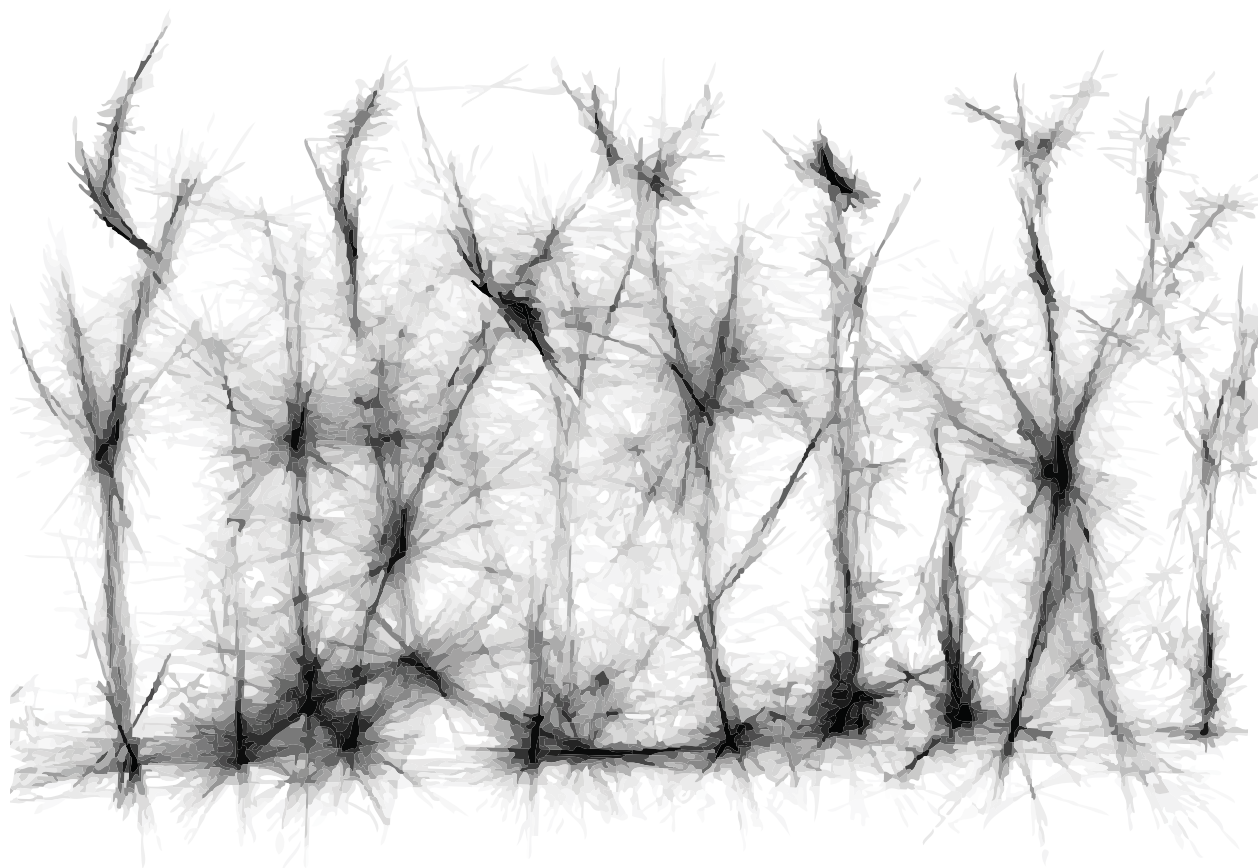


11

WORKING PAPER

A field not quite of her own: single women's access to land in communal areas of Zimbabwe



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ISBN: 978-92-95093-54-6

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ILC wishes to thank the IDRC whose support made this Women's Land Rights Initiative research possible.

A field not quite of her own: single women's access to land in communal areas of Zimbabwe

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March 2011

Abstract

This paper will be published in an academic journal; it originated in PhD fieldwork carried out in Zimbabwe. The paper draws on the little explored area in the "Securing Women's Access to Land" project findings that portrays customary tenure as static and offering limited tenure access for women outside marriage. Focusing on single women in a customary tenure area of Zimbabwe, the paper illustrates how changing customary tenure systems create opportunities for women outside marriage to negotiate access to land.

Dominant arguments about women's land access stress the vulnerability of single women's land rights in customary tenure areas. The vulnerability is based on long-held assumptions about customary tenure land governance, land use and gender relations. The paper seeks to contribute to the debate on customary tenure area land access, landlessness and understanding customary tenure evolution. Although single women have increasingly insecure tenure on customary tenure lands, in those systems spaces exist for single women to negotiate access to land. These spaces remain hidden in customary tenure analysis that focuses on the primary-secondary rights dichotomy and the use of land as an agricultural asset. Drawing on case studies of 22 women in a customary tenure area in Zimbabwe, the paper shows that although resource governance systems in customary tenure areas are male-biased, more diverse opportunities of access exist than previously thought and single women have more room to manoeuvre. The paper will:

- i. explore the logic for the existence of vacant land in an area of land shortage,
- ii. identify opportunities this presents for those without primary access to communal tenure especially single women, and
- iii. evaluate the sustainability of these new opportunities of land access to provide a basis for more informed analysis of customary land tenure systems and the implications for marginalised groups.

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Introduction

Women who live in rural areas are amongst the most vulnerable. Their vulnerability derives from their insecure land tenure status which is believed to be derived solely from their relationships with men. Analyses which focus on marriage as the main relationship for women negotiating access to land view women outside marriage as having relatively weaker land claims. Examining an anomaly of vacant land existing in an area of high land demand, this paper seeks to increase understanding of the land tenure access of an abnormal category of people in communal areas — single women. The paper focuses on single women in customary tenure areas because they are a growing sector of the community and are marginalised in land allocation mechanisms which privilege women who are in conjugal relationships with men.

The paper is organised in ten sections:

- the first section introduces the background
- the second part clarifies key concepts used in the paper
- the third section summarises the context under which customary tenure area land access has evolved in Zimbabwe
- section four describes the research context and briefly reflects on field work
- the fifth section deconstructs the meaning of 'vacant land' in the context of the communal areas and defines the concept of *matongo*
- section six shows how mobility, mortality and legal ambiguity nurtured *matongo*
- the seventh section shows how single women gain resource access through the *matongo* layer and identifies the vulnerabilities of these opportunities
- the eighth section focuses on the impact of the governance context on *matongo*
- the final section discusses the implications of the findings and conclusions.

1. Clarification of concepts

Gender

The concept of gender is important for analysing ideas about resource access and livelihood activities. Gendered patterns refer not only to relations between men and women as husbands and wives but also to relations between sisters and brothers, between co-wives, between mother and daughter, father and daughter and others (Peters 1995).

In communal areas of Zimbabwe, gender has generally been thought to determine women's access to resources as it defines their identity, position, entitlement and status through social-cultural meanings, practices and power (Kesby 1999; Hindin 2002). Customary marriage laws and tradition give men control over women and their reproductive capacities (Folbre 1988). Women's land rights are secondary to men's and women depend on the maintenance of a relationship with men to maintain access to key resources. Unmarried adult women are viewed as impermanent as they are destined to marry and move to another community (Kesby 1999; Adams 1991a). Therefore, women are never allocated primary land rights (Gaidzanwa 1994).

However, some scholars have argued that because of urbanisation, migration and changing marital and livelihood forms, the gendered hierarchy based on male dominance has been changing over time in Zimbabwe (May 1983; Vijfhuizen 2002). Male dominance in communal areas has traditionally been based mainly on governance of agricultural resources, but the shifting livelihoods of communal area residents have ushered in a change in the role of agriculture. This change has altered gendered land access (Scoones *et al* 1996; Huisman 2005).

Increased demand for land and the emergence of a land market pose serious threats to patriarchal control. Cash-based land transactions have undermined the powers of traditional authorities to allocate land to their heirs. Migration and social upheavals caused by land reform, economic decline and Acquired Immuno-Deficiency Syndrome (AIDS) have undermined marital relationships, previously thought to be the dominant mode through which women access

land. Research on widows' land rights has illustrated that widows may retain access and cultivation rights but mostly as guardians on behalf of their (male) children (Razavi 2003). Single women's land rights may also be allocated outside existing norms and a focus on practice is therefore warranted in the search to understand single women's resource access.

Legal Pluralism

An understanding of property relations is essential to understanding the structure of resource access. Property relations and access to resources are governed by plural systems of laws and legal orders, practices and mechanisms (Cousins 1993). Legal pluralism is relevant for analysing multiple legal regimes, such as those governing land accesses in developing countries; it refers to that state of affairs, in any social field, in which behaviour pursuant to more than one legal order occurs (Griffiths 1986). Social fields include the family, the village, the community and wider society. Social fields have norms and sanctions with respect to land which are valid in a limited social frame and political and geographical space, and are accepted as legitimate by the interdependent actors there. The social fields respectively determine the status of individuals seeking to inherit the land access rights of a the deceased, determine rules governing the distribution of assets, interpretation of beliefs and the extent to which norms can be varied in a particular situation. There is no clear hierarchy ordering these social fields whose jurisdictions overlap and may conflict.

State law derives legitimacy from the state and is exercised through the legal system as represented by the judiciary and legislative systems. It is viewed as individualistic, rational, equally applied, written down, abstract, and has clear procedures (Griffiths 1986; Merry 1988). The legal centrist school, in their approach, views state law as superior and dominant. State law does not normally directly influence land transactions in customary tenure areas of sub-Saharan Africa, where most of the population resides (Nyambara 2001a).

Customary law consists of customs, traditions and institutions that directly influence people's lives and mediates

access to land in villages, families and between individuals. Compared to state law, customary law is flexible and better able to respond to specific conditions. This provides opportunities for customary law's adaptation by individuals and individual families, and for regional variations. Customary law's flexibility and its ability to respond to specific conditions make it a more dynamic framework and may even increase the chances of traditional institutions ruling in support of women's claims against those of men (Whitehead & Tsikata 2003). This malleability of customary law can be advantageous for those trying to effect social change through local norms.

It is important to note that customary law as a resource is not equally available and effective to men and women. Claims that customary law is interested in the welfare of society and weak members are questioned in the findings of Moore's (1986) study of the Kwagga in Kilimanjaro. The study revealed that the rich use customary law as a luxury which they can fall back on in order to evade the state law. Customary law is only efficiently used as a common resource under conditions of communal tenure, close kinship ties and more subsistence agriculture. Under these conditions social stratification and seniority is clearly by age. In conditions of commercialising agriculture, individualising tenure and disintegrating extended family and migration, social benefits disappear (*ibid*). The depletion of social benefits will be experienced differently by men and women. The various regulatory systems have been evolving over time. This has had an impact on the ways in which women access land by, for example, opening up opportunities while limiting them in others.

