

Women and Land in Africa: The Cost of Corruption

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Workshop in Economic & Political Development
Report for Transparency International
May 2016

I. Acknowledgements

The Columbia SIPA Team is grateful to Transparency International for the opportunity to contribute to the emerging body of research and advocacy being conducted at the critical intersection between Gender, Land Rights and Corruption. The Team additionally extends its thanks to the following organizations and individuals for their invaluable support over the course of the past six months:

Professor Kristy Kelly, Columbia University
Professor Eugenia McGill, Columbia University
Ilona Vinklerova, Columbia University
Transparency International Zimbabwe
Ghana Integrity Initiative
Widows and Orphans Movement
Women and Land Zimbabwe

Finally, we offer our most humble thanks to the hundreds of women and men in Ghana and Zimbabwe who so generously shared with us their time, their thoughts and their experiences. This report is our modest contribution to the incredible work being done at Transparency International and elsewhere to ensure that children can grow up in a world free from corruption.

II. Glossary of Terms

AfDB	African Development Bank
CBO	Community Based Organization
CHI	Co-operative Housing International
CLS	Customary Land Secretariat (Ghana)
CSO	Civil Society Organization
DfID	Department for International Development (UK)
DOVVSU	Domestic Violence Victim Support Unit (Ghana)
ECOWAS	Economic Community of West African States
FAO	UN Food and Agriculture Organization
FGD	Focus Group Discussion
FPIC	Free, Prior and Informed Consent
FTLRP	Fast Track Land Reform Program (Zimbabwe)
GDP	Gross Domestic Product
GHS	Ghana Cedi
GII	Ghana Integrity Initiative
GSS	Ghana Statistical Survey
ICG	International Crisis Group
IEG	Independent Evaluation Group (World Bank)
IFPRI	International Food Policy Research Institute
IIED	International Institute for Environment and Development (UK)
IRB	Institutional Review Board
ISSER	Institute for Statistical, Social and Economic Research (Ghana)
LAP	Land Administration Project (Ghana)
MDC	Movement for Democratic Change (Zimbabwe)
MGSP	Ministry of Gender and Social Protection (Ghana)
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
OASL	Office of the Administrator of Stool Lands (Ghana)
PPP	Purchasing Power Parity
SADC	Southern Africa Development Community
SIPA	School of International and Public Affairs
TI-S	Transparency International Secretariat
TI-Z	Transparency International Zimbabwe
UER	Upper East Region (Ghana)
USAID	United States Agency for International Development
USD	US Dollar
WFP	World Food Program
WLCA	Women, Land and Corruption in Africa Project
WLZ	Women and Land Zimbabwe
WOM	Widows and Orphans Movement (Ghana)
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZINAHCO	Zimbabwe National Association of Housing Cooperatives

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IV. Executive Summary

This project sits at the intersection of **gender, land administration and corruption** – an important issue area that is largely under-researched. Women’s rights to access, control and own land are consistently challenged and restricted by the gendered nature of corruption in the land sector, which disproportionately affects women. In both Ghana and Zimbabwe, these issues are exacerbated by the dual systems of land management and governance. The unclear and inconsistent relationship between customary and formal institutions, as well as the patriarchal foundations upon which they operate, begs further research and remedy. This report aims to add to the body of knowledge that informs the policy and practical changes necessary to foster gender equality, and eradicate corruption in land administration.

In Ghana, the case study focuses on **widowhood in the Upper East Region, and illuminates the inequalities that women are faced with in accessing land and seeking redress in the event of land seizure.** The two composite stories in this case study serve as vehicles for exploring the relationship between gender, corruption, and the complexity of dual systems of land management. Barriers to justice in both customary and formal legal institutions are explored. The case also highlights the ways in which widows are a particularly vulnerable subset of the population. In addition to facing the loss of access to land, they are also exposed to harmful cultural practices, have restricted access to farming inputs, are more susceptible to violence, and essentially exist as society’s “outsiders” in perpetuity.

In Zimbabwe, the case studies reveal how **women are negatively impacted by a gendered knowledge gap, structural inequalities in society, and gendered aspects of corrupt practices in their pursuit of land ownership.** The first case sets up our understanding of the fundamental issues around land and women in Zimbabwe. It focuses on rural land and touches briefly on the effects of the Fast Track Land Program. The case illustrates how the complex system is difficult to understand, and details the appropriate ways for Zimbabwean citizens to seek recourse when they have been denied access to their rights. This case also highlights the role political connections play in land ownership in the country. It sheds light on the lived reality of Zimbabwean women: how they depend on relationships to access land, how underrepresented they are in politics, and how they lack resources to provide for themselves and their families.

The second, third and fourth case studies **hone in on and explore the gendered corruption issues in housing cooperatives in urban and peri-urban areas of Zimbabwe.** These three case studies demonstrate the insecurity of women's land tenure in housing co-ops, specifically the costs of corruption as they pursue land ownership, and the threat of the

demolition of their homes or reallocation of their land. The cases also demonstrate how the insecurity of land tenure affects every part of a women's life: including her health, her livelihood, her social status, and her children's educations and futures.

In exploring how corruption shapes women's land access and ownership in Ghana and Zimbabwe, several overarching trends emerged. First, **women are far less likely to own land and more likely to lose access to land than their male counterparts.** Alienation from land is the result of a confluence of factors, including a gendered knowledge gap, structural inequalities based on gender, and the gendered nature of corrupt practices. Second, **women are at higher risk of being exposed to corruption as they are more likely than men to require help outside of the home for conflict resolution due to the patriarchal nature of household relations.** Customary authorities are bound by traditions entrenched in the same patriarchal hierarchy, while formal government institutions are largely under-resourced and unable to provide social services to aid women who need help. Women's limited agency and lack of resources and support leaves them more vulnerable to extortion and the abuse of power, a reality that is evident across both customary and formal governance systems. Third, **women are significantly less likely to be able to overcome corruption due to the myriad of barriers they encounter in seeking redress.** Lower income levels, food insecurity, and lack of education about their legal rights and what they are entitled to under the law limits their ability to mitigate the negative consequences of corruption.

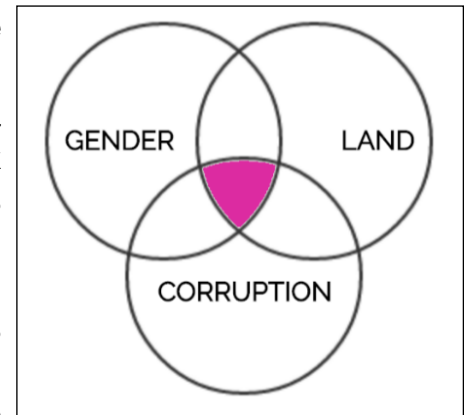
While much work is needed in order to bridge the gender gap and end the negative impacts of corruption, the research herein highlights three overarching recommendations: **strengthening coordination between grassroots organizations and other** nonprofits to further promote women's empowerment and education; promoting harmonization of customary and statutory systems of land **governance** to reduce the inefficiencies and inequalities borne of these competing systems; **and advocating for clear procedures for land access and redress** to define channels for land acquisition and a legal framework for recourse. Action in these areas will begin to address the challenges that women face in trying to gain access to land and build their lives upon it.

V. Introduction

i. Rationale

This study was undertaken by a team of six graduate students from Columbia’s School of International and Public Affairs (SIPA) through SIPA’s Workshop in Development Practice. The workshop is a practicum course in which students are organized into small consulting teams, each under the supervision of a SIPA faculty member, to carry out a substantive, policy-oriented project with an external client. The client for this project is Transparency International (TI).

Our analysis of the gendered effects of corruption in the land sector will add to a body of literature that is, as of now, quite limited and underdeveloped worldwide. Without a nuanced understanding and evidence of the complex intersection of gender, land and corruption, policymakers are hesitant and lack the leverage to call for anti-corruption measures and reforms. In TI’s “Women, Land and Corruption in Africa” (WLCA) project, the organization’s main goal is to understand the effects of corruption on women’s land ownership in Ghana, Uganda and Zimbabwe



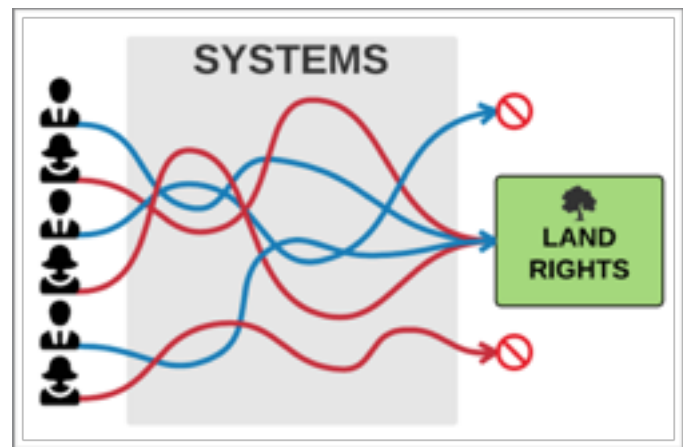
in order to direct anti-corruption advocacy efforts to focus on women’s land rights. This project will aid in the development of strong advocacy tools to be used in development and governance initiatives in both Ghana and Zimbabwe. Last year’s SIPA workshop team completed three case studies in Southern and Eastern Ghana; this year our research will build upon the previous year’s workshop team to expand the body of knowledge on Northern Ghana. Our reports in Zimbabwe will contribute to the research on the topic but from a grassroots approach. In addition, each of our case studies will complement general studies about land tenure.

