

CLIMATE CHANGE MITIGATION OPPORTUNITIES IN RURAL FUTURES

Factors Affecting Women's Land Tenure in Namibia

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Land tenure in Namibia is divided into private commercial ownership and communal land tenure. Women seldom own land even though they take care of 90 per cent of the cultivation in communal land areas and produce most of the food. With unsecure land rights and limited opportunities for earned income, women have less capacity to invest in improved conservation practices. Thus, the effects of climate change can be mitigated by improving women's land tenure rights. This study examines the factors affecting women's land tenure in Namibia; the study is based on a literature review. According to earlier studies, cultural and social norms and customs are the most significant factors that restrict women's land tenure. The lack of education also affects women's land tenure strongly. Rural women, especially, are often unaware of legislation affecting their rights. The resettlement and land distribution programs, supported by the government, are not considered effective enough in promoting women's land tenure rights. It would be possible to mitigate the effects of climate change indirectly by developing and monitoring land laws and reforms in order to make progress in women's land tenure in Namibia's rural areas.

Keywords: women, land tenure, climate change adaption, Namibia

Introduction and Background

Climate change creates a challenge for global food production and security. Especially developing countries are estimated to be severely affected by the climate change. It causes changes in natural ecosystems, land capacity and land use systems and also affects structural issues, e.g., tenure security, land redistribution and land use regulation (Quan & Dyer 2008). In turn, land tenure problems are considered as important contributors to poverty through reducing livelihood opportunities and compounding food insecurity (FAO 2002).

The agriculture in sub-Saharan Africa, especially, is very sensitive to climate change as the resulting volatility increases poverty (Ahmed et al. 2009). Due to poverty, rural households have a lower mitigative and adaptive capacity (Lambrou & Piana 2006). However, Hertel and Rosch (2010) emphasize that these countries have a great potential to contribute to mitigation of climate change through agricultural practices. Climate change will not only affect land tenure but also the opposite is true, when secured land tenure rights can facilitate adaption to climate change and mitigate its effects (Quan & Dyer 2008). Secured land tenure rights are therefore one key to food security and climate change adaption: as a land owner, a person has permanent place of residence and thus he or she has more interest to invest in the land and in environment friendly techniques (Barbier 1997; IFAD 2008; Nkonya et al. 2008; Tenaw et al. 2009).

In developing countries approximately 10 to 20 per cent of all landholders are women (FAO & CGIAR 2013). Men's and women's access to agricultural resources, such as land, is often unequal. Governance of these resources, however, is crucial for adaptation to climate change. According to Angula (2010), adaptation to climate change is a social issue and crucially asks for policy intervention. For this reason, more attention has been paid to women's land tenure rights in developing countries during the last decade and organizations like UN, FAO and World Bank have highlighted its importance in many forums.

The female share of agricultural labour force is almost 50 percent in sub-Saharan Africa and women play a key role in food production. Women are less likely to own or have access to land than men, however, and they comprise only about 15 per cent of all agricultural holders (owned, rented or allocated) in sub-Saharan Africa. In addition, due to social, cultural and economic constraints, land areas held by women are often of a poor quality and in small plots, which leads to low productivity (FAO 2011a; IFPRI 2005; World Bank 2008). FAO (2011b) calls this "sub-Saharan phenomena", referring to women who are overrepresented in unpaid, seasonal and part-time work and paid less than men for the same work.

Namibia is one of the sub-Saharan African countries where land tenure issues have received a lot of attention during last decades. Women are responsible for up to 90% of the subsistence crop production in Namibia, but their lack of access to resources limits their economic choices and causes economic dependency on men (ADP 2007). Namibian land tenure issues have been examined in several studies and part of them focus on women's land tenure rights from different perspectives (e.g., social and cultural norms, legislation, HIV/AIDS).

The government of Namibia has identified land degradation as a serious problem which requires long-term intervention. In Namibia, various sectors – agriculture, land use and water, for example – are vulnerable to climate change. People do not often acknowledge how their natural resource use can increase land degradation. Climate change will affect particularly women and their livelihoods in rural areas (Akhtar-Schuster et al. 2003; Angula 2010; Ron 2011; Ron 2012).