Since the colonial era, successive governments in southern Africa have tried to control land use and management using state and customary law. However, a lot of extra-legal and even illegal practices regulate land access today. In some cases, the state even tolerates the illegal arrangements (Chimhowu & Woodhouse 2006b). Between the land access means outlined in the state laws and the normative ones accepted under custom and/or tradition, some arrangements exist that do not fall into either category but are widely accepted as normal means of accessing land. These ways are the ones in which women and other social groups who would not qualify to benefit from land in traditional or

statutory ways generally access and benefit from land. These other arrangements co-exist with the state and traditional means, giving rise to a complex web of claims and opportunities and constraints to the stakeholders.

In communal areas of Zimbabwe, land cannot legally be annexed or transacted on the market and does not lend itself to regulation by state law as is the case in freehold property regimes. The property focus disregards derived land rights, which are most important for women as customary law prohibits them from holding primary land rights. By using the concept of access, it is possible to show how some groups or individuals control resources, whereas others maintain their access to resources through those who control them (Ribot & Peluso 2003). The access framework recognises that labour, social relations, knowledge, authority and identity are all possible mechanisms for gaining and maintaining resource access. As women are often not formal right holders, focussing on alternative mechanisms for accessing resources expands the scope of the research.

An example of one such alternative land access mechanism is the informal land market. Although the market is illegal in Zimbabwe, market transactions take place. These land markets operate informally under customary tenure regimes where land sales are disguised as sales of buildings and other infrastructural improvements (Nyambara 2001a). The growth in customary tenure area land market is ascribed to land scarcity, urban encroachment, commercialisation pressures and the failure of the waged labour contract. Generally, the impact of informal land markets in communal areas ranges from increasing ownership by those with access to remittance income, distress sales by those affected by AIDS or the emergence of an informal market for re-allocation by tribal leaders of land owned by the deceased (Chimhowu & Woodhouse 2006b). The impact of the informal land markets on women's land rights is diverse. In some cases, land markets have strengthened women's rights to control land and afforded the women protection from dispossession under customary law. The markets also discriminate against women however, as markets allocate land according to purchasing power (Mvududu & Mcfadden 2001; Nyambara 2001b; Chimhowu & Woodhouse 2006b).

2. Evolution of communal areas in Zimbabwe

The complexity of single women's land rights and the vulnerability of their livelihoods should be understood historically, taking into account long-term changes in colonial times and the immediate history of political turbulence, economic stagnation and AIDS in Zimbabwe. The historical evolution of communal areas in Zimbabwe highlights the role of the state policy, rural–urban links, climatic vulnerability, economic performance and high AIDS-induced mortality and morbidity in shaping resource access. The evolution of communal areas influences the land tenure dynamic of single women in Zimbabwe, as summarised in the next section.

Communal farming areas in Zimbabwe are a specific type of legal and political space, created by the colonial government. The colonial government's land alienation and creation of labour reserves on marginal land for Africans created a vulnerable class of peasants on marginal land (Floyd 1962). Customary tenure areas were structured to depend on wage employment for cash flows and agricultural inputs. The system further entrenched women's land rights vulnerability by allocating and registering land rights in the name of men (Andersson 1999). The migrant labour system favoured the employment of single male migrant workers, through 'pass' laws, low wages and the provision of urban residence only for single males. European colonists educated African men and not women, because men were expected to come into contact with Europeans through labour migration. The development left women with no livelihood option but to farm. The separation of married people changed gender dynamics, as high rates of male migration led to increased adultery, new forms of informal unions and sex work and an increase in the numbers of single women (Goebel 2005).

Rural–urban connections

Connections refer to the diverse movement of people, goods and services between rural and urban areas. Rural–urban links have previously been framed in terms of classic dichotomies with mutually exclusive rural and urban spaces. This dichotomy misrepresented the close ties that exist between rural and urban areas by confining people to one or the other (Andersson 2001). Rural–urban connections go beyond migration to study the diverse ways in which rural and urban areas relate and diverse movement of goods and services in response to the various social, economic, political and environmental stimuli.

In colonial times, women were confined to communal areas and the movement of African women from communal areas was restricted by denying them access to urban housing and restricting the use of motorised transport to African women who had written permission from their male guardians (Schmidt 1992; Barnes 1997). Single women were more vulnerable as they were more dependent on agriculture and often had no male relatives to support them with cash from wage labour. Mobility of women on commercial farms and in urban areas only increased when post-colonial governments lifted mobility restrictions between European and non-European areas (Potts & Mutambirwa 1990). Some people continued with cyclical migration of adult males while women remained in rural areas to farm, but some abandoned the rural homestead, while others focused on daily trips to the market to sell their produce, purchase goods for resale or if the distance permitted, commuted to work. Originally a male-dominated activity, migration has increasingly been adopted by women as they take up employment in urban formal and informal sectors (Barnes 1997).

Civil War

Between 1969 and 1979, Rhodesia was ravaged by a civil war which was mainly fought in communal areas. The war disrupted livelihoods in these areas by disturbing production, inducing displacement and destroying infrastructure. Some people abandoned their land claims in areas under customary tenure (Lan 1985).

Land redistribution

In 1980, the Zimbabwe government embarked on a land redistribution programme which aimed to — among other objectives — decongest communal areas. Beneficiary selection criteria for resettlement were biased towards formally trained Master Farmers who possessed agricultural implements and were educated and married (Potts 200a; Goebel 2005). The conditions for resettled farmers, which prohibited newly resettled farmers from migrating to work in urban areas, discouraged people in communal areas from taking up resettlement (Kinsey 2002). The lack of a clear tenure arrangement between the government and the newly settled farmers also dissuaded some farmers from moving from communal areas. Some communal area farmers moved to the resettlement areas but retained their land holdings in communal areas as security (Bratton 1987). The selection criteria disadvantaged single women, the poor and the landless in communal areas and had little impact on land pressure in communal areas. Divorced women who left resettlement areas returned to their communal areas of origin (Goebel 2005).

Economic structural adjustment programmes (ESAP)

In the 1990s, the Zimbabwe government adopted the Economic Structural Adjustment Policies (ESAP), which resulted in urban retrenchments and curtailed rural–urban cash flows. Declining investment in rural infrastructure such as roads also negatively affected rural cash crop growers' access to

markets (Alderson 1998). ESAP also disrupted food production in communal areas as input supplies became erratic. Cash shortages limited purchasing power and earnings from crop sales declined, further undermining the capacity of single women to produce food for their own consumption and for sale. ESAP-related cuts in public expenditure undermined public health service provision, which increased the care burden of women and reduced their capacity to work the land. ESAP also altered mobility patterns as some moved from rural to urban areas to replace the agricultural income that had been curtailed by a reduction of remittances. Most migrants retained their rural land links as security against increased urban insecurity. Structural adjustment also reduced the incidence of casual work as a coping strategy, as the main providers of such work also suffered from the income shock. ESAPs may also have created new opportunities, as marginal niches (such as lower wages at commercial farms), typically occupied by women, became more numerous.

'Fast track' land resettlement programme (FTLRP)

In 2003, Zimbabwe embarked on a 'fast track' land redistribution programme, which aimed to redistribute land to black Zimbabwean farmers. The initially chaotic programme resulted in the loss of permanent and casual commercial farm employment opportunities, which had formed an important source of communal farmers' off-farm income (Hartnack 2005). The programme resulted in a loss of livelihood — and, in many cases, of a place of residence — for former commercial farm workers (Magaramombe 2004). Stranded women resorted to commercial sex work with influential people to gain access to accommodation and land in communal areas, growth points or commercial farms (Hartnack 2005). The movement of former commercial farm workers into communal areas increased the demand for land, spawned land markets and increased the diversity of the populations.

The high demand for land and pressure from migrants put a strain on traditional land access mechanisms in customary tenure areas. As a result, new and innovative modes, such as the market, have become increasingly important. However,

the new access modes introduced new vulnerabilities for both old and new communities. The extent to which the change in land access modes influenced single women's land access and livelihood decision-making was mediated by specific governance contexts in the respective communal areas.

'Operation Restore Order'

In May 2005, the Zimbabwe government implemented *Operation Restore Order*, which led to the destruction of people's homes, sources of livelihood, shelter, access to services and business premises, property in urban areas and growth points. The displacement of people from urban to rural areas reactivated people's interest in communal area homesteads, which were once again a refuge from urban insecurity.

Changing land-use patterns

The decline of agricultural production over the years because of climatic variability and decline in wage employment led to an increase in non-agricultural activities in the communal areas (Andersson, 1999). The under-utilisation of agricultural land in communal areas confirmed the declining use of land as an agricultural asset and the increasing importance of livelihood diversification, reflected in people's failure to develop the land and their willingness to dispose of this asset on the market.

HIV and AIDS

The epidemic increases death among the economically active and increases dependency. The growing number of widows has meant increased numbers of single women, yet HIV stigma excludes widows from accessing some informal networks and survival strategies, such as working for other people (Walker 2002). At the same time the decline of the levirate practise has undermined widows' access to land (Hansen *et al* 1998). Women are the main home-based care givers

for the afflicted, so the practice of home-based care for HIV and AIDS patients has increased the burden of women.

Evolution of communal area land governance institutions

Since successive governments have introduced multiple authorities into communal areas the governance system is complex. In colonial times, the state, through European Native Commissioners, worked with traditional leaders to allocate and control land in customary tenure areas (Ranger 1982). The establishment of protected villages and guerrilla control of others further undermined the influence of traditional authorities during the war (Kesby 1996). At the end of the war, in a vacuum of formal authority in communal areas, people claimed land for cultivation through political connections, individual initiatives and outright purchase. The post-independence government created parallel structures to customary authorities in addition to the administration that existed before independence. The ZANU-PF party structures from the war also asserted their authority and took over a number of functions that had formerly been exercised by chiefs, headmen or the administration (Brand 1991). The fast track land reform process put in place new political institutions and actors, including war veterans and ZANU-PF youths, who were able to exert a certain degree of power over representatives of the State and traditional authorities (Hartnack 2005). Although the fast track land reform programme occurred in the commercial farming areas, the process reinvented the war veterans and ZANU-PF party youths in the communal farming areas. Political actors and institutions assumed administrative roles in addition to traditional and state authorities. This means that neither patriarchy nor any other system is dominant.