In the local context, the insights our research will provide are critically important to both Ghana and Zimbabwe’s development. In Ghana, high population growth rates and sustained economic development place ever greater pressure on this land. Meanwhile, Ghana performs poorly against most corruption indicators. In Zimbabwe, the allocation and acquisition of land is central to not only the maintenance of livelihoods and social stability – it is a central pillar of the power-sharing agreement signed in 2008 between Robert Mugabe’s Zimbabwe African National Union Patriotic Front (ZANU-PF) and the reformist Movement for Democratic Change (MDC).

ii. Objectives

To study the costs of corruption in relation to gender and land rights, the SIPA team proposed to travel to Zimbabwe and northern Ghana in March 2016 to conduct field interviews and focus groups with various stakeholders (i.e. community members, land administration officials, academics, and NGO workers) identified by local Transparency International offices to better understand how women are

adversely affected by corrupt land practices in northern Ghana and Zimbabwe. The main subjects of this study were women of northern Ghana and Zimbabwe who have been involved in land administration issues. NGO workers, academics, and officials served as supplemental informants, and their feedback allowed the team to gather rich, multifaceted data on the study topic. The objective of the team was to find evidence of the costs of corruption in relation to gender and land rights, and to further TI's understanding of the intersection between corruption, gender and land rights in northern Ghana and Zimbabwe. The intersection between gender and corruption remains an emerging field of study, and there is a need for more research on the differentiated experience and impact of land corruption on women.



iii. Country & Case Selection

This report contributes to Transparency International's larger Women and Land in Africa project, which is focused on Ghana, Zimbabwe, and Uganda. However, after consulting with TI, the team decided to focus on two countries, Ghana and Zimbabwe, in order to do more in-depth analysis and data collection. Both country offices also had a history of working with student consultants from Columbia SIPA.

In selecting cases to highlight from Ghana and Zimbabwe, the team first conducted desk research, and pinpointed industries and sectors where women's land ownership and corruption had been highlighted as an issue. The team then consulted with TI's local chapters on the feasibility of focusing on cases in each potential sector, and received their recommendations. Ultimately, the cases were chosen based on their importance to the research, as well as how much data the team would be able to gather from focus groups conducted on the ground.

iv. Process

Land is a finite resource and access to it is governed everywhere by institutions, formal and informal, customary and statutory. By their very nature, these institutions generate both winners and losers and are thus susceptible to corruption.

Individuals negotiate with these systems in order to realize their right to access land, to have this right recognized or protected or to seek redress when this right is violated. Some are successful - others are not. Those who are successful may take different paths. Some are able to find the "path of least resistance" while others encounter significant obstacles that require additional negotiation. These obstacles include instances of explicit and implicit corruption.

Identifying the intersection between "gender," "land" and "corruption" has thus required us to identify patterns in these pathways and to consider the extent to which differences in the experiences of the individuals can be attributed directly or indirectly to gender discrimination or to other gendered differences that may exist in a society.

v. Client Organization

1. Transparency International

Transparency International (TI) is an international civil society organization working to fight the impact of corruption on men, women and children worldwide. The TI Secretariat (TI-S) is based in Berlin and works with over 100 TI chapters around the world – each one a locally established, independent organization with a shared mission and vision. These national bodies investigate and work to eradicate corruption by bringing together government, civil society, business and the media. (Transparency International 2015)

The Africa Department at the TI-S in Berlin has been coordinating with national chapters in Africa on an initiative, “Women, Land and Corruption in Africa,” with the goal of linking “civil society organizations and institutions concerned with women, [and] land governance” in order to “generate and share relevant data and information on corruption in the land sector.” (Ghana Integrity Initiative 2015) TI Zimbabwe (TI-Z) and the Ghana Integrity Initiative (GII) are two national chapters that are deeply involved in this work.

2. Ghana Integrity Initiative

The Ghana Integrity Initiative (GII) – TI’s local chapter in Ghana – aims “to inform citizens about the negative effects of corruption and to catalyze anti-corruption reform.” (Lohsen et

al. 2015) In 2015, they partnered with a SIPA workshop team to conduct an initial study of gender, land and corruption issues in Southern Ghana.

3. Transparency International Zimbabwe

Similarly, TI Zimbabwe (TI-Z) is working to tackle corruption by engaging all citizens, both at the top and at the grassroots level. The locally produced 2013 TI-Z Annual State of Corruption Report reflects the national focus on transparency, accountability and integrity in land governance in Zimbabwe. (Chiweshe et al. 2013) Additionally, in 2014, TI-Z collaborated with a SIPA workshop team on a project around “Women and Advocacy and Legal Advice Centers.” (Bazir et al. 2014)

VI. Thematic Background




i. Land

Access to and control over land is the foundation of all economic, social and political development. As the object of all territorial claims, land provides societies with definitions of nationhood and community. As our primary source of food and natural resources, the ability of societies to prosper is shaped by our ability to cultivate, to extract and to transform the fruits of land into goods and services. And as 63% remain in rural areas (World Bank 2016), it is upon land that the vast majority of Sub-Saharan Africans rely for their livelihoods and security.

As a finite resource, competition over access to land generates more losers than winners. The right to land is thus best seen as a bundle of rights (Barlowe 1985) which, read together, form the basis of one's ability to access, manage, use and profit from land:

Right:	Definition:
<i>The right to use land</i>	Personal enjoyment of land without interference
<i>The right to manage land</i>	Liberty to decide how & by whom land shall be used
<i>The right to income</i>	Rights over the benefits derived from foregoing use of the land and allowing others to use it
<i>The right to capital</i>	Power to alienate or transfer the land and to consume, waste, modify or destroy it
<i>The right to security</i>	Immunity from expropriation
<i>The right to transmissibility</i>	Power to devolve or bequeath
<i>The right to divisibility</i>	Power to divide the land in any way
<i>The prohibition of harmful use</i>	Duty to refrain from using the land in ways harmful to others
<i>The right to term</i>	Prior definition of the length of one's rights over land
<i>The liability to execution</i>	Liability to have the land expropriated for repayment of debts or to satisfy other lawful actions
<i>Residual character</i>	Existence of rules governing the reversion of lapsed rights over land
<i>The right to possess (exclusive control)</i>	Exclusive, physical control of the land or the right to exclude others from the use or benefits of the land.

Table 1: The 'bundle' of land rights. Sources: Abdulai (2006) and Honore (1961)

Security of Access or Tenure	
Equitable Distribution of Benefits	
Equal Say in decision-making	

These rights are reflected in various forms in the laws of both Ghana and Zimbabwe and fall ultimately under three broad categories defined in the FAO's voluntary guidelines on the use and management of land, forests and fisheries (FAO 2012): (1) Security of tenure, (2) The equitable sharing of benefits and (3) The right to a voice in the decision-making process.

These three sets of rights are distinct but interdependent: the

distribution of access and tenure will shape the distribution of benefits and the distribution of influence in decision-making processes. These decision-making processes may in turn shape the distribution of access and/or benefits. We can thus view the realization of the right to land as being proscribed insofar as any of these three rights is limited. The focus of this study was informed by our understanding of these three rights as manifestations of the broader right to land. This process can in turn be described as gendered to the extent that gender directly or indirectly influences one's ability to realize these rights.

ii. Gender and Land

Gender-based land discrimination is one of the most prevalent forms of disadvantage, and women own only 2% of the land titles worldwide. (FAO 2012) Despite this low percentage, women have always played an integral role in ensuring food security and sustainable natural resource management, the potential of which cannot be fulfilled without secure and equitable access to land. Furthermore, access to land for women also contributes to their identity, dignity, and power in the society.

Land ownership is a crucial resource for food security and poverty reduction, and promotes secure livelihoods. However, women and men do not enjoy the same rights to land access and ownership. Increasing women's access to land and ownership will reduce poverty and ensure greater social and financial stability. There are numerous hurdles that women have to face in becoming empowered politically, legally and economically. Land tenure policy needs to not only empower women, but in the long run, it needs to promote gender equality.