As the effects of climate change can be mitigated by improving women's land rights, the objective of this paper is to conceive factors affecting women's land tenure in Namibia. The examination is based on a literature review and factors explaining women's land tenure are presented in the next section. In the findings section, the most significant factors affecting women's land tenure in Namibia are discussed in more detail.

Land tenure and women's rights in Namibia

Namibia became independent from South Africa in 1990, when also the political system of apartheid ended. However, the politics of South Africa had a great influence on Namibian land tenure rights and agricultural sector during the 1900's and agricultural policies of Namibia were often tailored to serve the interests of South Africa. Farmland was distributed/divided to landless whites who mainly focused on beef production. Even today, 38% of the land is used for cattle ranching (Mendelsohn 2006).

At present, Namibia is among most developed countries in sub-Saharan Africa and classified as a middle-income country on the basis of average income per capita (World Bank 2014). The classification, however, is quite misleading as the country's income distribution is very unequal.

Namibia is less urbanized than other sub-Saharan African countries and 70 per cent of the population (2.3 million in 2013) lives in rural areas where poverty prevails (IFAD 2010; World Bank). About 78% of the territory is used for farming and farming employs most of the population. However, only 46% of the households living on farmland obtain their incomes mainly from farming (Harring & Odendaal 2007; Mendelsohn 2006).

Land tenure rights

There are three land tenure categories in Namibia (Table 1). Before national independence, land in tribal areas was owned by the state and it was called homelands. At independence, homelands were immediately renamed as communal land. About 36% of Namibia's total land area is communal land, including communal open access farming and communal exclusive farming. Communal farmers typically have tenure right to small areas that surround their houses. Communal land cannot be sold or mortgaged and it is controlled by traditional authorities, who allocate usufruct rights. This means that farmers don't have permanent or legal land tenure rights, which reduces their incentives to develop the value of land (ADB 2007; Mendelsohn 2006; Mendelsohn et al. 2012).

About 43% of total land area is freehold land for commercial farming. Only 5% of Namibian population lives in commercial land areas that are mostly located in central Namibia. Most of the free-holders are white (Harring & Odendaal 2002; Mendelsohn 2006).

Table 1. Land tenure categories in Namibia (ADB 2007; Harring & Odendaal 2007; Mendelsohn 2006; Sweet & Burke 2000)

Land tenure type	% of territory	% of population	Major production sector
Commercial farmland with freehold tenure	44	5	Animal husbandry
Communal land	36	50	Rain-fed mixed crops (e.g., sorghum, millet, maize, wheat)
State land (incl. conservation areas, urban areas)	20		

After independence, attempts have been made to get rid of the duality of land ownership by changing legislation and by making reforms (e.g., The Agricultural Land Reform Act 6 1995, The Communal Land Reform Act 5 2000). Different programs, such as The Resettlement Programme and Affirmative Action Loan Scheme (AALS), have been created to resettle landless households. Resettlement farms, however, comprise just about one per cent of country's total land area (Mendelsohn 2006; RoN 2001). AALS is a land reform tool, which since 1992 has enabled new farmers from the previously disadvantaged communities to acquire farms in commercial areas. AALS-programme, however, is not specifically targeted at women (Harris & Odendaal 2002; UN-Habitat 2005).

Based on the adapted tenure categories, Namibia's agricultural sector is divided into two major parts: the commercial sector and the communal sector (Harring & Odendaal 2002). The *commercial sector* is privately owned and largely controlled by the white minority. The *communal sector* in cattle production includes communal open access farming and communal exclusive farming. In the first alternative, farmers use open access to graze on communal land. Communal exclusive farming refers to farms that have been fenced off into exclusive ranches in communal areas (Mendelsohn 2006).

Women's rights and land tenure

The constitution of Namibia states that all persons are equal and no one shall be discriminated due to gender. Legislation has been amended as an attempt to reduce women's dependence on men. For example, all Namibians can apply for a monthly pension at the age of 60 years and women are entitled to maternity leave benefits. During the last decade, many policies have aimed to increase the share of women in the political field. Proportion of seats held by women in the current national parliament (term 2010–2014) is 24 per cent. Representation of women has been more equal in local governments (ADB 2006).