Weakening patriarchy may have opened space for women's autonomy, but this development also increased the vulnerability of single women as it undermined the institutions that obliged men to take care of them. The continued dominance of males in land, village membership and natural resource governance systems perpetuated the patriarchal control over land and other productive resources. Authority

positions that were clear in the past have become blurred and have caused vulnerability for women. This has created uncertainty and paradoxically increased land access opportunities for various groups such as single women and former commercial farm workers who were marginalised by the traditional communal area land governance systems.

After all the transformations in communal areas, it would be inaccurate to continue to label the governance and land tenure system as customary.

Consequences of socio-economic pressures on customary tenure in Zimbabwe

The socio-economic pressures on customary tenure have impacted on:

- Multiplication of legal governance institutions for land, labour and forest use in communal areas. Therefore, the authority and legal guidelines of traditional leaders are unclear, confused and in many cases overlap with those of other institutions governing access to natural resources, land, labour, village membership and government agricultural inputs, and labour opportunities.
- Declining viability of agriculture contributed to changes in the value of land and land-use patterns in communal areas as people diversified from farming to secure their livelihoods. This created opportunities for marginalised groups, such as the informal land market and other institutions that accompany evolving resource governance institutions.
- Diversification of women's land access mechanisms beyond marriage and greater importance of relationships based, for example, on the market and labour.
- Increased diversity and dynamics of African rural livelihood organisation.
- Dilution of patriarchal domination in the governance of resources in customary tenure areas of Zimbabwe.

- Altered meaning of customary tenure practices and dynamics and the consequences for single women and other people.

As a result, Zimbabwean communal areas hardly conform to the stereotype of a traditional or communal tenure regime. Within these systems there is supposed to exist a system of property rights in which individual households within a group or community enjoy rights of use over specific land parcels for cropping and residential use, and a defined group or community has rights of access to an area of common land which provides grazing, fuel, wood, water and building material (Cousins 1993). Individuals are supposed to gain land through membership of the community. The system allocates primary land rights to men and secondary land rights to women. Under this system, daughters and widows cannot hold land independent of a man. All the deviations from traditional norms have increased the space within which single women can negotiate access to land in communal areas. Specific local conditions are important for understanding the exact impact of the multiple governance institutions on people's daily lives. The next section studies a communal area in Zimbabwe to illustrate how the changing communal area governance and production systems impact on single women's access to land.

3. Research context

The research, carried out in 2004–2005, focused on 22 single women in two villages in a customary tenure area in Zimbabwe. Located about 60 kilometres from the capital Harare, the research site offered opportunities to explore the impact of changing rural–urban connections, urban proximity, HIV and AIDS and the fast track land reform programme on how single women accessed land in the customary tenure area. The research focused on two villages which represented extremes in size, organisation, resource access, reception and interpretation of state laws by the leadership and the extent of participation in the illegal land market.

An inventory of all households was conducted in each village, which was used to identify homesteads that were hosting single women. Twenty-two single women who were divorced, widowed or never married were selected for the in-depth study. The 22 single women were selected to reflect diversity in age, marital status, and number of residents, socio-economic status and area of origin. The single women became the subjects of a twelve month in-depth study.

Data for this paper was collected using both ethnographic and quantitative techniques. These included life stories, focus group discussions, interviews, transact walks, observation, vacant land register and GIS Mapping. The various methods enabled the research to reach beyond normative resource access modes and reveal some as yet under-researched claims and processes for accessing resources in communal areas. The research also departed from the norm by focusing on an observed anomaly of unused vacant land in an area characterised by high land demand. As a result, the type of enquiry and analytical framework was more fruitful in revealing land access modes and claims which have so far remained marginalised in customary tenure areas research.

Units of analysis

The research used multiple units of analysis to reflect interconnections between single women and other spaces where people secure resources to access and use land. The units of analysis were villages, homesteads, hearth-holds and vacant land units.

Villages

The research focused on Wasara and Kura¹ in Mashonaland East Province, which are located in Mwanza ward in Chief Chikwaka's area. Wards are administrative units made up of about 35–40 villages. Villages are the lowest administrative tier of land organisation in communal areas of Zimbabwe. A village is made up of fifteen to more than 300 homesteads in the study area. The village head or *sabhuku* (*masabhuku* plural) was in charge of land allocation and dispute resolution.

Wasara was a much larger village in terms of population and size and had a more heterogeneous population. Wasara continued to grow because of the flourishing illegal land market. Wasara's *sabhuku* tolerated, encouraged and took advantage of the land market to enrich himself. Wasara village grew from 68 homesteads at the start of the research in December 2004 to more than 90 at the end of December 2005. High demand for land by former commercial farmers displaced from commercial farms following the FTLRP were the main driver of such growth. People gained access to Wasara villages through kinship, the market, employment and self-allocation.

Kura village, with 15 homesteads, was much smaller than Wasara village. The Kura village head discouraged sale of land in his village and strictly controlled in-migration. Therefore, the population was smaller, had more generous land holdings and was generally more cohesive than Wasara.

¹ These are not the actual names of the villages.

People gained membership to Kura through birth right and marriage. The different village governance systems influenced the way single women experienced vulnerability.

The hearth-hold refers to a female-directed social unit of consumption and production structured on the mother-child bond; this concept was used to facilitate a focus on single women. The hearth-hold is not necessarily a co-residential unit but can be independent from or interlinked in a household (Ekejuiba 1995). Female-directed hearth-holds rise out of leviratic unions, intergenerational households of parents and their children, and brothers and their divorced/widowed sisters. A hearth-hold cannot be destabilised by divorce, widowhood or non-marriage. The use of hearth-hold as a unit of analysis enables us to see women as active, often independent, actors who shoulder responsibilities, take risks, strive to maximise livelihood options and positive impacts of their efforts on their dependents. The focus on hearth-holds as a unit of analysis represents a major departure from conventional domestic units used in patrilineal land research. Exploration beyond the individual hearth-hold was undertaken to fully investigate the various social organisations, networks and places within which hearth-holds negotiated access to land.

The homestead is the physical location of the hearth-holds constituted around single women. The homestead encompasses single women living as daughters, widows, sisters or in other relationships. Single women base their hearth-holds under differing residential and economic arrangements on the homestead. These include living alone, residing with parents, siblings, children, employees or other arrangements (Russell 1993). The homestead serves as a focus unit and a physical place where individual hearth-holds are based and organise their livelihoods. The homestead is also the administrative unit used by the state and conventional governance systems. In this study, the homestead was the unit at which the availability of assets such as the house, agricultural equipment, wells and toilet could be assessed. The incidence of hearth-holds on the homesteads was indicated by their presence, registration as homestead members during the inventory and the presence of their children. The presence of foster children whose mother was divorced, widowed or deserted was also taken as an indicator of hearth-holds' access

to the communal area homestead. This category included women who largely lived and worked elsewhere, women who left the village after the death of their spouse and those who had died and left children in the homesteads.

Land units

There seemed to be a lot of unused land in an area of increasing land pressure. The research focused on this anomaly and was used to compile a vacant land register in June 2005 and another one during the GPS mapping exercise in November 2005. The research enquired more deeply into these vacant land pieces in the two study villages through interviews and observation. The enquiry into vacant land culminated in focus group discussions with diverse interest groups on the phenomenon of vacant land.

4. Research findings

The term ‘communal tenure’ glosses over multiple layers of authority and sets of claims over land and its by-products (Shipton & Goheen 1992). Changes to regulations occur at all levels — through the state passing new legislation giving equal rights to men and women in land access, setting up new institutions, destroying old institutions which would leave a vacuum and give opportunities for people to take advantage of communal property — or they may occur over time. Available analytical frameworks are unable to unravel processes and tenure adjustments and evolutions in fast changing circumstances (Rwezaura et al 1995; Peters 2004), so multiple layers continue even after land titling. English terms seldom accurately describe the indigenous units of production and consumption; they may miss, mislead or fail completely to capture temporary rights. Some terms defy translation into English (Shipton & Goheen 1992). *Matongo* (singular: *dongo*) vacant land is one such term.

Unravelling *matongo*

The summary on evolution of communal tenure in Zimbabwe emphasised the role of migration in shaping tenure and how this changed over time from being a male preserve to an activity in which both men and women participated. This mobility is accompanied by an enduring availability of vacant land in the communal landscape. This vacant land is described by the Shona term *matongo*, which refers to previously inhabited place (Andersson 1999).

Although this paper focuses mainly on single women, *Table 1* illustrates that both men and women have lost and gained land access through *matongo*. The institution of *matongo* creates both opportunities and vulnerabilities for people in communal areas. *Table 1* shows an excerpt from the Wasara *matongo* land register compiled in 2005; it identifies the type of land and the estimated period for which the land had been *matongo*. Estimates were made by key informants who included village health workers, the elderly and *masabhuku*.

The period for which a *dongo* existed in the village ranged from a year to more than 20 years, although more than half of all *matongo* existed for 0–5 years. This frequency of 0–5-year-old *matongo* is associated with the high AIDS mortality experienced in the last ten years and the high mobility of people in response to the changing rural–urban connections. A few identified *matongo* could not be dated, as key informants were unable to give estimates.

Both arable and residential land can be *matongo* — when the person considered by the community to be the ‘rightful occupant’ of the property permanently or temporarily stops using the land, then it is a *dongo*. The second column of *Table 1* identifies the type of property which in this case is residential or arable land. The third column identifies the length of time a piece of land has been standing as a *dongo*. The fourth column identifies the processes leading to the vacant land such as mobility, mortality, marital dissolution and household consolidation. Household consolidation occurs when residents of two or more homesteads live together. This occurred in the research area when orphaned or widowed people moved in with a grandmother or sister who lived on a different homestead; the abandoned homestead thus becomes a *dongo*. The fifth column identifies the source of the land which became a *dongo*, e.g. land was allocated on marriage, inherited or even purchased on the illegal land market, so any category of land can become a *dongo* in communal areas. The sixth column indicates the use and/or user of the land in 2005; abandoned *matongo* describes arable and/or homesteads not in active use during the fieldwork period. This is to distinguish these homesteads and arable fields from those that in the absence of the rightful owner were being put to use by relatives, tenants or employees.

Matongo are areas that were used for human habitation in the past and subsequently abandoned by the owner. However, homesteads and agricultural fields used by somebody the community regarded as not meant to be on the land, were also referred to as *matongo*. Various informants were

used to define *matongo*, i.e. community leaders, members of Zimbabwe Widows and Orphans Trust (ZWOT)², key informants and single women. Field observation also yielded information, which was helpful in defining *matongo*.