Gender equity rights in the constitutional laws are clearly written, but property rights often do not give equal status to women - or when they do, in practice it is not respected. Women have *de jure* property rights, but their *de facto* control of rights is tenuous. Even if the legal system is put in place for women to own land, women face severe difficulties accessing and owning land. This relates to land inheritance and marital laws, as well as land policy and customary laws. (Gadiwaza 2011) Land titles are often only registered in the name of a male head of household (father, husband, brother or son). Customary land law tends to be gender biased, and women are restricted as they have to access land only through male family members. In the case of divorce or widowhood, women risk losing access to the land which is crucial for their livelihoods. (World Bank 2006)

Women's access to land and ownership depends on a complex system of statutory laws, but more importantly on their enforcement. It also depends on the customary laws and practices. Women are prevented from participating in decision-making for many reasons: they lack of awareness of their rights, they have a low level of education, and they are limited by the perception of women's status in the household, community, and society. (Chiweshe

2014) When women access land through their male relatives and do not have their own entitlements, it makes them dependent on these male relatives. This is a direct violation of human rights, when a vulnerable group has fewer benefits and lower levels of protection and is, in general, excluded from the land rights discussion. Exercising women's land rights would put women in a position make choices in domestic, economic and political spheres.

iii. Corruption, Gender and Land

The misuse or abuse of public authority to obtain a profit is an act of opportunity. People that participate in this behavior have a clear calculation of the costs and benefits of the action. Some scholars argue that corruption is a crime of calculation, meaning that it is related to the opportunities, incentives and deterrence that public officials have. In this sense, the lack of accountability mechanisms, or the high level of discretion that public official, increase the gains versus the penalties of being caught conducting corrupt activities. (Klitgaard, MacLean-Abaroa and Parris 2000)

There is a wide variety of consequences that accompany corrupt activities, but it is important to highlight the consequences related to inefficiency and negligence in the delivery of public goods and services. Corruption leads to an inefficient allocation of resources, as resources do not go to their intended beneficiaries, but instead to those that have the means to pay illegal fees. Therefore, corruption redistributes public goods in a skewed manner, and perpetuates - or even exacerbates - the cycle of poverty. Furthermore, corruption is also negligent because it denies access to public services to people in need, or it significantly reduces the quality of those public services, creating negative externalities even if those public goods or services are delivered. (Klitgaard 1988) In this case, women are more affected than man because women are more dependent on public services than men. Thus, if the delivery of public services is affected by corrupt practices, women face greater difficulties in trying to access them. The situation is even more complex in developing countries where women have less control over financial resources. If officials ask them for a bribe, it is harder for them to pay it, and then other forms of extortion or corruption arise, such as sexual extortion or human trafficking. (Hossain, Musembi, and Hughes 2010) Perhaps this also explains why males pay more bribes than females, as discovered by Transparency International. (Pring 2015)

For people of lower socioeconomic status, land is the only kind of social security they have - and especially for women. Given the lack of financial resources, employment or other social security services, land becomes the only asset on which women can rely for both shelter and subsistence. As explained, corruption does not occur in a vacuum, it is related to the governance and social structures in place. These structures are supposed to provide oversight to the performance of public officials, but given women's lack of political or

economic leverage, it is very difficult to them to hold public officials accountable for their acts. Therefore, the experiences of women in navigating these structures differ from the experiences of men. Studies have shown that in some cases, women are targeted by corrupt officials more often than the men just because they are considered to be more vulnerable and helpless. Officials know that women not only lack power, they are frequently unaware of their rights or lack of the proper information to report corrupt behaviors. (Hossain, Musembi, and Hughes 2010) Thus, they more easily fall victim to corruption.

VII. Methodology & Research Tools

i. Research Questions

The objective of this study was to find evidence of the costs of corruption in relation to gender and land rights, and to further Transparency International's understanding of the intersection between corruption, gender and land.

The research questions our team used to guide our work are:

- ❖ What are the financial, social, educational and health-related costs of corruption on women who want to, access, use and control land in northern Ghana and Zimbabwe?
- ❖ What are the gendered manifestations of corruption in institutional systems in northern Ghana and Zimbabwe that may place a disproportionate impact on women? What economic, societal and political factors may contribute to that?
- ❖ How do women work to manage corruption? Why do they use certain systems to resolve problems as opposed to others?

ii. Case Method

As noted in the thematic overview, instances of corruption and gender are ubiquitous and yet typically convoluted, with the boundaries between action and context unclear. Seeking answers to the questions above thus required in-depth analysis of complex social phenomena with multiple explanatory, descriptive and dependent variables. Such situational analysis necessitated the use of the case method (Yin 1994), by which clusters of individuals or communities are studied *in situ* with attention paid to the subjects, their environment and any other actors or institutions with whom they may interact. Using this method the team was able to acquire and analyze data on both human subjects and their context. Combining the initial research objectives with the outputs of desk research and analysis, the team was able to build a series of theoretical propositions about the possible interactions between phenomena that could subsequently be tested against the data. From this analysis the team has been able to draw a series of conclusions that are analytically robust and generalizable within their country context.

iii. Analytical & Conceptual Frameworks

In order to collect and analyze data from the chosen cases that could inform robust conclusions and practical recommendations, the team build an analytical framework that

informed our selection of subjects and allowed us to place them within a conceptual framework designed to highlight the necessary data-points regarding the experiences, environment and motivations of subjects.

1. Analytical Framework

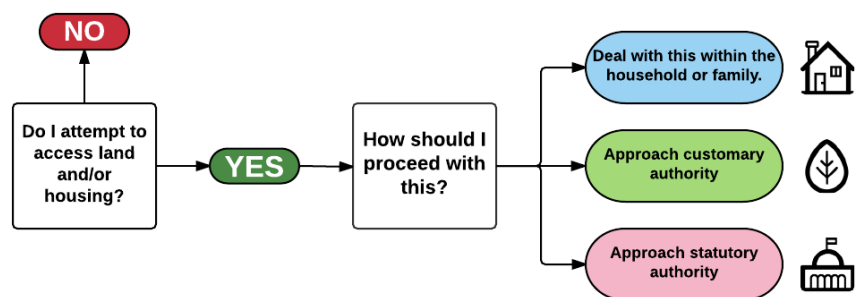
The team used a stakeholder analysis to understand the intersection of land ownership, corruption and gender in Zimbabwe and Ghana. As part of the final workplan preparation, the team conducted a stakeholder analysis of individuals, groups, organizations and institutions in Zimbabwe and Ghana involved in the land administration process. The stakeholder analysis aided our fieldwork, as it allowed us to understand the ways in which groups and individuals - both men and women - and are affected by the land ownership process in Ghana and Zimbabwe, and the general framework of systems and operations in the two countries. Our Stakeholder Analyses can be found in Appendices E & F.

2. Conceptual Framework

In order to capture the nuances at the intersection of land, gender and corruption following thorough desk research, the team developed a conceptual framework that builds on the Social Relations Framework (Kabeer 1994) utilized by previous SIPA-TI projects.

The Social Relations Framework is useful in assessing gender inequalities in the distribution of resources and power. Additionally, the Framework is key for understanding the nuances of relationships people have with resources, and how that relationship is defined through institutions. It points to five key dimensions of institutional relationships that assess how gender and other inequalities are produced and reproduced - rules, activities, resources, people, and power. Applications of the Framework would utilize our stakeholder analysis to see how customs, laws, people, resources and management structures would create winners and losers within the system. The team sees facets of all these dimensions as well as the Framework's original intent in its product on the intersection of gender, corruption and land ownership.

Let us take, for example, the initial decision made by the individual as to whether or not one should even **attempt** to realize one's right to land. As an expression of the degree to which one feels or is empowered within the



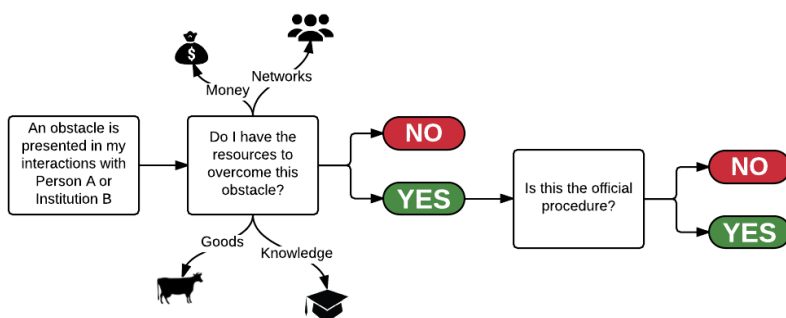
household or community, this decision is influenced by one's environment, one's endowments of education, skills, capital and networks and, on the basis of these factors, by one's assessment of the expected outcomes, costs and benefits of engaging in this process. The distribution of these endowments is gendered and, insofar as our expectations are the product of culturally mediated calculations, settings in which women are culturally defined as less powerful will see fewer women decide to even attempt to access land.

Conversely, the distribution of needs is gendered. A higher dependency ratio, the absence of non-farm sources of income or a lack of secure access to land in one's current abode will raise the expected benefits of seeking access to land and provide greater incentives to decide in the affirmative.

Assuming that the individual does choose to seek the realization of their right to land, the decision about which institution to approach is in turn shaped by a similar calculus. The individual bases his or her calculation of the expected costs and benefits of engaging an institution upon:

- A. Awareness of the existence of the institution
- B. An understanding of how the institution works
- C. A calculation of one's expected ability to navigate this process

Again, insofar as the distribution of education and knowledge is gendered, awareness and understanding of the existence of mechanisms might similarly be gendered. And, based on one's endowments and one's subjective evaluation of these endowments, expectations about one's ability to achieve a suitable outcome will be gendered.



In interactions with these institutions, an individual can expect to face obstacles. We cannot *a priori* determine whether these will be simple or complex. A seemingly innocuous requirement (e.g. "please visit the office during designated office hours") may, upon a second glance, appear insurmountable

(e.g. if the office is 12 hours' walk from the village). The first assessment made by the individual is thus of their ability to overcome the obstacle. This depends on one's resource endowments: money or goods (to pay fees or for transportation), networks (to help negotiate with a clerk or to babysit while one visits the district office) and knowledge (of procedures, of relevant facts or even basic literacy if forms must be filled out or signed). Again, insofar as

the distribution of these resources is gendered, we can say that the ability of the individual to overcome these obstacles is gendered.