There are two types of marriage in Namibia; a civil marriage and a customary marriage. A civil marriage is contracted in a church or in a magistrate while customary marriage takes place in terms of the customs of the community. The customary marriage is extensively appreciated in rural areas. The challenge of customary marriage is that possible problems (e.g., divorce) are solved by the community which often favors men (LeBeau et al. 2004a).

About 44 per cent of Namibian households were headed by a woman in 2007. The number is high as compared to most of SSA-countries and it is caused not only by divorce or death of a partner but much by the choice of lifestyle (ADP 2006). One important reason to this relatively high number of female-headed households especially in rural areas is that men travel more often to urban areas in search for a job (Mendelsohn 2006). Despite of this, women are not making decisions in the households. LeBeau et al. (2004a) describe a situation, in which a woman is not directly or indirectly under the men's authority, as very rare in Namibia. In most Namibian communities there is a person who is called a chief or a headman. These traditional leaders are almost always men and they manage allocation of land and natural resources although communal land is being owned by the government.

Women-headed households are poorer than the average household and they are more likely dependent on subsistence agriculture (Ipinge & LeBeau 2005). Because women more often than men live in rural areas, lack of infrastructure affects especially women. Rural women have many household tasks besides cultivation, which restricts their transition to cash crop production, inter alia. HIV/AIDS epidemic increases the burden of rural women and reduced labour input causes damage to agricultural sector. According to Unicef Statistics (2014), the prevalence rate of HIV/AIDS among adults was 13.3 per cent in 2012 and majority of those carrying the sickness were women. Women who die for AIDS are 5–10 years younger than men (ADP 2006; UNWOMAN 2013).

Factors affecting women's land tenure

According to previous studies, several factors affect women's land tenure in Namibia. A number of studies have examined women's land tenure rights from some particular perspective and many of the affecting factors are related to each other (see Figure 1). Due these linkages, the listing of affecting factors is not unambiguous. However, different factors affecting women's land tenure are examined next. Since women's land ownership is a specific problem of communal lands, the discussion will be focused on this case.

Political reforms and legislation

There is some evidence that political reforms and legislation have increased women's access to land in many communities (Thomas 2008; Werner 2008). Eviction of widows from their land has reduced since the 1990s

because headmen are informed of the legal rights of widows and the risks of ignoring them. According to LeBeau et al. (2004b), far more men than women know about legislation promoting women’s rights and many have found out about it through other men. Despite this awareness, the property law is being further violated in many communities and traditional leaders, neighbours and police may ignore such violations (Harris & Odendaal 2002; Lebert 2005).

Obviously, despite the legal and social reforms, there are still several legal factors that constrain women’s land tenure (LeBeau et al. 2004a). Customary law is probably the biggest challenge. It should follow the common law in property matters, but customs often vary between communities. This increases the decision-making power by traditional leaders. In the case of customary divorce, wife receives little or none of the marital property in most Namibian communities. Most of the customary courts are occupied by men and women are not always allowed to attend (LeBeau et al. 2004a).