Land identified as *matongo* consisted of homesteads considered undeveloped, abandoned, vacant, fallowed arable land and land occupied by single women. The classifications are described in more detail in *Table 2*. The figures used in this paper are based on homestead *matongo*. The phenomenon of *matongo* was constantly changing because of the fluid nature of processes that gave rise to its existence. As a result, figures are used mainly to indicate the extent of the phenomenon. The figures presented in this chapter were accurate in November 2005. However, the situation will have changed considerably since then.

2 The Zimbabwe Widows Association, formed in 1996 later to become the Zimbabwe Widows and Orphans Trust, is based in Harare. The organisation is unique in Zimbabwe because it attempts to address wide-ranging problems encountered by widows and orphans. ZWOT assists with financial, medical and material concerns of its members.

Table 1: Register of land held by absentee owners in Wasara village in 2005

Plot no.	Type of land (residence or arable)	No. of years vacant	Registered owner	How the land was acquired by registered owner	Use to which the land was put in 2005
1	Both	3	Migrant man	Inherited from grandparents	Single woman*
2	Both	+10	Migrant heirs	Inherited	Single woman*
3	Both	6	Deceased man whose wife left*	Allocated on marriage	Parents farm
4	Both	6	Widow resides in another <i>dongo</i>	Allocated on marriage	Single woman*
5	Both	4	Deceased man	Allocated on marriage*	Deceased man's mother farms
6	Both	3	Deceased man	Allocated on marriage*	Single woman*
7	Both	+10	Migrant son	Inherited	Abandoned not inhabited
8	Both	+4	Resettled man	Inherited from deceased brother	Abandoned, not inhabited
9	Residence	3	Resettled man	Purchased	Employee growing food
10	Both	10	Migrant children	Inherited	Abandoned, not inhabited
11	Residence	2	Man living with girlfriend*	Inherited from deceased sister* who purchased it	Abandoned, not inhabited
12	Residence	2	Resettled man	Inherited	Abandoned, not inhabited
13	Both	5	Deceased man	Allocated on marriage*	Nephew farms
14	Residence	2	Migrant*	Purchased	Abandoned, not inhabited
15	Both	1	Migrant	Allocated	Growing food
16	Both	3	Returned divorcee*	Use after decease of parents	Agriculture
17	Both	10	Young children	Inherited from grandfather	Single woman*
18	Residence	6	Migrant*	Purchased	Farming only
19	Both	5	Grandsons migrated	Inherited from grandparents	Parents farm
20	Both	5	Deceased man*	Inherited from grandfather	Abandoned, not inhabited
21	Residence	Unknown	Migrant	Purchased	Single woman*
22	Both	5	Deceased men	Allocated on marriage*	Used by the men's mother

Plot no.	Type of land (residence or arable)	No. of years vacant	Registered owner	How the land was acquired by registered owner	Use to which the land was put in 2005
23	Both	4			
24	Residence	5	Migrant	Purchased	Employee*
25	Residence	8	Migrant	Purchased	Brother farms
26	Both	15	Migrant	Inherited	Abandoned, not inhabited
27	Residence	4	Woman who married and moved to commercial farm*	Purchased	Brother farms
28	Both	+20	Returned daughter who is alive and lives in the village*	Assumed control after father's death	Leases some to landless, uses some, rest abandoned
29	Both	5		Assumed control after brother's death	
30	Both	3		Assumed control after migration of son	
31	Residence	8	Widow left*	Purchased	Abandoned, not inhabited
32	Residence	3	Migrant couple	Purchased	Worked by employee
33	Residence	2	Widower moved in with widowed mother*	Inherited	Nothing, not inhabited

*Indicates single women's access

Source: Field work 2004/5

Tables 1 and 2 show *matongo* to be a process, not a state. It is a negotiated land access procedure, with various overlapping claims to a piece of land. For example, plot 32 on Table 1 is a *dongo* because the couple who bought the land and developed the homestead do not live there. It is called a *dongo* even though the place is occupied by the couple's employee. No clear exist for defining or identifying the parameters of *matongo*. Table 1 was drawn up after compiling the vacant land register, focus group discussions with *masabhuku* and widows, and interviews with key informants who physically identified *matongo*. Table 1 indicates that *matongo* can be defined by use (abandoned, uninhabited), gender (use by single women), time, activity (or lack of e.g. fallow land), relation to other users, or in terms of normative access frameworks. The categories are not mutually exclusive. Explanations of defining criteria indicate the subjective and fluid nature of the concept. The table illustrates the importance of qualitative data in customary tenure analysis.

Categories of vacant land are defined in line with processes that gave rise to them, as explained in Table 2. Wasara's village head identified undeveloped, abandoned, absentee-owned land and land occupied by single women as *matongo*. Kura's village head identified abandoned, absentee-owned and vacant land, and places occupied by single women as *matongo*,

because single women's occupancy of *matongo* was considered temporary and conditional. Single women identified abandoned and unused arable land as *matongo*, but did not refer to the homesteads they occupied as *matongo*. Instead, they referred to the places they occupied as belonging to their deceased father, spouse, out-migrated owner or whatever the case. One single woman health-hold, when quizzed on this said she was entitled to use the homestead, and was therefore an eligible user. Disagreement on what constitutes *matongo* indicates that *matongo* is a contested resource; calling fallow land and land of absentee owners 'vacant' is a form of contestation (Shipton & Goheen 1992).

The difficulties of delineating *matongo* partially explain logistical problems described in the fieldwork data collection when trying to do a 'complete' inventory of land ownership in Wasara village. Different people move between locations in response to multiple contextual factors affecting the communal environment. So, the timing of a survey is important in determining whether land is classified as a *dongo* or not. The link between mobility and *matongo* means that mobility patterns over the year influence the landscape and classification of land. Given that mobility is a permanent feature of life in communal farm areas, a 'true figure' cannot be reached at any time.

Table 2: Criteria for delineating *matongo*

Criterion	Explanation
Undeveloped	Land demarcated and allocated to someone to develop a homestead but not yet developed so no structures on the homestead. These situations arise when the person allocated land is absent, has taken up residence in another available dwelling, e.g. late parents' homestead, consolidates residence with parent or lacks building materials, labour and money to develop an independent homestead.
Abandoned	Shelter structures constructed on homesteads but they are neglected and unoccupied. Such <i>matongo</i> arise due to death and/or out-migration of the owner, e.g. when widows abandon homesteads following the deaths of their spouses.
Absentee owned	Dwelling structures have been developed but are not used by employees or relatives, not the 'owner'. The owner may be deceased or have migrated.
Single women occupied	A subgroup of the absentee-owned <i>matongo</i> and are occupied by single women, because single women do not have primary rights to the homesteads but instead occupy them on behalf of either their children, brothers, or other relatives.

Source: Fieldwork November 2005.

In Zimbabwe communal areas, a homestead is a piece of land allocated to an individual and developed through the construction of shelter for human habitation. A homestead becomes a *dongo* homestead when it is no longer occupied by the person that the community considers to be the rightful owner or is abandoned. Wasara village had 90 homesteads and 56 *matongo* (see *Table 2*) in September 2005, up from 68 homesteads counted in 2004. Kura village, with 22 occupied homesteads, had eight *matongo*. The different incidence of *matongo* can be explained by the age of the village, number of homesteads, governance context and timing of the survey. Legal uncertainty and plurality that characterise communal area resource governance have led to informants having diverse interpretations of *matongo*, as reflected in *Table 1*.

Matongo develop for various reasons, including mortality, mobility, traditional beliefs, speculation, government policy, and lack of urban security of tenure (Mbiba 2001). Reorganisation of settlements in communal areas under the *Native Land Husbandry Act of 1951* gave rise to *matongo*. When the Government moved people from their original settlements to organised villages, people retained their original homesteads as *matongo*. Though this was in the focus of this study, Andersson's (2001) study of Buhera communal in 1999 established that people were referring to the 1951 legislation to justify their claims to a contested space in a communal area. *Table 1* shows that *matongo* in the research area originated from market transactions, customary allocations and inheritance.

About one third of *matongo* in Wasara village were obtained through market transactions; those who purchased the land in communal areas and resided in the place of work left *matongo* in the research villages. These people did not reside in the village and were away working on mines, commercial farmers and in urban areas. They purchased and developed land in Wasara so that they could retire to it at the end of their working life and or if they became too ill and or unemployed. Such arrangements were a way to maintain and managing rural–urban connections and resource flows.

5. Processes leading to *matongo*

Mortality

The HIV and AIDS pandemic caused a sudden increase in Zimbabwe's mortality rates (Feeny 2001). A focus group discussion with *masabhuku* concluded that mortality-related *matongo* had significantly increased in recent years in the study ward. Most of those dying were in the 18–45-year-old age group. Death gives rise to a *dongo* by depriving a homestead of a household head; this happens when the male head or both spouses die. Death of a male head often triggered subsequent out-migration of the female spouse to her natal home or urban areas, either temporarily or permanently.

Discussions with some widows that had left their marital homes after the death of a spouse showed that the widows' abandoned homestead remained as *matongo* and widows and/or their children could always return and claim the homesteads. Some women relocated to Wasara when their respective husbands purchased land and developed homesteads there; their homesteads in their villages of origin remained standing as *matongo*. When their respective spouses died, women returned to their *matongo*. The death of a female spouse in a young couple's homestead may also trigger out-migration. For example a widower abandoned his homestead after the death of his wife and returned to his parental homestead. Some married young men were allocated land to develop a homestead but lacked the financial resources to secure labour and material to construct housing, wells and livestock shelters. These men remained on their parents' homestead while their undeveloped homestead land remained as *matongo*. The process of inheritance ensured that land was passed from the dead to the living. If the heir was too young to inherit a homestead, living away from the village or not yet married, they could not occupy the land and/or homestead they were entitled to. This increased the incidence of *matongo*.

A new phenomenon of 'upward inheritance' has been observed in cases where adult children die before their parents. Normal inheritance patterns are downward in that descendants inherit the assets, but the new process reverses the generational order of inheritance. In the current study, parents assumed primary control of the homesteads in a number of cases after the death of their child. One of the case study hearth-holds lost six adult children in ten years. She assumed control of two homesteads allocated to and developed by her two deceased sons. Deceased daughters had been married at the time of death; the deceased women may have left *matongo* in their marital villages, and these *matongo* are called abandoned *matongo* in Table 2.