Finally, the researchers must ask whether these obstacles can legitimately be described as the "official procedure." If they are not the official procedures, it is evident that an officeholder has exercised discretion and the researchers must thus inquire as to whether the officeholder's decision has been influenced by the gender of the individual seeking access or redress. If they are the official procedures, we cannot immediately ascribe normative value to these obstacles, though we must nonetheless ask whether the "official procedure" is applied evenly and, if not, if there is a gendered gap in the experience of individuals.

Through this framework the team has been able to conceptualize the relationships between gender, corruption and land and, using these preliminary hypotheses, the team developed the methodology described in subsequent sections, including guides for focus groups and interviews that ultimately served to guide research toward answers to our initial research questions.

iv. Data Collection

1. Develop Data Collection Protocol

Following a review of current academic literature to make up the thematic background of our study, the team developed three research questions to study the topic of corruption and women's land ownership. We developed a conceptual framework to help us understand the questions, and identified areas within the framework process where we needed questions answered from the field. From that, we developed a set of interview guides and focus group protocols (Appendices B-D).

2. Interviews

The team conducted semi-structured interviews with community members, government officials, key stakeholders and other informants such as academic experts and journalists as part of its data collection. Due to the inability to conduct January field work, the team first contacted academic experts and other stakeholders for remote online interviews to develop a better understanding of the realities on the ground in Ghana and Zimbabwe. This was the main method of data collection in January and February, and the team then used this data to guide further interviews during their field visits in March. Since the interviews are related to the sensitive topic of corruption, the team sought and received Institutional Review Board (IRB) approval for working with human subjects in Ghana and Zimbabwe in March. Our IRB

Approval can be found in Appendix A, and our Interview Protocols can be found in Appendices B and C.

3. Focus Groups

Focus groups were one of the key data collection methods used to inform the selection of case studies. The focus groups furthered the group's understanding of the local contexts of gender and corruption related to land in these two countries, and provided details needed for the case studies identified. These focus groups included women who have experiences with land ownership or related issues in both northern Ghana and Zimbabwe, though men were also interviewed to provide further contextual data on the situation. Questions in the focus group were open-ended and probed the participants' understanding of the institutional frameworks in place related to land ownership. As with the interviews, focus group discussions dealt with sensitive subjects, and thus IRB approval was needed and received. Our Focus Group Protocol can be found in Appendix D.

v. Study Participants

The main subjects of this study were women in northern Ghana and Zimbabwe who have been dealt with, or been affected by, land administration in some way. NGO workers, academics, and government land officials served as supplemental informants, and their feedback allowed the SIPA team to gather rich data on the research topic. All participants were over the age of 18.

The chart below outlines all of the interviews and focus groups conducted for the purpose of the study, as well as their dates and locations. All interviews were voice recorded with permission from participants, and transcribed by the research team. Identifying details have been removed to protect the anonymity of research participants.

Key

- ❖ Academic: Academic in the areas of land, gender or corruption
- ❖ NGO Official: Non-Governmental Organization official
- ❖ Street Interview: Impromptu, daily conversations that informed the team's research
- ❖ Government Officials: Elected officials and civil servants involved in land administration or women's affairs
- ❖ Focus Group Discussion (FGD): Focus groups of local citizens

Focus Groups and Interviews (Date, Location and Number of Subjects)

Date	Zimbabwe	Ghana
March 7th, 2016	Interview: Foreign Governmental Official (Male: 1)	
March 8th, 2016	Interview: NGO Official (Female: 1) Street Interviews: Taxi Drivers: (Male: 2)	
March 9th, 2016	Interviews: Academics (Female: 2) Street Interviews: Restaurant Workers (Female: 1, Male: 1)	Interview: NGO Employees (Female: 1, Male: 1) Peace Corps Volunteer (Male 1)
March 10th, 2016	Interviews: Academics (Female: 1, Male: 1)	Interview: Widows and Orphans Directors (Female: 2) FGD: Bolgatanta (Female: 28)
March 11th, 2016	Interviews: NGO Officials (Female: 1, Male: 1)	FGD: Bolgatanga (Female: 25) Interviews: Regional Court for Upper East Region (Male:7, Female:6) Interviews: DOVVSU (Male: 8)
March 14th, 2016	FGD: Fish Farm, Bulwayo (Male: 6, Female: 1) Interviews: Former Government Official (Male: 1), NGO Official (Male: 1)	FGD: Bolgatanga (Female: 15) FGD: Bolgatanga (Female: 29) Interview: Chief and Elders, Bolgatanga (Male: 7)
March 15th, 2016	FGD: Fish Farm, Bulwayo (Female: 7)	FGD: Bolgatanga (Female: 8) Interview: CHRAAJ Official, Bolgatanga (Male: 1) Interview: Upper East Regional Lands Commission, Bolgatanga (Male: 2)
March 16th, 2016	Interview: NGO Official (Female: 1)	Street Interview: Peace Corps Volunteers (Female: 3, Male: 3), NGO Official (Female: 1) Interview: Department for International Development (Male:1, Female:1), Commonwealth Human Rights Initiative (Female: 3)
March 17th, 2016	FGD: Housing Cooperative, Harare (Female: 5) FGD: Housing Cooperative, Harare (Female: 7) Interview: Government Official (Female:1) Street Interview: Young Women in Harare (Female: 3)	Interview: Lands Commission Official, Accra (Male: 1) Interview: Office of the Administrator of Stool Lands, Accra (Female: 1)

Focus Groups and Interviews (Date, Location and Number of Subjects)

Date	Zimbabwe	Ghana
March 18th, 2016	FGD: Housing Cooperative, Harare (Female: 7) FGD: Housing Cooperative, Harare (Male: 4) FGD: Women and Land, Harare (Female: 3) FGD: Women and Land, Harare (Female: 2) FGD: Women and Land, Harare (Female: 2) FGD: Women and Land, Harare (Female: 2) Interview: NGO Official (Female:1)	Interview: Ministry of Gender, Children, and Social Protection Official (Female: 1), Domestic Violence Victim Support Unit (Male: 6)

VIII. Findings



i. Ghana

1. Executive Summary

As a predominantly agrarian society, land shapes all economic and social interactions for much of Ghana's population. Under customary systems of tenure and land governance, women are not automatically endowed with rights over land. They must instead seek access from unaccountable bodies with near-absolute discretion. With increasing commodification of land and, in the absence of systematic and inclusive titling processes, this discretion creates opportunities for widespread corruption. In this context, women are systematically denied their rights to security of tenure, equitable distribution of benefits and an equal say in decision-making processes.

Widowhood accentuates the vulnerabilities of women seeking access to land resources and is a widespread challenge in Ghana's Upper East Region. The case presented here illustrates the gendered distribution of corruption and the extent of the potential harms faced by women when they are unable to navigate corrupt systems of land governance and grievance redressal. This takes place in the context of heightened food insecurity and the limited presence of the state in some of Ghana's most remote communities. The case highlights not only the failings of customary systems but also the need to expedite reform of statutory frameworks for land governance and intestate succession in order to minimize opportunities for local bodies to engage in corrupt practices and reduce the costs of corruption to women seeking access to land.

2. Country Overview

GHANA is sub-Saharan Africa's 10th most populous country its seventh largest economy. (World Bank 2015) Independent since 1957, the country has been a Constitutional Democracy since the adoption of the 1992 Constitution.

The country is divided into 10 regions, each headed by a Regional Minister and Regional Coordinating Council and further divided into 216 local districts. Each elects a district assembly responsible for local development and the levying of taxes. Urban areas fall under one of Ghana's 6 metropolitan assemblies, 55 municipal assemblies or 58 town councils. These local bodies are in turn divided into sixteen thousand unit committees. (Ghana Revenue



Ghana's Upper East Region		
	Ghana	UER
Literacy	74.1%	47.5%
Life expectancy	62.8	54.3
Maternal Mortality*	485	802
Under-5 Mortality*	8000	1170
Poverty Ratio	29%	70%
Urban population	50.9%	21%
Sources: GSS, 2010		
*Per 100,000 live births		

Authority 2013) Each of Ghana's 275 constituencies elects a member to Ghana's unicameral Parliament every four years.

Over the last two decades, Ghana has emerged as an island of stability and good governance in the region, ranking 3rd in Africa for voice and accountability, 6th for rule of law, 7th for government effectiveness and 12th for political stability and the absence of violence. (World Bank 2016) The attendant surge in economic growth rates (Ghana was the fastest growing economy in the

world in 2011) has seen the country achieve middle-income status. Average income has quadrupled, the poverty headcount ratio has been halved and the country has achieved universal primary school enrollment. (World Bank 2015) Despite these achievements, however, there is a growing perception that significant numbers of people and groups and perhaps entire regions have not benefited from gains made so far. (UNDP 2007)

The Upper East, for example, is Ghana's least populous region, home to 1,046,545 people or just under 4% of Ghana's total population, spread over ten districts. (GSS 2010) With its capital in the town of Bolgatanga, the Upper East borders Burkina Faso to the north and Togo to the east and exhibits significantly lower levels of human development than any other region in Ghana. This heightened vulnerability makes the Upper East an important reference point for the study of land rights - it is for this reason that the Region was selected for study.

