WOMEN’S ACCESS TO LAND IN MATRILINEAL AND PATRILINEAL SOCIETIES: A CASE OF MALAWI

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BHUTAN +10
GENDER AND SUSTAINABLE MOUNTAIN DEVELOPMENT IN A CHANGING WORLD
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• WOLREC—women’s rights NGO in Malawi

• Our work on land dates back to 2008 when we were part of a regional research programme for Southern Africa funded by IDRC through ILC and University of Western Cape

• Currently we are running two projects on land
  ○ Promoting women’s access to productive resources (land, credit and income)(2012-2016)
  ○ Advocating for a Gender sensitive law in Malawi(2012-2014)
Malawi has a population of 14 million of which 52% are females. 75% of the population live in rural areas.

- Economy based on Agriculture

- 80% of the rural population involved in subsistence farming.
Land is very significant in Malawi because it is a source of livelihoods especially for rural residents but it also determines status for the people.
LAND TENURE SYSTEM

- Categories of land (Land Act 1965)
  - Private land
  - Public land
  - Customary land

New policy (2002) and Land bill (2006) suggest two categories
  - Private (customary land will fall under this category)
  - Public
LAND TENURE SYSTEM

- 75% is customary land
- Tenure of customary land is dependent on the social systems to which one belongs
Malawi has two distinct social systems; Matrilineal and Patrilineal

- Matrilieal; lineage through females. A man moves to his wife’s village.
- Patrilineal; lineage through males. A woman moves to her husband’s village.
## Access to land for women

<table>
<thead>
<tr>
<th>Matrilineal</th>
<th>Patrilineal</th>
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<tr>
<td>- Access is guaranteed regardless of marital status</td>
<td>- Have access to land but determined by marital status</td>
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<tr>
<td>- <strong>Married</strong>-through husbands</td>
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<tr>
<td>- <strong>Divorcees</strong>-through their brothers (dependent on their goodwill)</td>
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Land ownership by women

- **Patrilineal**
  - Women do not own land, both where they are born and also where they are married.
  - They also do not have inheritance rights.

- **Matrilineal**
  - Women own land in their maternal villages.
  - Have inheritance rights.
Control over land by women

**Patrilineal**
- For married women; no control over large field but are able to control small pieces of land (kitchen gardens) near their houses.
- For widows and divorcees. Have control over what to plant on the land they have access to. But their control is limited to annual crops for they cannot freely plant perennial crops, like trees.

**Matrilineal**
- Limited control. Some critical decisions concerning land men still make them (Uncles, Husbands, Brothers)
Control over products from land (ie cash crops)

- In both patrilineal and matrilineal, for married women, cash crops controlled by men. Women control what are regarded as “feminine crops” such as beans, vegetables, soya but when the same has to fetch money, men will control.
- “A man still remains a man even when the woman is the owner” syndrome.
Factors Influencing Access, Ownership and Control

- Traditional practices and beliefs
- Poverty - women not able to invest on land which leads to customary structures viewing land access, ownership, control as not necessary for women
- Lack of specific provisions in the current law on tenure for women with regard to customary land
- Monetary value attached to land; industries coming in rural areas has led to more dispossession of land in matrilineal
HOW THE LAW WANTS TO SECURE LAND TENURE FOR WOMEN

- The land bill recognizes women’s rights to access and own land
- The land bill suggests registration of customary land where all names for members on the nuclear family should appear on the title deeds
- The land bill also suggests no sale of land unless consent has been obtained from all members of the family
WOMEN’S AGENCY WITHIN THE CURRENT SITUATION
In both patrilineal and matrilineal systems

- Some women do fight for their rights
  - Use of customary structures
  - Formal justice delivery systems
  - Using women’s groups within the community
SUPPORTING WOMEN’S AGENCY

- Sensitization on women’s land rights and legal rights.
- Strengthening women’s forums; assertiveness, advocacy etc
- Provision of legal aid
- Facilitating linkages between grassroots women and policy makers at different levels
WHAT NEEDS TO BE DONE

- More rights education for women and men so that the former can stand up for their rights and the latter can support the cause
- Enactment of gender sensitive land laws that guarantee women’s access as well as ownership of land
- Provision of resources to women to invest in land
- Provision of legal support to women