Traditional beliefs also perpetuate *matongo*. Tables 1 and 2 show that some *matongo* were linked to non-performance of inheritance transfer ceremonies. Customary practices, normally performed a year after burial, include distribution of the deceased's moveable and immovable assets (May 1983). Some families in the current study failed to conduct the ceremonies due to lack of money or disputes between interested parties. Affected homesteads remained vacant. Social barriers prohibited the occupation of homesteads by certain categories of people in the study area, for example the prohibition of permanent occupation of a parents' homestead by an adult daughter and her children as these are reserved exclusively for a son's wife or a grandson's spouse. This did not preclude the daughters from temporarily occupying the place until the eligible people needed a homestead. The period that the daughter was allowed to occupy the homestead varied but was usually determined by the presence or absence of the 'rightful occupant'.

Another practice occurring in the research site stipulated that when a man married a wife, he was obliged to build her a kitchen. If the wife died before the husband and he

decided to remarry, he had to provide his new wife with her own kitchen. The deceased wife's kitchen was reserved for her daughter-in-law or her grandchildren. Where land was available, the man relocated to another place in the village with his new wife, leaving the previous place as his *dongo*.

People believe that witchdoctors are able to make and send lightning (Vifjhuizen 2002). There was a village in the study ward where three adjacent homesteads became *matongo* after their occupants were killed by a single bolt of lightning. The homesteads remained *matongo* as people were afraid to occupy due to associated traditional beliefs. Historically, people buried their dead on homesteads in the communal area. Such places become symbolic in some rituals and descendants are obliged to maintain such land in their family. It therefore becomes very difficult to sell such a place, so such homesteads become *matongo* if there is no immediate kin available to occupy them. The Government of Zimbabwe made several announcements at the monthly ward meeting aimed at discouraging the practise of burying people on homesteads. However, the government lacks the manpower to enforce the decision, as observed by Andersson (1999) in his study in Buhera: '... state institutions responsible for land issues have a limited understanding of and exercise little control over land issues...'

Mobility

Historical analysis of the development of Zimbabwe showed how establishing rural to urban areas created socio-economic spaces that straddled the rural–urban divide, so people's livelihoods are organised across the spatial boundaries. People and goods move between the rural and urban areas to maximise opportunities. This mobility leaves vacant spaces that present opportunities for others.

The rural land holding status of mobile people in communal areas is subject to debate; some believe that land holding rights cannot be lost on migration (Berkvens 1997), while others argue that *masabhuku* have a right to reclaim and re-allocate land left vacant by mobile people (Andersson 1999). The *masabhuku* in Mwanza were ambivalent on the matter because of multiple interpretations of the legal system, specific

local contexts and the existence of plural legal systems in communal areas. Legal uncertainty increases the vulnerability and decision-making context of the weak, such as single women, young men and those who purchased land on the informal land market.

Previously mobile people retained their communal area land claims as they offered social and economic security for urban dwellers in an insecure environment (Potts 2000a); this increased the number of *matongo*. Changes in rural–urban connections and mobility patterns induced by the war, structural adjustment, independence, land resettlement and HIV and AIDS also increased the incidence of *matongo* because women and children were displaced as whole families stopped physically occupying their communal area homesteads. Land redistribution programmes in the 1980s opened opportunities for people to move to former commercial farming areas, but some of these retained their communal area land interests, and this gave rise to *matongo*. The change in laws at independence allowing urban property to be owned by Africans increased urban housing security and led to more permanent settlement of people in urban areas. Security in urban areas reduced reliance on rural land holdings as security, so homesteads became derelict and abandoned *matongo*.

Those who move out of a communal area choose to hold on to their land rights in their area of origin because of the insecurity of urban livelihoods, their wish to be buried at their home of origin and because there is no obligation for migrating people to give up their land rights. It is therefore impossible for the market to reallocate the land efficiently to those who need it most. Migrants also hold on to their land in communal areas because of people's historical mistrust of government and the legacy of the forced removals in the colonial era. Survey findings from the fast track resettlement areas concluded that peasants, based on experience, mistrusted the state, so those who benefited from the fast track land redistribution effort maintained their rights to communal land (Sithole *et al* 2003). In 2003, for example, families who had moved onto a former commercial farming area in Goromonzi were evicted to pave the way for political elites (Staff reporter, Financial Gazette 2003). Operation Restore Order resulted in the eviction of urban dwellers and

a post-operation Restore Order survey reported that 53% of the displaced people relocated to a rural area (Bratton & Masunungure 2006). Processes like these strengthen people's belief in the need to maintain a rural home and confirm the continuity between the rural and urban spaces in Zimbabwe.

Some single women abandoned their homesteads after they lost their spouse, as they felt isolated; these homesteads also contributed to migration-induced *matongo*, as did more frequent break-up of marriages and subsequent relocation of hearth-holds.

Emigration also contributed to migration-induced *matongo*, such as the homestead owner reportedly working for the Zimbabwean embassy in Malaysia. In Wasara, related younger and older people living alone on their respective homesteads consolidated residential units to maximise efficiency of resource use and this increased *matongo*. Instead of a widowed son and his widowed mother cooking a respective pot of food on their individual homestead, the two domestic units occupied a single homestead and pooled available financial and labour resources. Examples of consolidated households included divorced or widowed sons who had abandoned their marital homesteads and relocated to their parents' (usually widowed mother's) place, grandparents living with grandchildren and adult sons, some of them married, who lived with their widowed or divorced mothers, as described in *Case 1*.

Case 1: Overlapping claims on a *dongo*

A *dongo* in Wasara was previously occupied by a now deceased senior inhabitant of the village. The *dongo* was located adjacent to homesteads of three single women in the village — a daughter-in-law, daughter and sister of the late owner, respectively. Their relationship with the late owner entitled them to use the *dongo*. The three women normally used the *dongo* to grow crops in the rainy season. Alan, the grandson of the deceased *dongo* owner and also related to the three women, was entitled to the *dongo*; when Alan married, the women made way for him and his wife to set up their homestead on the *dongo*. Alan built a house, dug a well and moved from his widowed mother's homestead onto the *dongo* with his wife. Alan's

wife became ill and died after three years. Alan moved back to his mother's homestead and disposed of the *dongo* on the market. The three women denied the new owner permission to occupy the *dongo* and reclaimed it as their arable land. Alan remarried after a year and had to live with his new wife in his mother's homestead, as the three women would not let him occupy the *dongo*. Alan and his wife later moved to a *dongo* belonging to a person who had moved to the urban areas.

The example highlights how people consolidate homesteads and thereby increase *matongo*. The case also shows how:

- overlapping claims to a *dongo* are managed
- women do not always lose out to men in land-related disputes over land held under customary systems
- young men who fail to secure livelihoods resort to *matongo* and
- some people's mobility to urban areas creates economic, residence and livelihood opportunities for those who stay in communal areas.

Some adult married men in Wasara and Kura villages who were allocated land failed to develop independent homesteads; some coped by residing with their widowed mother. Men's undeveloped homesteads contributed to *matongo* in Kura and Wasara. Some of these men had disposed of the land on the illegal land market. Focus group discussions and key informants were divided on whether such land was *matongo*.

Individuals also created *matongo* through mobility of people in the village. Each time they claimed virgin land they maintained the previously occupied place as a *dongo*. This type of migration was due to, for example, failure to strike water when digging a well or poor fertility of the soil, as in the following example:

Case 2: Alice losing a marital home

The Kura *sabhuku* occupied a piece of land for his homestead, which he later abandoned because of the poor soil quality. The *sabhuku* later allocated the infertile land to a 36-year-old man who had worked for him. The 36-year-old married and built a kitchen for his wife, sank a well and established an orchard. The man's wife became ill and moved to her parents' village for care. She died in 2003 from tuberculosis. The two daughters went to live with their maternal grandmother. The man then entered into an informal marriage union with Alice, a 33-year-old woman who was an unmarried mother of two.

Before marriage, Alice lived in her natal village, adjacent to Kura. The union produced a daughter and Alice moved to her husband's homestead and left her other children at her natal village. Alice's husband died from meningitis when their daughter was two years old. The man's parents did not acknowledge Alice as their son's wife because she was not formally married. The deceased man's father sold the fencing, roofing and all building materials which he could strip from the homestead.

The 'land' was returned to the Kura *sabhuku*. The Kura villagers started using the homestead as a common property, by grazing their livestock and helping themselves to the fruit from the orchard. It was difficult for Alice to secure this garden as she no longer resided in Kura.

The *sabhuku* then allocated this homestead to his son who lived in Harare. Alice relocated permanently to her parents' *dongo*.

High mortality rates induce high mobility, which makes it difficult for the authorities to apply procedures in place, due to the fast pace and unsystematic manner at which people move in and out of the village. This situation nurtures *matongo*, which create opportunities within which single women can negotiate for land access in communal areas. The next section discusses the specific manner in which the situation resulted in opportunities and constraints for single women in Wasara and Kura villages.

6. Matongo as a resource for single women

Matongo arise as a result of overlapping land access rights. Overlapping rights occur in customary tenure systems where absent land right holders retain a right to return, but this right does not necessarily exclude other people from the land (Shipton & Goheen 1992). *Matongo* are especially important to women as they are the main residents of communal areas and have relatively limited access to non-agricultural employment in both rural and urban areas.

A study of people in Harare established that 51% of people who maintained land claims in communal areas had not cultivated the land in the last two years even though there had been good rains (Potts & Mutambirwa 1990). *Tables 1* and *2* indicate that some of *matongo* were neither occupied nor used for agricultural purposes in the study period. Some of the very old vacant plots, especially homesteads, had reverted to bush. The dynamic rural–urban connections resulted in periods of vacancy interrupted by temporary occupation of *matongo* by family members who needed to use the place for various reasons, including seasonal unemployment, illness and loss of permanent employment.

Some *matongo* were only used by the owners for burial of the dead, and the sudden increase in AIDS mortality heightened the importance of communal areas as burial sites. In some urban-based families, women usually returned to the rural areas to cultivate in the rainy season. Others hire labour or allow others to use their land. This is a fundamental aspect of urban-based households' attempt to maximise their economic security by maintaining communal area land rights. In Wasara, some urban people hired local labour and provided agricultural inputs. As shown in *Table 1*, there are different users of *matongo* in Wasara, including employees, relatives and single women. No employees stayed on any *matongo* in Kura, not because of lack of demand, but because of the *sabhuku's* strict control on access into the village.