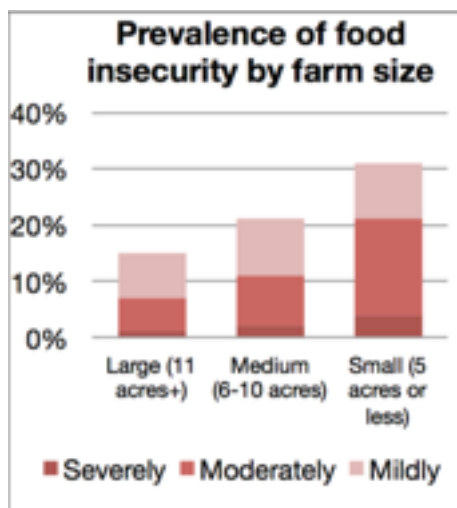
3. Land

3.1 Land is Life: Food Security and Human Development

Land is a vital asset of production in Ghana. In addition to feeding the country's growing population, agriculture employs 65% of the active workforce (World Bank 2013) and accounts for 21.6% of GDP. This share rises to 39.4% when the extractive sector is included. (GSS 2014)

Snapshot: Rural and Urban		
	Rural	Urban
Literacy	43.8%	72.9%
Life expectancy	58.7	63.9
Maternal mortality*	548	322
Under-5 mortality*	6000	1000
Poverty Ratio	39.3%	10.8%
Sources: GSS, 2010		
* Per 100,000 live births		

The approximately 8 million people employed in agriculture toil on mostly small plots of land. Over 80% of agricultural output comes from 2.7m smallholdings with an average holding of 1.2 hectares or approximately 3 acres. (United Nations 2006) Smallholding-based agriculture reduce market opportunities, pose an obstacle to productivity gains (Chamberlain 2008) and thus fosters higher levels of food insecurity. 30% of rural Ghanaians are food insecure against 19% in urban areas. The problem is particularly



acute in the Upper East with 62% of households considered food insecure (WFP 2012).

In the Upper East, the primary source of food insecurity is the seasonal nature of agriculture in the dry northern parts of the country (WFP 2012), worsened by climatic changes and the trend toward longer, less predictable dry seasons. (Armah et al. 2010) These environmental factors are compounded by the lack of access to larger farms and to the skills and education needed to make productivity gains. (WFP 2012) Finally, the majority of farmers do not have access to credit; those who do predominantly rely on informal arrangements that further reduce the security of livelihoods. (ISSER 2005)

Food insecurity in the Upper East is thus both a product and a cause of poverty. In rural areas this is compounded by state neglect and the absence of basic infrastructure. Access to improved sanitation in 2009 was just 7% in rural areas against 18% in urban areas, while just 26% do not have access to improved drinking water, against 10% in urban areas. (FAO 2012) The net effect of these challenges is troubling. Rural areas lag behind their urban counterparts in almost every aspect of human development. The persistence of this inequality weakens capabilities and increases vulnerability, fueling the socioeconomic exclusion of Ghana’s rural majority.

3.2 Land is Power: Food Security and Human Development

As a social asset, land is central to the formation of identity for communities and for families and individuals. In both rural and urban communities, land is also often a marker and/or a determinant of status or power. (King and Bugri 2013) The centrality of land in the social discourses makes it critical to the very existence and development of traditional societies. (Wickeri 2011) The loss of land, therefore, or the lack of access to land, removes not only the means to an already enfeebled livelihood – it fuels also the loss of social capital. (Lyon 2000) This implies both a loss of identity and the weakening of one’s ability to pursue alternative livelihood strategies when market transactions and labour relations are mediated by kinship networks.

4. Gender & Socioeconomic Exclusion

Women make up more than half of Ghana’s population and 43.1% of its workforce. (GSS 2010) Yet with a score of 0.554, Ghana is ranked at 127 on the Gender Equality Index. (UNDP 2015) Indeed, gender is one of four key determinants of social and economic exclusion in Ghana. (UNDP 2007)

The majority of women work in the informal economy and up to 91% receive lower wages than their male counterparts. (Awumbila 2006) Gaps in education persist but are structured by age. 50% of men have at least secondary education – the figure is only 29% for women. Gains over time have narrowed this gap, with net primary attendance equal at 73% for both boys and girls and secondary attendance higher for girls (43.6%) than for boys (39.7%). (GSS 2010). Nonetheless, historical inequalities in access to education persist, with wide gaps in literacy, worsened in the Upper East Region by low overall levels of human development.

4.1 Women in Agriculture

Cultural norms largely prohibit women from accessing land where property-owning women are viewed as unruly and thus unmarriageable. (Quansah 2013) Though there are no formal barriers to women obtaining land of their own through market transactions, lower incomes, lower levels of education, higher dependency ratios and limited access to the fruits of agricultural labour reduce the ability of women to accumulate the resources needed to acquire land. (Agyepong 2013)

In rural areas, Ghanaian women suffer from persistent inequalities on the farm, in the home and in the market. Pooling of resources and joint decision-making is generally not the norm. (FAO 2012) Within the household, women’s influence in decisions over planting and harvesting decisions is often limited and the ability of women to sell the fruits of their labour in the marketplace is often proscribed. This limited market access is observed more acutely in the Upper East and is particularly prevalent in pastoral farming, with the sale of livestock typically reserved for men.

Meanwhile, women who do obtain access to land face a host of other challenges. The plots granted or sold to women are typically smaller than those obtained by men (FAO 2012) and women-led farms are less likely to have access to credit. (ISSER 2005) Furthermore, mono-cropping is more common among women-operated farms, with more than half of women farming only a single crop against 19% of men, carrying implications for both nutritional intake and long-term food security in the context of seasonal or vulnerable agriculture. (FAO 2012) Women farmers are also less likely than their male counterparts to let the land lie

Gender Gaps in Ghana		
	Male	Female
Literacy	80.2%	68.5%
Life expectancy	61.8	63.6
Sex Ratio*	95.2	-
Mean years of schooling	7.9	5.6
GDP/capita (PPP)	\$4515	\$3201
Seats in parliament	89%	11%
Sources: GSS, 2010 *Males per 100 females		

Gender Gaps in UER		
	Male	Female
Literacy	55.4%	40.6%
Life expectancy	53.3	55.1
Sex Ratio*	93.8	-
Sources: GSS, 2010 *Males per 100 females		

fallow for fear that it will be seized and used by another community member. This overuse of the land leads to infertility.

Finally, women without access to land, or without sufficient livelihood security on the land, face limited opportunities for non-farm employment due to lower educational outcomes in addition to the unequal distribution of unpaid household labour, with men five times more likely to take part in wage employment than women. Non-agricultural self-employment is similarly riddled by inequality, with 72% of self-employed women in agriculture classified as "low income" against 48% for men. (FAO 2012)

Efie's Story: Part 1

In a small village a long journey away from central Bolgatanga, a young woman's husband died. She was left to provide for her 13-year-old daughter and 9-year-old son. In the Upper East Region, when a woman's husband dies she is expected to perform a set of rites. While these rituals vary across communities, there are several that are well known and widespread. Based on information ascertained from widows from ten different communities in the Bolgatanga Municipal District, widows of all ages are traditionally required to be stripped naked and bathed publicly, allowed to only wear a belt of leaves to cover her genitals and a rope around her neck. This rope must remain around her neck for the entirety of the mourning period, an ostracizing signal to other community members of her widowhood. After the death of Efie's husband, his family forced her to perform the traditional widow rituals. They did not initially seize her husband's land from her and allowed her to live in his house. After some time, however, her late husband's brothers began to encroach upon the land that she was given for personal use by her husband when he was alive. The territory became so small that she could no harvest enough to make a profit or, at a more basic level, satisfy the nutritional needs of herself and her children. Shortly thereafter, the house burned down. Because of financial constraints, societal pressure and the associated feelings of shame, Efie chose to not return to her father's home and live with her brother-in-law instead.

4.2 Widowhood

60% of Ghana's female household heads are widows. In the Upper East Region this figure rises to 80%. (FAO 2012) These figures highlight the extent to which women are unable to share in economic decisions governing either their paternal or matrimonial land. The harms to which widows are exposed further highlights the acute vulnerabilities faced by the vast majority of Ghana's female-headed households.

4.2.1 Loss of Access to Land

As Efie's story highlights, women face systemic violation of their rights to secure tenure and equal participation in decision making. In her paternal home, the woman must seek her

father's permission to access familial land. In the marital home, this access is mediated by her husband or father-in-law. (Awumbila 2006) In the event of the husband's death, land remains in the hands of his family. Focus group interviews revealed that widows are often ejected from the matrimonial land. In some cases, the widow may be allocated a different parcel of land by the family though conditions such as marrying another male within the family may be attached.

4.2.2 Restricted access to Farming Inputs

Additional barriers in agricultural markets limit the productivity of those widows who are able to gain or retain access to land. Lacking financial resources or access to credit, widows struggle to access costly inputs such as tractors, seeds and fertilizer. Focus group interviewees repeatedly flagged access to tractor services as a barrier to the development of sustainable livelihoods on any land to which they had access. This lack of economic access is compounded by the difficulties faced by women seeking these inputs in the marketplace without a male counterpart.

4.2.3 Non-farm economic activities and outward migration

Widows who are unable to maintain or build a viable source of income or nutrition may engage in other non-farm income-generation activities. In every community visited by the researchers, widows engaged in the processing of shea butter and the weaving of baskets to be sold in the local market. Both processes are, however, labour-intensive, with interviewees complaining that, faced with other household responsibilities such as child-rearing, output is limited to at most one basket per day. Other sources of non-farm income include brewing *pito* (a traditional ale), collecting and selling firewood or fetching water. Those who are unable to sustain themselves through such activities often simply migrate to other communities or towns to engage in informal wage labour.

