RECOMMENDATIONS

Government:

- The land policy should have provisions that compel land administrators to allocate more land to women.
- The land and water policies should have provisions to compel the Ministry of Lands and the Ministry of Water Affairs and other stakeholders in land and water to desegregate data according to gender and disseminate such data to the public.
- There should be deliberate provision in the land policy to empower women develop land given to them e.g. introducing loan schemes with a bias for women who own land.
- The land policy should have measures that offer checks and balances to chiefs over land administration to benefit women as well. One such measure is to ensure that the gender policy that advocates for the opportunity of 30% of the available land to women is fully implemented even at village level.
- There is need to simplify and shorten the procedures in the administration systems to lessen costs so that poor people, especially women, have land and water rights and titles.
- The crop marketing authorities should give priority to buying from women small-scale farmers.
- Government should assist women with farming implements and irrigation equipment during drought periods to ensure that they produce enough food.
- To reduce the workload of women, especially rural women, water points should be allocated at convenience spots.
- The Zambian government is challenged to ensure that all stakeholders in land and water rights utilize the existing gender Policy so that gender issues are identified and addressed to ensure that both men and women are given equal opportunities in land and water rights ownership.

Local Leaders:

- Chiefs should be educated over the provisions of gender policy, which has a component on land through workshops. The Gender in Development Division at cabinet office can spearhead the process.

Local Authorities:

- The local district councils should be given guidelines in ensuring that women are allocated more land especially in settlement areas.

Civil Society:

- The civil society should maintain their role as watchdogs to ensure that the rights of women in land and water are realized.

Women:

- Women should be sensitized through workshops on the need to own land in their own capacity.
- Women should assert themselves over their land rights.
- Women should be fully involved in making decisions in the water sector such as the type of water facilities convenient to them and where such facilities are located.

INSTITUTIONS MET

1. Ministry of Environment and Natural Resources
2. Ministry of Energy and Water Development
3. Ministry of Lands
4. Department of Water Affairs
5. Water Board
6. Lusaka District Council
7. Non-Governmental Organizations Coordinating Council

Checklist: Integrated Assessment of gender, land and water rights and their impact on food security

1. Do you think women have land and water rights?
 2. If yes, are women encouraged by the provisions in these rights to access and own land and water?
 3. What is the procedure of owning land?
 4. Do women easily access land and water?
 5. If no, what do you think should be done to address the situation?
 6. What are some of the implications if women don't own land?
 7. What is food security and how important is it in the advancement of economic growth of the nation?
 8. What measures should be put in place to ensure food security at both national and household levels?
 9. What recommendations do you have on enhancing the ownership of land and water rights by women as means to ensure food security?
-
1. What is the ministry doing in ensuring that land administration protects all stakeholders owning land especially women?
 2. Do you think the inclusion of gender is important in the administration of land in terms of food security?
 3. What are some of the most critical gender issues that threaten access to land and water rights in ensuring food security?
 4. What are the benefits of owning land?
 5. Do women have equal access to property rights in land and the security of those rights as men?
 6. Are existing land tenure rights gender sensitive?
 7. If yes, how has this improved the food security in the country?
 8. What strategies has the ministry put in place to fight gender discrimination in the entire land administration system?
 9. What do you think about the current land administration?
-
1. What land tenure systems exist in our country and how easily accessible are they to the women folk?
 2. What implications do these systems have in attaining food security?
 3. Is it possible to use land under these systems as collateral for purposes of farming?
 4. How secure is the tenure under these systems?
 5. Are there any gender imbalances in the land tenure system?
 6. If yes, what policies are being put in place to ensure fair distribution of land to both men and women?
 7. What do you think is the main cause of women not owning or willing to acquire land?
 8. How is the ministry promoting sustainable use of land by women?
 9. What is the ministry's policy on allocation of land to women and other disadvantaged groups?

Civil society

1. Do you think that the current land policy give equal opportunity for both men and women to access land?
 2. If no, what is the civil society doing to influence change in the current land policy?
 3. What relationship exist in owning land and food security?
 4. What discriminatory practices exist in the current land delivery system?
 5. What do you think should be done to address the situation?
 6. What is the civil society doing to address gender discrimination?
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1. Is your organisation involved in the dissemination of information on access to land and water rights?
 2. If yes, what communication tools are you using and how effective are they?