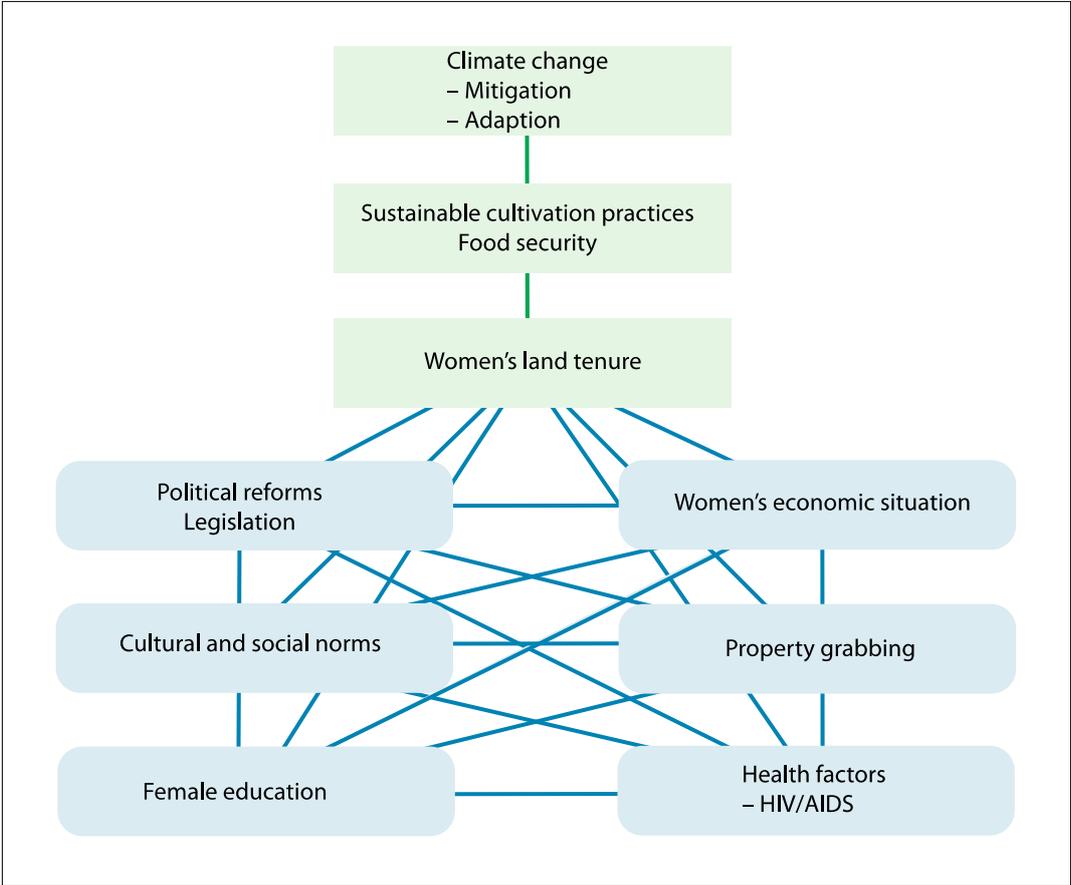


Figure 1. Key factors affecting women’s land tenure in Namibia and link to climate change.

Cultural and social norms

Cultural and social norms restrict women’s land tenure in Namibia. The norms include several customary practices that restrict women’s access to land. Traditional leaders still control and allocate land and they are typically men in the Namibian culture. In order to follow the traditions, land is typically allocated to the husband. Unmarried women, in turn, have access to land through their fathers (ADB 2006; Hubbard 2012; Iiping & LeBeau 2005; Jauch et al. 2009; LeBeau et al. 2004a; Werner 2009). Widows are finding it most difficult to hold

on to their property rights because they often experience socio-cultural pressures and lack the support of husband's relatives in inheritance issues (Lebert 2005; Thomas 2008).

In some communal areas, the traditional authorities have demanded illegal payments from women in granting access to communal land or from widows in reallocation. There are also cases where women have not received any land. Grazing, in particular, is seen as men's work and many traditional leaders still refuse to allocate land to women for grazing (Acheampong 2011; Lebert 2005; Werner 2008).

The number of reported cases of violence against women has increased (Hubbard 2008). Ipinge and LeBeau (2005) remind that sometimes gender specific law reforms may actually cause gender-based violence against women because all men do not regard women's rights as a good thing. The authors emphasize that discriminatory attitudes of men are the biggest obstacle to achieving gender equality. Therefore, changes in social and cultural reality are crucial to improve women's rights and, consequently, increase their land ownership.

The phenomenon of "*property grabbing*" has become more frequent in recent times. The term refers to a situation where the deceased husband's family members take all of the property from the widow. Property may include movables, land or other fixed property. This phenomenon may happen physically or in indirect ways, e.g., witchcraft (LeBeau et al. 2004a; Werner 2008). The present legislation aims at reducing conflicts from land grabbing. Even if women's land rights are secured, their livelihood weakens if they lose their other property. In this case, there is a risk women have to give up the land that is unproductive without vital resources, e.g. production inputs (Hubbard 2008; Mandimika & Matthaei 2013).

Women's economic situation

Women's economic situation also affects women's land ownership, and vice versa. Stable economic situation allows women to purchase land and land tenure rights, in turn, allows more stable income (ADB 2006; Ipinge & LeBeau 2005). Land ownership also improves access to credit in commercial land (Mendelsohn 2006). However, land in the communal area cannot facilitate access to credit. This is mainly due to insecure land rights, while financial institutions are reluctant to accept land as collateral security (Kaakunga & Ndalikokule 2006).