4.2.4 Susceptibility to violence

Within the community, widows are vulnerable to emotional, physical and sexual abuse at the hands of their in-laws. In addition to the degrading rites which widows must undergo, focus group interviews highlighted the prevalence of domestic violence in those cases in which the widow and the matrimonial household were engaged in a dispute over land. Security of tenure is at times guaranteed in exchange for the widow marrying one of surviving males within the family, an involuntary union which leaves widows vulnerable to sexual abuse. Additionally, widows who are forced to seek income-generation opportunities outside the community face the risk of traveling unaccompanied over long stretches of rural road, journeys which expose women to the risk of theft as well as physical and sexual assault.

5. Governing access to Land at the local level Ghana

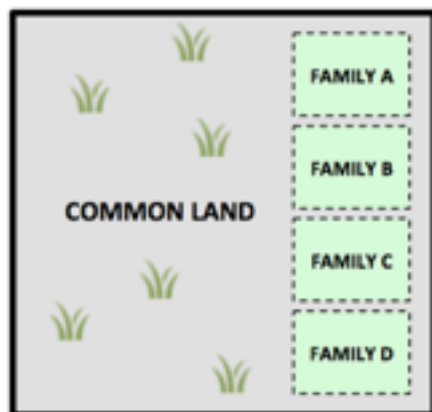
Between 80% and 90% of Ghana's undeveloped land exists under customary systems recognized by the 1992 Constitution. Under these systems, which vary between regions and communities, land is held by Families or Communities. (Agbosu 2000)

In both systems, allodial title vested in the Community is typically granted to and exercised by the "Tindana," a male elder who assumes the role of caretaker of the land on the basis of his seniority within the Tindana family (the original settlers on the land) or his appointment by the Chief acting on the advice of local soothsayers. In some cases the role of "Chief," the custodian of the people, is fused with the role of Tindana, the custodian of the land. In both cases, the officeholder retains and exercises allodial title on behalf of the community. Within this setting, the officeholder makes decisions regarding the allocation of rights over common land, the making of 'grants' to individuals and families, the transfer of land between households, the adjudication of overlapping claims and the alienation of land, i.e. the granting of leasehold title to outsiders. (Kasanga and Kotey 2001)

The traditional role of the 'Tindana':

- Allocation of vacant land to 'strangers'
- Settlement of land disputes
- Pouring of libations and sanctifying the land when sacrilege has been committed
- Introduction of new chiefs to the 'earth god' and acting as an advisor to chiefs
- Annual sacrifices to ensure peace and prosperity
- Enforcing covenants in respect of communal lands
- Imposing sanctions against trespassers and for anti-social behaviour.

Source: IIED 2001 & Focus group in Nangodi, UER



An individual or family seeking access to land must thus approach the Chief or Tindana who, acting in consultation with his elders, may grant a parcel of land from the Common Land for cultivation and/or the erection of dwellings. If Family A and Family C are faced with a case of overlapping claims, one or both similarly approach the Chief or Tindana who may rule in favor of one or the other or may allocate the aggrieved party an additional plot of land from the communal land. Such transactions are officiated by the pouring and drinking of libations and the exchange of symbolic markers such as kola nuts. Transactions involving

land above 50 acres or the alienation of communal land must be approved by the Lands Commission and the Town and Country Planning Department and may only proceed after a community meeting has been convened and voted in favor of the transaction.

5.1 The Changing Nature of Traditional Land Relations

The advantage of traditional or customary land institutions is their ability to reach deep into rural hinterlands that may be untouched by formal government structures. They are,

additionally, endowed with deep-rooted cultural legitimacy and accessibility, improving their ability to govern. (Bruce 2013) However, a threat may be posed to the realization of universally held rights, including land rights, by both the traditional institution and the culture in which it is rooted.

Efie's Story: Part 2

Upon moving in with her brother-in-law, he demanded that Efie marry him and join his family of two wives and several children. When she refused, he verbally assaulted both her and her young children on a daily basis. At times, he physically abused her. She decided to go to the chief of her community in need of conflict resolution. Before doing so, she had to accumulate enough money to buy access to the Chief – or drink money. Since her husband's land was taken from her, she could no longer rely on subsistence farming for food and income. Instead, she spent over 30 hours at a time on her feet brewing pito – a homemade beer – to be sold at a community drinking spot. Unable to find the cereal grains needed for the pito brewing process for several days, Efie begged her neighbors for money and fetched firewood from the bush to sell in the community. After accumulating enough drink money, she paid the chief but he immediately sent her away, citing the inappropriate nature of bringing a private matter outside of the family. Several days later, her late husband's brother and mother physically assaulted her, citing a similar rationale.

Though the denial or granting of title by the Chief or Tindana without consultation with the council of elders is in violation of the common law, the increasing tendency across Ghana is for these officeholders to assume absolute authority over decisions pertaining to land. (Bugri 2012) The increasing value of land and of revenues from land and natural resources have similarly coincided with the breakdown of the traditional role of these duty-bearers as the holders of title on behalf of communities. (Kasanga and Kote 2001). The assumption of allodial title in the individual instead of the office has transformed the role of Tindana from that of a custodian to that of a landlord (Bruce 2006). Access to land within the community has thus come to hinge on the ability of both men and women to provide incentives for the Tindana to act favorably. Simultaneously, decisions about the alienation of land are increasingly vested in a central figure rather than, as both common and customary law prescribe, in the community, resulting in widespread violations of the principle of Free Prior and Informed Consent (FPIC).

Central to the officeholder's assertion of this right is the continued rejection by Traditional Authorities of the principle of Customary Freehold. Conflict between the exercise of power by the Chief or Tindana and the security of individual or household tenure is fueled by the absence of formal title in the customary system, preventing families and individuals (see fig. 2) from asserting rights of access to land under their cultivation. Customary Freehold

provides a bridge between formal and customary land governance systems, granting a transferable right of indefinite duration to a member of the community without diminishing the shared allodial title over communal land. Such a system preserves the ability of the traditional authorities to grant titles in accordance with local custom while providing access for disputants to formal legal remedy, removing such decisions from the purview of customary officeholders. Customary Freehold is recognized in the 1992 Constitution and was re-stated by the Attorney General in 2003 but has been repeatedly rejected by the National House of Chiefs.

In this setting, access to land increasingly comes to depend on ability to negotiate with highly unaccountable, all-male authorities. Focus group interviews with female and male community members reveal the complex negotiation required to access traditional power structures. The offering of the kola nut as a mark of one's respect for the Tindana has evolved into the exchange of "drink money," envelopes of cash or other valuable commodities offered by the individual seeking an audience with the Tindana or a favorable decision. In the event of a dispute, the process of adjudication is thus determined by the extent to which the party to the dispute is better able to 'negotiate' than the other.

Efie's Story: Part 3

Unable to overcome cultural barriers to seeking conflict resolution outside of the home, Efie accumulated sufficient drink money to approach the community's Tindana – the custodian of the land. She paid him and asked for a parcel of land upon which she can live and farm. He agreed, granting her a small plot of land on the edge of town in an area prone to flooding during the rainy season. With insufficient financial resources to procure tractor services, she manually tilled the land with a hoe. Other members of the community declined to help. One day after walking the to town and back to purchase seeds, Efie returned to the parcel of land to find that someone else had already planted on the soil that she had tilled. The man who took the land told her that he paid the Tindana more than she had, effectively ending the informal verbal agreement Efie had with him. He threatened her with physical violence, so she left. Homeless and without sufficient income to provide for both of her children, she accepted a proposal from another family to marry off her 13-year-old daughter, ensuring a home and food security her. With the money that she received in exchange for her daughter, she was able to rent a small room for herself and her son. She continued to brew *pito* and fetch firewood for income.

As Efie's story illustrates, widows are typically unable to mobilize the resources needed to successfully navigate these nodes of corruption. "Your only assets are your children," stated one widow. "It brings [women] fear when they start to give birth to only female children. Because the female children, once they grow up and are up to the age of marriage, they go away. So imagine you only have female children. They will all leave the house and

leave you alone. And you alone you are not entitled to anything because they have already taken over the land.” Focus group interviews further revealed that women may be able to negotiate access to land in the presence of male children who are, unlike their sisters, considered "permanent" members of the household, though scope for this is limited as older male children may be seen as a threat to the claims of other male members of the matrimonial household.

Even in those instances in which widows successfully negotiate access to land, the parcel allocated is often infertile, waterlogged, rocky or on the extreme periphery of the community area limiting the widow's ability to build a sustainable livelihood. Additionally, the absence of freehold title leads to continuing insecurity of tenure as the allocation (made through a verbal agreement) is frequently reversed with the Tindana revoking the widow's access in favor of another individual or family who have successfully "negotiated" access to the decision maker.

5.2 Traditional Redress Mechanisms

5.2.1 Customary authorities.

In those communities in which the roles of the Tindana and the Chief are separate, the Tindana exercises authority over *land* while the Chief is responsible for the *people*. The Chief is only approached as a last resort - typically this involves a dispute over land having first been generated or inadequately resolved by the Tindana. Focus group interviews revealed that women are hesitant to approach the Chief without an accompanying male. A lone female is unlikely to be granted an audience with the Chief and, as noted above, may be required to exchange "drink money" in order to access members of the Chief's inner circle.