Single women benefit from *matongo* as guardians, caretakers and homestead users. In the sub-sample of 22 women, three single women acquired residence in male-headed homesteads belonging to their fathers and resided as sub-units of the larger unit because they lacked the money and networks to secure land and establish independent homesteads. Four single women were allocated land and developed a homestead in their own right and were not residing on a *dongo*. Some of hearth-holds lived together on one homestead; these hearth-holds accessed homesteads through marriage, natal claims or the market.

There was no market-based access in Kura because of the *sabhuku's* opposition to it. All single women who had an independent homestead in Kura occupied a *dongo* which belonged to their parents or other relatives before them. The institution of *matongo* enabled these women to overcome their lack of access to shelter, of money to buy land, or labour of a man to construct an independent homestead. Nine of the eighteen hearth-holds gained access to residence through marriage. These hearth-holds continued to occupy the homesteads after the death of their spouses, and are also *matongo* according to the criteria in *Table 2*. Ten of the hearth-holds moved to their current place of residence after being displaced and the displaced hearth-holds gained residence mainly through natal claims.

Two displaced single women gained residence through the market and employment. If all single women-occupied residences are classified as *matongo*, eighteen of the 22 single women benefited from *matongo*. If *matongo* only refers to places that were vacant before the single women moved to them, then only ten of the single women can be classified as deriving benefit from *matongo*. This confirms the importance of *matongo* in providing social security for women. *Matongo* is a subjective and contested term. The land market increases the number of homesteads through subdivision of

existing homesteads. This in turn increases the opportunities for people and single women hearth-holds to negotiate access to residence and community through employment as caretakers and/or temporary use of the homestead.

Women who gained access to *matongo* in Kura negotiated their access directly with the *sabhuku*. The *sabhuku* used his position to accumulate land and create patronage relations with a variety of women. The following analysis of Kura village *matongo* demonstrates how *matongo* facilitate the co-existence of multiple claims:

Case 3: Opportunistic *sabhuku* maintaining control of land

The *sabhuku* in Kura controlled six homesteads. The first homestead was the one on which he and his family resided during the fieldwork in 2005. This land was allocated by his father, who was the *sabhuku* when he married. This is not a *dongo*.

Dongo i: The current *sabhuku* allocated the land parcel adjacent to his homestead, to his son on marriage, but the son died before he had developed the homestead. The son's widow returned to her natal village with her young son leaving the homestead as a *dongo*. The *sabhuku* reclaimed this land in the process of upward inheritance.

Dongo ii: Another *dongo* was originally allocated to the *sabhuku's* sister who had returned from a failed marriage. She since died, the *sabhuku* allowed his divorced step-sister Rita to occupy the homestead. Rita was born in 1957, her parents divorced when she was young, and Rita's mother returned to her natal village. Rita, was 48 years old in 2005 and lived alone on a homestead in Kura. She had a son out of wedlock in 1980 and sent him to live with her mother, then moved to the city where she secured employment as a domestic worker.

In 1994 Rita married another man and moved to his village. She gave birth to three children and established an independent homestead with the help of her husband, but she divorced her husband when he married another woman. She returned to Kura, her natal village, with her

three minor children and resided in the homestead constructed by her now-deceased father. The homestead was inherited by the *sabhuku* as he was the surviving male heir. Rita's claim to this residence was that she was a daughter of Kura village.

Dongo iii: The third homestead is the one involving Alice (see Case 2) which the *sabhuku* occupied, vacated, allocated to a man who worked for him. The *sabhuku* acquired this homestead through his power to repossess as a village head and his claim on it that he originally resided there. The widow returned to her deceased parents' *dongo* where she set up residence with her children. At the end of the research, this homestead was an abandoned *dongo*.

Dongo iv: The fourth *dongo* was a homestead previously occupied by the *sabhuku's* parents who are now deceased. The *sabhuku's* aunt, who returned to the village after the death of her husband, occupied the *dongo* although the place belonged to the '*sabhuku's* father'.

Dongo v: When the *sabhuku's* mother died, his father married a new wife and moved to a new homestead. In 2005, the *sabhuku's* stepmother was occupying the homestead as she continued to live there after her husband died. The *sabhuku* controlled this place, as he was 'father' of the family, but in reference, the place belonged to the *sabhuku's* stepmother. The *sabhuku* gained control of this homestead through inheritance as the male heir. This too was a *dongo* occupied by a single woman.

Matongo transactions described in Kura show different ways in which single women gained access to *matongo* in Kura. The cases show how male and female claims to homesteads co-exist without being mutually exclusive. They also illustrate how women's claims relate to male claims to the same *matongo*. *Matongo* provided immediate relief to single women in sometimes desperate situations. Single women's vulnerabilities on *matongo* displayed in examples i, ii, iii and v are discussed in the next section. Acknowledging the increasing demand for shelter by women who return to their natal homes, the Kura *sabhuku* joked about *dongo iv* as the 'women's *dongo*'. Similar attitudes were expressed in Wasara as depicted in the following example:

Case 4: Matongo as a fallback for single women

A woman born in Wasara got married and moved to her husband's village. She lived in her husband's village for ten years but failed to have children. She returned to her natal village Wasara where she resided with her parents until they died. She continued to live at this homestead and left when she remarried. However, her brothers claimed to be keeping the *dongo* for her in case her marriage broke down again and she returned to the village.

Abandoned *matongo* sites were a form of common property for the villagers. Open access on *matongo* meant that women could collect firewood, wild vegetables, fruit and thatching. This was important, as village grazing and forestry in Wasara had been converted to private homesteads. Homestead *matongo* were located in the residential part of the village, whereas arable lands were located further away. Access to more cropping land in the residential area enabled women constrained by domestic chores and labour shortages to increase their agricultural production. One single woman had abandoned her arable field and was concentrating her efforts on her own homestead and the adjacent homestead land, which belonged to her deceased parents-in-law.

Kura village derived more benefit from the natural resources of *matongo* because their under-used land had not been sold on the market, thus increasing the village's forest and natural grazing resources. As *matongo* were a source of materials to construct shelter, firewood and pasture, the availability of these natural resources in close proximity reduced competition and increased opportunities for hearth-holds to access firewood, thatch and grazing.

An increased crime rate necessitated caretaking arrangements in Wasara village, as abandoned or unoccupied property was vulnerable to looting. Such arrangements ranged from employing a specific individual or a family member to stay on the place to having somebody (usually a relative) in the local community keep an eye on the homestead. Single

women in Wasara occupied *matongo* as guardians of the homesteads for absentee owners. Women also benefited as caretakers of *matongo*, as the case of Maria in Wasara demonstrates:

Case 5: Living off *matongo*

Maria, born in Wasara, is a widow who lived with her mother in Wasara. She later married in the adjacent village and moved from Wasara to the neighbouring village. The husband's parents were deceased. Maria and her husband used the homestead *dongo* of the husband's deceased parents' for residence and farming, but they divorced after he physically abused her and Maria returned to her mother's residence in Wasara. She later remarried and lived on the commercial farm where her husband was working, but when her third husband died, Maria returned to Wasara where she lived with her mother.

An immigrant bought a homestead in Wasara, developed it and employed Maria to live on his *dongo* while he worked in town. Maria's employer provided her with agricultural inputs.

The vulnerability of single women hearth-hold's *matongo* resource access, and specifically that of Maria, is explored in section the next section.

The opportunity to take care of a *dongo* increased opportunities through which people could gain access to homesteads in the village. Wasara had male and female caretakers who had since married and were raising their families on *matongo* under their charge. For example, a single mother of three children residing on a Wasara *dongo* had been employed to look after the homestead by owners who lived in Harare, after her predecessor moved into his own place in Wasara. She was paid a wage, which she combined with her trading income to look after her children, and she was saving to buy her own land to construct her own homestead.

Case 6: *Matongo* as a source of shelter

Tessa, a 52-year-old widow who grew up and resided in Wasara, was the *sabhuku's* sister, and lived with her eighteen year old son and a five year old nephew. Tessa married a commercial farm worker, and with her husband, negotiated with the *sabhuku* for space to construct their residence. They built two huts and had three children. Tessa's husband fell ill and died, and the huts started to disintegrate and she could not maintain them. The house was a well-constructed but ill-maintained brick structure; the well had also collapsed.

Tessa negotiated with the *sabhuku* for permission to occupy a *dongo* belonging to a now deceased brother, whose wife and young children had left the village when he died. Tessa and her sons moved into the 'new' house and had better shelter, but Tessa maintained her own *dongo* and used it for agriculture. Her sons were, however, reluctant to invest in either of the two *matongo*, as they feared their mother's relatives would evict them.

These cases illustrate how single women negotiated access to shelter and residence through *matongo*, thereby reducing the vulnerability highlighted in the previous chapter. However, this does not mean that all single women had access to the land they needed or that the land was equitably distributed. The co-existence of claims facilitated complementary access to land and residence for different claimants.

Wasara was experiencing land shortage because of the high land demand. *Table 1* reveals that some people used *matongo* for cultivation. Relatives used *matongo* for free, whereas non-related people entered into some kind of lease. Single women in Wasara also accumulated land through *matongo*. One woman gained access to two *matongo* through upward inheritance of lands belonging to her deceased sons. One elderly woman in Wasara had accumulated several homesteads through *matongo*:

Case 7: Ann, land baroness on *matongo*

She had control of:

- her own plot (not a *dongo*) allocated in her own right by her father who was the *sabhuku* when she returned to the village after the end of her marriage
 - a *dongo* which belonged to her son who moved to the former commercial farms after he was allocated a piece of land in the fast track land redistribution exercise
 - control of a *dongo* which belonged to her deceased brother
 - control of her deceased parents' *dongo*.
-

The ways the woman gained access to these *matongo* shows the potential influence of rank, as she seemed to have inherited land in the same ways as, and in some cases ahead of, men like the *sabhuku* who was her nephew. Ann controlled the largest land holding in Wasara village. Although she was too old to use this land fully, she benefited from the land as she collected firewood and thatch, and lent the arable land to some landless immigrants in exchange for some of their harvest. There were widows who remained in Wasara after the death of their husbands and continued to use the homesteads and arable land. Some of these women sold the arable land and/or subdivided their homesteads and sold the remainder to immigrants, thus enabling them to derive another benefit from *matongo*. The fact that the community let these women dispose of the land rights on the market means that they were recognised as having some power to dispose of the land. The evidence of widows disposing of 'inherited land' on the informal market proves that they have more decision-making power than could be claimed from normative customary rights.