It is difficult for women to get credit to purchase land due to lack of own property. However, women's commitment to repay their loans is higher than by men's in Namibia. Defending one's land tenure rights may also require economic resources, which is challenging for poor rural women (Tonin et al. 1998).

Education

Lack of education restricts women's land tenure rights. At the time of independence, general levels of literacy were at 30–35 per cent in Namibia (Marcus & Baden 1992). Due to poverty, many children are excluded from education because they cannot afford school fees. Girls are first to drop-outs when financial constraints are effective (ADB 2006). LeBeau et al. (2004a) emphasize that highly educated women are more aware of their inheritance rights. Often women do not utilize their legal rights because they necessarily do not know their rights or do not understand the content of the law (Ipinge & LeBeau 2005; Werner 2008).

Lack of education and knowledge also enhances land degradation, because people at this situation do not acknowledge how their natural resource use could have negative effects on soil (Akhtar-Schuster et al. 2003).

HIV/AIDS

HIV/AIDS epidemic makes infected women weaker to defend or demand their rights. Property grabbing is more general in households affected by HIV/AIDS. According to Economic Commission of Africa (2004), there is a tendency for those living with HIV/AIDS to be excluded from land programs due to the effects illness; they may also lose already acquired land due to illness. In some regions, once the husband dies for AIDS or HIV related illnesses, his relatives may force the widow to leave the homestead. There have been some cases, where the widow's house has been burned down (FAO 2003; Fuller & van Zyl 2006; Werner 2008).

Productivity generally decreases in rural households affected by HIV and AIDS and these households may start to suffer from hunger and malnutrition (FAO 2003; Fuller & van Zyl 2006). In some communities, the stigma attached to HIV/AIDS can directly influence the well-being of the household. Due to the stigmatized nature of AIDS, HIV-positive people do not necessarily seek medical care (Thomas 2006).

Findings and Discussion

This literature review on women's land tenure rights in Namibia showed up that factors affecting women's land tenure are not unambiguous but rather form a complex set of interlinked factors. For example, educational level of women affects their awareness of the legislation, which in turn influence their attitude towards traditions. However, the most significant factors that were identified in the study are discussed next.

According to earlier studies, cultural and social norms and customs are the most significant factors that restrict women's land tenure rights. Women don't have equal decision-making power within households and communities. Despite formal legislation and several reforms, land is considered as men's property in many communities. Traditional leaders have a key role in promoting the land tenure of women. They are aware of women's rights, but there have still been cases where traditional authorities have refused to allocate land to women or have demanded illegal payments from women in granting access to communal land.

While discriminatory attitudes of men are an important cause in not achieving gender equality, changes in the social and cultural norms are crucial to improve women's rights. Due to this, land laws and reforms should be developed and monitored in order to make progress in women's land tenure in Namibia's rural areas. According to Akhtar-Schuster et al. (2003), the existing communal land tenure system does not sufficiently take into account the land carrying capacity when allowing free grazing and the accumulation of livestock. As Harring and Odenaal (2002) have proposed, Namibia needs a clear agricultural development policy.

Girls' education is a significant factor in increasing women's land tenure. Highly educated women are aware of their inheritance rights. Poorly educated women do not utilize their legal rights, because they do not know their rights or do not understand the content of the law. In addition, higher education often improves the economic situation of women, when their economic dependence on men decreases.

In the case of Namibia, the HIV/AIDS epidemic must be observed. The epidemic damages the situation of women affected by HIV further and their access to land becomes even more difficult. Property grabbing is general in households affected by HIV/AIDS and widows have been evicted from their land.

As Namibia is situated in one of the high risk areas with regard to climate change (Macchi 2008), it is crucial to find methods to mitigate the effects of climate change. Gender issues have not played a major role in the climate change discussion (Angula 2010). Land degradation – is a serious problem in Namibia – can be reduced through secured land tenure. As women's land tenure is low compared to men, effects of the climate change can be mitigated by increasing women's land tenure rights.

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