5.2.2 Support from Other Women

Focus group interviews with women revealed the ubiquity of the cultural and economic constraints described here. Already burdened with the tasks of child rearing and other unpaid household labour and without land of their own, women are unable to provide a safety net for one another.

In predominantly patrilineal communities, the prominence of "Queen Mothers" offers little opportunity for recourse as these figureheads remain largely symbolic and do not provide an effective channel for women's participation in decision-making processes. Though focus group interviews revealed that the Queen Mother may be of help in the resolution of conflicts *between* women (particularly in polygamous households), her power in the community is limited to the private sphere. Limited by the same cultural and economic constraints, the Queen Mother is typically unable to address conflicts between women and men or to adjudicate disputes over resources such as land.

Nana's Story: Part 1

A young woman living in central Bolgatanga lost her husband. Nana had one child – a three-year-old daughter. As a Christian woman, she refused to perform the widow rites of traditionalists in the Upper East Region. Her husband's family seized the land upon which she, her husband and child had lived. They allowed her and her daughter to stay in her brother-in-law's home, though they denied that the daughter was of their bloodline. When she refused to remarry, the family members physically assaulted her. Seeking conflict resolution, Nana approached the chief of the community with the obligatory drink money. He invited the members of the late husband's family to the Chief's Palace for mediation, but they insulted him and refused. The chief suggested that Nana report her case to the police in Bolgatanga. She reported the violence to the police, but her brother-in-law paid the police to drop the case. She also reported to the Domestic Violence Victim Support Unit, but they simply took her name and took no further action.

5.3 Judicial and Quasi-judicial redress mechanisms

5.3.1 The Courts

Aggrieved parties to any dispute over land are at liberty to approach local, regional or national courts to have their case heard. As a constitutional democracy, this right is afforded to all Ghanaians irrespective of age, gender or status. However, the court system faces congestion at all levels, with poor case management, antiquated procedures (the judge for instance must write down all oral evidence in longhand) and a shortage of judicial and non-judicial personnel making the task of timely adjudication impossible. (Crook et al. 2007)

The researchers visited the archives of the Superior Court for the Upper East Region and found that out of a sample of 132 cases related to land and/or inheritance, 92 took more than 12 months to proceed to trial and 108 saw more than 24 months elapse before a decision was reached. 11 cases from before 1996 remained without a decision.

The researchers conducted informal interviews with members of the public visiting the courthouse. One individual was a widow, visiting the court for the sixth time in twelve months to have her late husband's death certificate attested by a judge in order to avail of his life insurance policy. Having earlier been unsuccessful in getting her paperwork moved beyond the clerks' desks, on this occasion she was accompanied by her brother-in-law who asserted that "the people here they look at her and say 'Who is this girl? She has no status. Leave me alone'". Another was the victim of a traffic incident, having had both legs shattered by a car as she walked home to her village from the market two years earlier. Others came to the court with more commonplace issues – delinquent loans, petty theft and the like. All had faced challenges having their paperwork processed at the first interaction

with the court. And almost all of the predominantly female group who could not rely on their networks to have the process expedited were forced had been forced to provide some sort of "incentive" in cash or in-kind to have their casework addressed.

Such instances of corruption worsen the pendency ratio and serve to deny access to justice to those cannot lubricate these interactions with "incentives." Insofar as women in the Upper East are unable to leverage networks of influence, they are more exposed to such corruption and, insofar as they enjoy lower levels of income and capital accumulation, their ability to overcome these obstacles is limited.

The issue of access to counsel is similarly problematic. Legal Aid services have existed in Ghana for over twenty years and have facilitated a nationwide drop in the number of individuals attending trial without a lawyer. (Morhe 2012) However, pendency rates remain high for non-criminal cases and there remains a stark divide in the availability and quality of counsel between the northern regions of Ghana and the major metropolitan areas. The researchers learned that the Legal Aid Scheme for entire Upper East Region is currently staffed by just one lawyer whose backlog includes cases pending for over 10 years. With obstacles of inefficiency and corruption facing women in their interactions with the judiciary, this lack of support further raises the costs and depresses the expected benefits of approaching the courts.

Nana's Story: Part 2

When law enforcement agencies could not assist her, Nana went to Legal Aid to bring her case to the court system. When the lawyer from Legal Aid represented her at the High Court in Bolgatanga, the judge threw him out, stating that her husband was a wealthy man and she is thus unfit for legal services from Legal Aid. The judge banned the lawyer from the court and refused to allow Nana return until she hired a private lawyer. With neither land nor inherited money, she did not have the financial resources to hire a private lawyer. She began to process shea butter and weave baskets for income, but could not continually afford the raw materials. As an additional constraint, these economic activities are labor intensive and cannot be done without assistance from others, especially while caring for a young child. After the incident in court, Legal Aid advised Nana to submit her case to the Ministry of Gender in Accra; however, she did not have sufficient funds to pay the fare to travel Accra. Ministry of Gender in Accra; however, she did not have sufficient funds to pay the fare to travel Accra.

5.3.2 Alternative Dispute Resolution

In traditional communities, this calculus is further influenced by the possibility of sanction within the community for those who choose to escalate disputes to the level of the judiciary. Parties to a dispute are unlikely to be sensitized to the procedures of the judicial system and may view the arrival of a court order as an unwanted intervention by "outsiders." In interviews with the Commission on Human Rights and Administrative Justice (CHRAAJ) for the Upper East Region, the researchers learned that women who seek resolution of land or other disputes through litigation are often ostracised by their families and in some instances face emotional, psychological and physical violence when a dispute is escalated to the courts.

As Ghana's nodal NHRI, CHRAAJ provides avenues for Alternative Dispute Resolution, working to reach negotiated settlements between parties in order to avoid the longer-term stigma that might be attached to a complainant. In instances of extreme domestic violence, CHRAAJ will refer the case to the police or to the judiciary to initiate proceedings against the accused. However, the officials interviewed indicated that the lack of efficiency at the judicial level combined with a lack of resources within CHRAAJ and the persistence of negative, culturally mediated attitudes toward those whose complaints are escalated necessitates the exercise of some discretion as to what counts as an "extreme" case of domestic violence. CHRAAJ maintains a staff of just 5 officers for the Upper East Region and is in turn aware of the lack of resources within the judiciary and the police. Short of grievous bodily harm, officials were thus reticent to transfer cases to bodies with powers of enforcement, pointing to the twin challenge even at the level of the quasi-judicial body, of deeply entrenched cultural attitudes and the lack of resources available to bodies providing dispute resolution. Attempts at cultural sensitisation are similarly hampered by a lack of coverage, with a village-level programme taking at least 3 staff out of the office for up to a week, further limiting CHRAAJ's ability to receive or respond to complaints.

6.Failure at All Levels: The Intersection of Gender, Land and Corruption

Customary systems of land governance exist within the framework of statutory guidelines and regulations that govern the allocation, registration and alienation of land assets in addition to the protection and promotion of gender equality in all aspects of life. At their apex these systems are governed ultimately by statutory institutions whose mandates include the elimination of corruption and discrimination from land governance at the local level. The researchers conducted interviews with key stakeholders in a number of nodal agencies, seeking to identify and assess ongoing efforts to eliminate opportunities for corruption and to reduce the costs of corruption for women seeking access to land.

6.1 Corruption and Land: Statutory Framework for Land Governance

6.1.1 National Land Policy.

Ghana's National Land Policy, introduced in 1999, aims to develop a land governance system that is fair, efficient and decentralized, enhancing land security through:

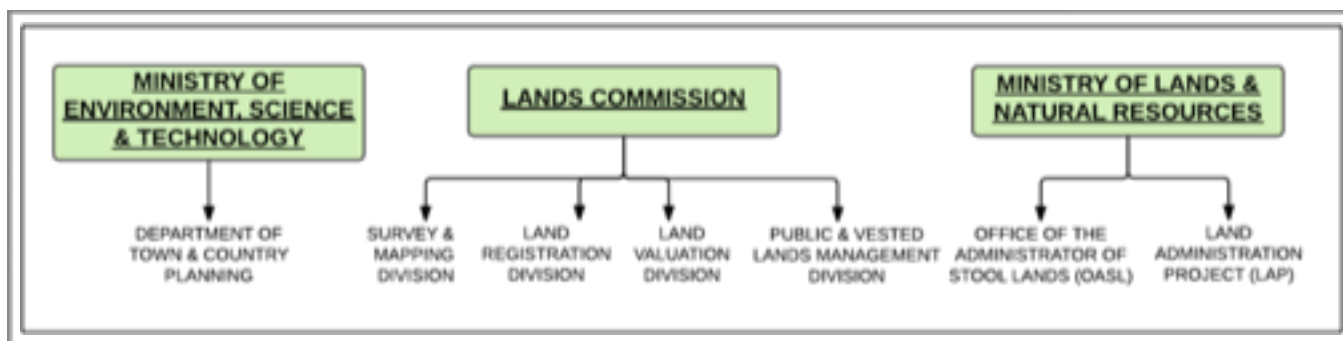
1. Harmonizing customary and statutory land tenure institutions;
2. Reforming existing institutions and building capacity;
3. Building a fair, efficient, transparent system of titling & registration;
4. Developing community-level land dispute resolution mechanisms.