7. Vulnerability of women's land access through *matongo*

Access to a *dongo* is based on fragile claims which rest on underlying stronger land claims. This is a source of both the weakness and the strength of *matongo*. The main threats to *matongo* access originate from changes in the underlying relationships upon which the *matongo* rest. These changes are contingent upon other changes introduced by the state through policy and legislation, the market through supply and demand dynamics, mortality and mobility patterns in response to these changes.

In Wasara, deteriorating relations due to increased competition over land and grazing between those who purchased land on the market and those who viewed themselves as original inhabitants, created instability. This led to a narrowing definition of 'belonging' in customary tenure areas. People who see themselves as belonging use the terms 'stranger' and 'squatter' to refer to those denied legitimate status by the landholding community (Nyambara 2001a). In Wasara during the heated debates and meetings, single women were sometimes called squatters by those opposing the sale of land. Men argued that these single women did not belong to Wasara because they should have worked at making their marriages a success and then would have remained in the marital villages. Women who gained access to residence in Wasara on their natal claims were constantly threatened by these young men, and their names had been included on the list of those to be evicted along with the people who purchased land³. The indigenous people in Wasara also pressured that *matongo* land be reallocated, especially to their sons. The locals resented *matongo*, which they viewed as providing an opportunity for migrants to enter and eventually settle in their village. The autochthons gave examples of at least three former caretakers who had now married and/or acquired their own place in the village in the previous three

years. The treatment of single women and immigrant men suggested that these two categories occupied similar positions in the land access hierarchy.

The under-use of arable land caused by the lack of access to agricultural inputs rendered the land vulnerable for reallocation or sale by the powerful, like the Wasara *sabhuku*. He tried to sell some land belonging to Ann, the land baroness, his land-rich aunt, but she resisted. The woman explained in her own words how she resisted attempts by the *sabhuku* to sell some of the land under her control:

I pulled up the pegs from my field and threw them away.

The practise of *sabhuku* allocating fallow land to other villagers was also observed in Buhera another communal area in Zimbabwe. The Kura women's *matongo* access was not under similar threat because of the *sabhuku's* attitude towards the market. The Kura *sabhuku* viewed fallow land as a common resource providing firewood and pasture for the population. However, the Kura *sabhuku's* control of land transactions means that single women hearth-holds in Kura cannot benefit from the land market through for example disposing the 'excess' land or subletting to land short people.

High mortality has increased *matongo*. Some women accessed *matongo* belonging to others who moved out of the villages in response to various stimuli. These women's access is vulnerable to the death of the *dongo* owner, as they would be displaced by family members and/or local leaders seeking to take advantage of opportunities created by the demise of the owner. In cases where hearth-holds were nested i.e. daughters living on homesteads headed by their widowed mothers, the mother had stronger rights than the daughter and her children. These daughter hearth-holds were vulnerable to the death of the mother, which would destabilise their claim.

³ The villagers were anticipating that the 'Operation restore order' type evictions would be carried out in the rural areas

Men who accessed *matongo* land were equally vulnerable, and employees were vulnerable in the same way as women caretakers. Some male children in Wasara lived on *matongo* with their mother, who had accessed *matongo* on a natal claim. These men were vulnerable to eviction on the death of the mother, so were reluctant to invest in the renovation and maintenance of *matongo*. The men coped by purchasing their own homesteads and not investing in *matongo*.

Single women's claims to *matongo* remained vulnerable to male claims on the same land. The description of Kura highlights the juxtaposition of the Kura *sabhuku's* *matongo* interests and those of single women in his village. In all five cases represented by homesteads ii to iv, the *sabhuku* had a male claim to the *dongo* which was stronger than that of the respective single women because of the *sabhuku's* capacity as a former owner, male heir and village head. The case shows that, in instances where male and female interests are in conflict, male interests dominate. This led to the eviction of single women as typified by Alice in homestead III and the village head's son's wife in homestead i in *Case 2*. Experiences in Wasara, however, show that women's interests can supersede male interests, as shown by Ann in *Case 7*, who resisted the *sabhuku's* attempts to dispossess her of *matongo* in her control.

People who had escaped the war by migrating to urban areas returned after the cessation of hostilities to reclaim their homesteads and arable fields in Gokwe (Nyambara 2001a). The expense of urban life, coupled with the added burden of AIDS, resulted in the re-activation of rural communal land claims by those whose urban livelihoods were threatened. Research carried out in other communal areas of Zimbabwe concluded that urban migrants returned to their rural homes after ESAP. People who moved out of the villages to settle on former commercial farms after the land resettlement programmes also returned to the communal areas if they failed to meet their basic needs in the resettlement area (Chimhowu & Woodhouse 2006a). Operation Restore Order displaced people from the urban areas; during the fieldwork, five victims of operation Restore Order returned to the villages. Although not observed in this study, the return of immigrants to communal areas may have led to the displacement of people occupying *matongo*.

8. *Masabhuku*: Defining, managing and disposing of *matongo*

The uneven enforcement of legal codes and ambiguous customary paradigms that govern communal area resources create gaps and opportunities for people to manipulate the system (Nyambara 2001a). At the time of research, the communal area ward was experiencing high land demand as a result of changing rural–urban connections and the displacement of people by the fast track land reform programme and Operation Restore Order. As land became more contested, people devised strategies and took advantage of loopholes in the system to increase their control over land. Usually only powerful and well-established people in the village, such as the *sabhuku*, elderly and powerful individuals who can do this. The *masabhuku* in Kura and Wasara took advantage of the vague process leading to delineation of land as *dongo* to accumulate land and redistribute it as part of their patronage system. The way the Kura village head used *matongo* to accumulate land is demonstrated in Kura case study. A *sabhuku* in Gokwe converted the *zunde* field to personal property, which he used to grow cotton. The Wasara *sabhuku* used his position to extend Wasara village by selling land to immigrants, and this created risks and opportunities for the single women and immigrants in the village, as described in the Wasara *sabhuku's* residential history below:

Sabhuku* taking advantage of *matongo

The *sabhuku* inherited the position from his late father. By the time his father died, the *sabhuku* was a married man who had been allocated his own homestead in Wasara. When he assumed the *sabhuku* position he had power to allocate land and he sold his homestead to Chako, an immigrant, and moved onto an unclaimed place where he set up home. The purpose of briefly living there was to formalise the claim before selling it to another immigrant. Meanwhile Chako lived in town, but he invested a lot on the place that he purchased from the *sabhuku* with the hope of retiring to it at the end of his working life. Chako hired Maria, a divorced adult woman who returned to the natal village after her divorce, to look after the homestead. He provided her with agricultural inputs. The arrangement lasted for eight years.

The *sabhuku* then moved in with his sister (Tessa). The sister was living on a *dongo* left vacant after the death of the *sabhuku's* brother. At the time of his death, the deceased brother had divorced his wife and she went away with her two sons from the marriage. Tessa claimed to be keeping the *dongo* for those sons and moved into the homestead to take advantage of the shelter when her own shelter deteriorated. The *sabhuku* moved out and claimed another piece of virgin land, which he briefly occupied then sold. By then the village had run out of new land, so the *sabhuku* carved a place for himself on the water channel (where people are not supposed to settle as it is part of the drainage system). This was all in a space of ten years.

The *sabhuku*, feeling the pressure of living on an illegal plot and having sold all the land at his disposal, devised a strategy to reclaim the land from Chako. The *sabhuku* claimed that, since Chako was not living on the land, he as the village head were repossessing it. By the same action, the *sabhuku* claimed to be repossessing the *dongo* that he had previously occupied. The *sabhuku* ordered

Chako's caretaker, Maria, to vacate the premises. When Chako learnt of this development, he demanded that the *sabhuku* refund all the money that he paid for the purchase and improvements on the homestead. In a public gathering, the *sabhuku* denied selling the land to Chako and asked the villagers to endorse his actions but the villagers did not do so. Nonetheless, although they generally felt the *sabhuku* was acting unfairly, they were scared he would abuse his powers as village head to victimise them, e.g. deny them access to food aid. Apparently, while this was going on, the *sabhuku* had sold the homestead he had been occupying. Chako reported the story to the sub-chief. In the meantime, the *sabhuku* took up occupancy of Chako's homestead. The sub-chief ruled in favour of Chako since the land had been continuously occupied and that there were a lot of unused *matongo*, which had been standing for longer, which the *sabhuku* could repossess. The *sabhuku* vowed to remain on the homestead and the case was referred to the Chief for arbitration.

The story had not been concluded at the time of finishing the fieldwork, but Maria was still residing on her widowed mother's homestead.

This case illustrates the complicated processes underpinning customary land access in combination with vernacular land markets. It demonstrates the tenuous rights that women and immigrants have through *matongo*. *Matongo* provided livelihood diversification opportunities for the Wasara *sabhuku*, yet immigrants' land rights are as tenuous as those of single women in the communal areas. The migrant's case to defend his claim to land was weakened by his failure to use the place continuously, lack of proof of a financial transaction, the illegality of the transaction and the failure by the Wasara community to support his land claim.

The behaviour of the *sabhuku* highlights the arbitrary nature of the legal environment of the communal area, which created uncertainty and opportunities for the *sabhuku* to abuse his power, and increased the vulnerability of his sister, other single women and possibly everyone occupying *matongo* in Wasara. The *sabhuku's* sister Tessa could potentially lose access to the homestead if the *sabhuku* decided to claim his male inheritance right. Even the *sabhuku's* wife was

potentially vulnerable as she and her husband had failed to establish a clear claim to any homestead in the village, so she could lose her homestead if her husband died before her.

The cases illustrate the fact that, if there is a contestation between males and females, the risk is that female rights will be subordinated. As a result, single women generally avoid contestations. The cases expose how people in authority may use their power to their own advantage and dispossess those with less power. The *masabhuku* used their power and community control to dispossess single women and evicted women resorted to other *matongo*.

The absence of a land market in Kura meant that there were fewer homesteads and so fewer and less diverse opportunities for *matongo*. The Kura *sabhuku's* reaction to reduced agricultural production was to convert the land into a community forest and paddocks, whereas the Wasara *sabhuku* decided to make money out of the resource. Therefore, access to fruit trees, land and grazing on unused *matongo* was better for single women in Kura where *matongo* provided firewood, grazing and forestry products — important in mediating women's vulnerability. These women did not have to take the same risk as people in Wasara who, because their forest was depleted, resorted to stealing from the commercial farms. However, the centralised governance of land, homesteads and *matongo* in Kura resulted in more stringent rules governing the access of single women to land. Stricter application of rules also resulted in a reduced number of *matongo* being available in Kura. Land pressure in Wasara increased conflict and tension between various groups of people and resulted in single women being targeted as squatters. Kura village did not have this problem because it had a smaller population.

The Zimbabwe government has not established any clear legislation to guide authorities in governing *matongo* and land in communal farming areas, neither has it replaced the outdated Native Land Husbandry Act. According to the Native Land Husbandry Act, it is legal for local leadership to repossess and re-allocate land belonging to absentee owners, so communal land rights have been lost due to non-use of land (Machingaidze 1991; Berkvens 1997). However, the provision has not consistently applied; for example a study in a

village in Mashonaland East concluded that rights to communal land could not be lost through non-use (Pankhurst 1991). Inconsistent application of the law has created uncertainty and maintained the vulnerability of *matongo* land access.

Urban migrants interviewed on the security of their land rights in communal areas were divided. Some felt that their land rights were not threatened, while others felt the land could be repossessed — they felt that they could lose *matongo* to reallocation by the *sabhuku*, and others feared someone would just start using their land without permission. Both groups, however, linked this not to government policy but to the land shortage problem (Potts & Mutambirwa 1990). The Mwanza ward *masabhuku* concurred in a focus group that they had the power to repossess and re-allocate land when it had been a *dongo* for more than three years. The ward vacant land register, however, showed that, in all villages, *matongo* that were more than three years old had not been repossessed or re-allocated. *Table 1* shows that only five *matongo* were less than three years old; the rest had been *matongo* for up to 20 years, but the *masabhuku* had not repossessed or re-allocated them. The *masabhuku* admitted that repossessing and/or reallocating *matongo* was not easy because of kinship networks between a *sabhuku* and some people, fear of witchcraft and related practices by the *sabhuku* — especially when the place concerned became a *dongo* because of death. The *dongo* of a person who had moved out of the village was never repossessed as long as they or their descendants were believed to be alive and could possibly return. This suggests that checks and balances exist in the system, protecting land claims from arbitrary possession by the *sabhuku*.

Improvements people made on their land while it was *dongo* made it difficult for the *masabhuku* to repossess the homesteads, because whoever took over the land would be obliged to compensate the owner for his/her investments. This is only possible when the owner can be located and found willing to dispose of the place. Even where no improvements had been made, relatives of the *dongo* owner who lived in the village fiercely resisted any attempts by the *sabhuku* to repossess and or reallocate *matongo*. Relatives

claimed to be acting on behalf of the rightful owners of the land.

Actions of senior women who resisted the *sabhuku*'s attempts to sell their *matongo* exhibited the agency of single women in defending their land claims on *matongo*. Women also resisted through collective action, as they did when they resisted Alan's attempts to sell the land (*Case 1*). Single women avoided confrontation with the *sabhuku* who threatened their access and negotiated access to other *matongo* in the village — a common strategy used by dispossessed women to maintain land access in the customary tenure area. Regular requests by single women for residence access to *matongo* has led to a change in gendered resource allocation in communal areas by setting aside and maintaining homesteads by the kin groups for use by the single women and their children. However, the status of children remains a sticking point.

9. Conclusion: Bargaining for land in patrimonial governance systems

Studies of women's land-right vulnerability in the developing world over-emphasise the role of patriarchy. The historical evolution of communal areas illustrates that patriarchy is only one of several institutions governing resource access in Zimbabwe's communal areas. Communal areas are characterised by various governance structures and institutions which draw power from various sources, including the government, the dominant political party, traditional authorities and formal legislation. These structures and systems have multiplied over time. Legal systems and rules are largely irrelevant in determining resource access in communal areas, due to diverse authorities, lack of clear and systematic rules, decentralised decision-making from the wider community to individual families, and diversity introduced by in-migration and marketing of communal area homesteads. This has provided opportunities for people to negotiate resources through other institutions and arrangements. The scarcity of cash and increased demand for land provides space for opportunistic behaviour by those in authority. It is not possible to generalise on either the processes or the outcome. Constantly shifting conditions induced by mortality, migration and opportunistic decision-making by those in power have increased the instability of single women hearth-hold's resource access in communal areas.

The focus on practices and individual single women hearth-holds rather than norms highlights an increasingly important mechanism through which people gain and maintain access to land and residence in the communal areas of Zimbabwe. Norms marginalise *matongo* and treat them as a temporary phenomenon; yet observed practice illustrates that *matongo* are widespread and their existence is an enduring phenomenon. The different ways of delineating *matongo*, diverse experiences of men, women and *masabhuku*, and the gaps between norms and practices illustrate how things are different in ways that matter to the individuals concerned.

Matongo increased the ways in which single women — marginalised in other land access modes — gained communal area resource access in the study area. Both men and women benefited, but the resource was more important for women because of their historical disadvantage and gendered governance of land, community and natural resources in a customary tenure area. Rural–urban connections, mortality and market activity in communal areas have continued to promote the existence of *matongo*. The practise of people leaving the area but retaining their communal land claims and the 'accumulative' tendencies of those remaining in the village highlight an effective strategy used to cope with uncertainty in a fast-changing environment. Elderly men and women in the village were better able to use 'accumulative' strategies. Senior single women increased their control of land and homesteads through *matongo* and used their control as a basis for negotiating access to employment and community membership in the communal areas. Through control of *matongo*, some senior women were able to dispose of or lease out land to land-short people, especially those who had bought land on the market. In return, women gained access to financial capital, labour and agricultural produce.

The use of two villages illustrated how the specific local context is a significant determinant of the numbers, processes and vulnerability of *matongo*. The emergence of the informal land market in Wasara may have served to reduce the availability of *matongo*. The experiences of the Wasara community show that the phenomenon of *matongo* persists despite increases in mortality rates, increasing mobility of people moving between urban and rural areas and the increased importance of market transactions, because of the plurality of processes that give rise to the phenomenon. The informal land market has increased the diversity of ways through which women can benefit from *matongo*, including caretaking or employment to gain access into the community. Such

opportunities did not exist in Kura; however the prohibition of the land market in Kura ensured the availability of kinship-transacted *matongo*. This was a valuable resource for single women who were displaced. The decision by the Kura *sab-huku* to turn *matongo* into forest and grazing benefited single women, as they were more reliant on the natural capital.

Matongo land access in communal areas of Zimbabwe is fraught with contradictions: the *matongo* layer of land access has emerged out of the legal uncertainty, high mobility, mortality and rural-urban connections. These processes have maintained the *matongo* layer and provide invaluable opportunities for the landless and marginalised people in communal areas. The same processes of legal uncertainty, rural-urban connections, high mobility and mortality are also the source of *matongo* fragility. The fragility of the *matongo* made women vulnerable to opportunistic behaviour by *masabhuku* in the two study villages. The two cases of the *masabhuku* illustrate that they used counter claims on *matongo* to destabilise the claims of single women.

The *matongo* concept is also paradoxical: on one hand, *matongo* land access reinforces the patriarchal structure of customary land access which maintains male superiority. On the other hand, the ability of women to defend *matongo* claims against male kin shows that kinship claims of women to *matongo* are stronger than commonly believed. The rural-urban mobility caused by AIDS, structural adjustment, fast track land reform and Operation Restore Order have led to the return of migrated men and a reduction in the out-migration of men, and have resulted in the loss of *matongo* access by all those who depend on them to access land and gain village membership.

However, the high AIDS-induced death rate for the moment acts as a leveller: those expelled from *matongo* generally find another *dongo* to occupy so, for now, *matongo* opportunities exceed demand and therefore these opportunities will continue to be available and act as a pressure-release valve in the immediate future. Single women's *matongo* land access is not equally vulnerable. Elderly single women have stronger claims to *matongo* than junior women and men. In addition to single women, other categories of women and men are vulnerable in communal areas: immigrant men and

the children of the single women who acquire resource access through *matongo*.

The multi-layered nature of rules governing land access in communal areas is a valuable resource for women, given the highly uncertain conditions under which they have to make decisions. *Matongo* is a mechanism for ensuring a more efficient land distribution system as it helps to address inefficiencies inherent in the customary and market-based land distribution systems. The diverse situations that give rise to and perpetuate *matongo* maintain this resource even as conditions change.

This study of *matongo* has enabled the analysis of land claims as complementary rather than mutually exclusive competing categories. The terms for gaining access to *matongo* are not always clear. In some cases, the conditions are quite restrictive by, for example, denying women autonomy to decide with whom to co-reside. However, *matongo* provide a valuable resource and relief for single women faced with homelessness and impoverishment when they are displaced. Single women's claims to *matongo* are stronger than presented in normative discussions on single women's resource access in communal areas. The *matongo* discourse shows that the male lineage has a kind of obligation to accommodate their single women, so returned women are relatively more secure than women occupying *matongo* through marriage, employment or as a guardian. *Matongo* act as a pressure-release valve by giving access to the desperate people, while retaining the claims of the absent people.

Increased mobility and mortality has significantly changed the way women gain access to homesteads. The extent of a single woman's security of tenure on *matongo* depends on her health, the way she gains access to *matongo*, her rank and the decisions she makes. *Matongo* access is destabilised by death, rural-urban connections or illness. The indeterminate rules governing *matongo* are a source of uncertainty for people who gain access to land through *matongo*. This is a source of vulnerability. The unclear governance of *matongo* results in some people retaining ownership, while others dispose of their land claims on out-migration. Since homesteads purchased on the informal property market are also a source of *matongo*, this phenomenon transcends market,

customary and employment transactions of resources. The existence of *matongo* shows that single women are not the only people who have tenuous claims to land. The claims of people who purchase land in the village and children of both sexes belonging to single women are shown to be weaker than those of single women hearth-holds on *matongo*.

Matongo is an increasingly important way through which single women negotiate residence, land and community access in the gendered resource governance space of the communal areas. *Matongo* enable women to overcome the barriers imposed by the market and custom, and to gain access to resources in the communal areas without directly confronting the patriarchal norms.

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Our Mission

A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.

Our Vision

Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion.

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This work was carried out as part of a 3-year collaborative project entitled “Securing Women’s Access to Land: Linking Research and Action,” coordinated by the International Land Coalition (ILC), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda, and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of Western Cape in South Africa.

Its overarching aim was to learn from women and respond to their needs through action-oriented research. The purpose of the research carried out under this project was not only to provide an evidence-base for advocacy on women’s rights, but also to strengthen the research and advocacy capacity of civil society organizations, and to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including the building of linkages with the wider advocacy relationships and programmes of the ILC.

This report is part of a wider initiative on Women’s Land Rights (WLR). If you would like further information on the initiative and on the collaborating partners, please feel free to contact the International Land Coalition.