Now in its second phase (World Bank 2003), the flagship Land Administration Project has seen sweeping reform of the institutional framework, with much of the fragmented land governance landscape merged into a single agency: the Lands Commission.

6.1.2 Lands Commission

The Lands Commission came into existence with the passage of the Lands Commission Act 1971. As per Article 259 of the 1992 Constitution, the Commission consists of 20 members, including nominated representatives of the National House of Chiefs and the Regional Lands Commissions, which in turn include representatives from the Regional House of Chiefs, the department of town and country planning and each of the Region's District Assemblies.

Under the Lands Commission Act 2008, four of six previously independent agencies were redefined as independent divisions of the Lands Commission. The mandate of the Lands Commission now includes the management of all public and vested lands in addition to the surveying, registration and valuation of lands. The Act additionally mandated the Commission to establish Client Service and Access Units in order to streamline the process of land documentation and improve service delivery at the regional level.



Documentation and registration of claims to (or title over) land is a crucial first step in guaranteeing customary freehold (see section 5.1) and would serve to improve the security of widows' tenure while limiting the extent to which unaccountable traditional bodies can

engage in acts of corruption and extortion. Decentralized service delivery units serve to lower the costs of accessing such services by reducing the distances that women must travel. However, the researchers found that communities are largely unaware of the existence of these units. This finding is supported by a 2011 audit that found that less than 3% of rural Ghanaians were aware of the steps required for registration of land or the agencies involved in the process. (MASDAR 2011)

Among those who were aware of such facilities, the cost of services was seen as a deterrent. The researchers visited the regional Client Service and Access Unit in Bolgatanga and noted a list of fees for services ranging from 1 cedi (25 cents) for copying documents to over 200 cedi (50 USD) for premium services such as registration. In the context of severe poverty and predominantly subsistence farming, such fees are no doubt prohibitively high and, though the regional Lands Commission appeared willing to make concessions for those in need, a more systematic program of waivers or subsidies for such services would require an Act of Parliament. Further, interviews with the regional Lands Commission in Bolgatanga and the national Lands Commission in Accra revealed that cost has been found nationwide to be a significant drag on the incentives of landholders to register both larger (community) boundaries and the smaller (household) grants within them. Among those who have successfully registered, it remains to be seen whether they will be prepared to pay fees for the registration of subsequent transactions. It is hoped, however, that the rising value of land will increase the benefits associated with registration, though this remains to be seen.

Interviews further revealed that the Land Administration Project has been hampered by the absence hard deadlines for the delivery of a comprehensive national land registry. The use of donor funds for a series of modest pilots has been at the expense of a systematic attempt to meet even the comparatively modest goal of registering community boundaries. This claim is supported by the World Bank's own review of the Land Administration Project with borrower performance classified as "Moderately Unsatisfactory." (World Bank 2013)

Even within these limited pilot programs, the restructuring of the institutional framework has not delivered efficiency gains. Agencies continue to act as independent bodies and decisions about the reallocation of staff within the newly enlarged Lands Commission are found to have been arbitrary, resulting in conflict between overlapping mandates and the mismatching of skills across departments. Resource allocation remains centralized despite the decentralization of the Commission's functions. Of 100 four-wheel drive vehicles purchased for the Land Administration Project, 72 were allocated to Greater Accra (MASDAR 2011) where the researchers found them being used by Commission staff for local travel.

Since its inception the Land Administration Project has sought to increase the registration of titles and deeds by women with a stated goal of 50% growth over the project cycle. Data

from the Ministry of Land confirms that this goal has been exceeded, with 14,415 titles and 32,879 deeds registered by women between 2005 and 2008, from a low baseline of 288 deeds and titles nationwide. (Ofori 2008) However, the data also highlights a persistent gap between men and women, with the Upper East Region seeing the smallest gains.

6.1.3 Office of the Administrator of Stool Lands

Established in 1994, the Office of the Administrator of Stool Lands (OASL) is charged with the collection of revenues accruing to the holders of customary lands and the disbursement of these funds according to a Constitutionally prescribed formula that allocates 10% to the OASL, with 55% of the residual accruing to the District Assembly, 20% to the Traditional Authority and 25% to the Stool “for the maintenance of the stool in keeping with its status.”

Interviews with the Administrator of the OASL revealed that this last clause has proved problematic, as Chiefs and heads of Clans or Families have come to view this as a license to use the 25% for conspicuous consumption. As with the allocation of land, this lack of probity has emerged from the increasing value of these revenues and the increasing tendency for actors to confuse the "office" with the "officeholder," personalizing resources that accrue to the "office" and abrogating responsibility toward the office's constituents. Insofar as the beneficiaries of this patronage are predominantly male, this represents a significant violation of women's equal access to the benefits of land and the decision-making processes that govern the distribution of these benefits.

The 20% allocated to the Traditional Authority is similarly subject to leakage and the process by which the District Assembly spends its share is poorly coordinated, with "development spending" often overlooking the needs of communities, particularly the needs of girls and women. In all cases, particularly in the Upper East Region, women are typically 'crowded out' from these decision-making processes.

The institution of internal audits has served to reduce leakage from these allocations, but the ability of the OASL to direct spending toward appropriate development projects has been reduced since 2008 when the enlarged Lands Commission began paying 100% of compensation to Stools in cases involving the exercise of eminent domain, bypassing both the OASL and the District Assemblies. The OASL was until recently unaware of these payments and is currently seeking clarification of the Lands Commission mandate from the Supreme Court.

6.1.4 Customary Land Secretariats

In an attempt to facilitate the harmonization of customary and statutory systems, the LAP has included the piloting of Customary Land Secretariats (CLSs) across 50 districts. (Government of Ghana 2003) These bodies form the front-line of the LAP with each secretariat covering a single community, building local knowledge and relationships. CLSs

report to the Lands Commission and the OASL and their operations are negotiated with Chiefs and Heads of Clans or Families through Land Management Committees. (Bugri 2012)

As the interface between customary and statutory systems, the CLSs were initially tasked with the identification and registration of land users' and landholders' definitions of the boundaries of communities' customary areas as a first step toward the clarification of parcels within these perimeters, a critical requirement for eventually guaranteeing the security of customary freehold for both men and women.

By design the CLS model is well suited to the task of untangling overlapping claims, resolving disputes and formalizing or registering titles and, in the cases highlighted above, could potentially provide a lifeline to widows seeking access and redress in the country's rural hinterlands. However, the pilot project has touched only 34 of the targeted 50 districts (World Bank 2013) and demand for CLS services has remained low due to low levels of awareness, high incidence of landholder absenteeism and the frequent failure of CLS representatives to announce visits in advance. Slow, centralized mechanisms for the disbursement of resources has limited the CLSs' ability to build greater awareness and the frequent appearance of "quack surveyors" (typically urban conmen posing as government officials) has eroded communities' faith in government officials. More problematic has been the resistance of existing customary bodies to cede authority over the demarcation of boundaries and the allocation of title as such activities are seen as a critical source of rents.

6.2 Gender Equality: Legal and Institutional Framework

Ghana's 1992 Constitution enshrines the principle of equal treatment for men and women while prioritizing the economic development of women and the expansion of educational and economic opportunities to women and girls. Having ratified CEDAW in 1986 without reservations and the Optional Protocol in 2011, Ghana domesticated its international obligations with the passage of the Domestic Violence Act in 2007. Many of the harms outlined in the cases above are thus illegal under *existing* Ghanaian law, though the elimination of such discriminatory practices rests on the ability of the responsible institutions to generate compliance with the law and to enforce the law in instances of transgression.

Ministry of Gender, Children & Social Protection (MGSP)

- Established by the as the Ministry of Women and Children in 2001
- Re-designated as MGSP in 2008
- Mandate includes the mainstreaming of gender equality into all government considerations, including budgeting, policing, education, public health, land and development.
- Run since 2013 by Madam Nana Oye Lithur, a prominent civil rights lawyer and activist.

Sources:

Interview with staff at MGSP

6.2.1 Ministry of Gender, Children & Social Protection

The Ministry of Gender and Social Protection was established in 2008 with the redefinition of the Ministry of Women and Children. Its mandate is broad, covering not only the administration of policies explicitly targeting gender equality but also the mainstreaming of gender concerns into all policy streams.

As a key stakeholder in Ghana's progress toward the Sustainable Development Goals, MGSP is one of Ghana's most visible government departments both nationally and internationally. However, interviews with high-ranking officials at MGSP revealed neglect of MGSP's concerns within broader policy circles, with one official stating "when it comes to development policy, gender concerns are the first thing that gets mentioned and the last thing that gets done", adding "Every minister and every member of parliament will tell you gender is important to them because that's what you say but look closely at their work and you will see nothing." The same officials expressed frustration at the lack of priority given to gender concerns in the allocation of resources and the legislative agenda.

Despite these obstacles, the Ministry has contributed to both the development and implementation of the Land Administration Project, inserting a gender component into the second phase of the Project (LAP-2) and mainstreaming gender equality into the LAP manuals and guidelines. Recognizing the human resource requirements implied by this additional layer of responsibility, the Ministry has funded the higher education of a number of individuals who will eventually join the Land Administration Project as experts in both land governance and gender, providing a welcome bridge between the two mandates.

6.2.2 Intestate Succession Legislation

As with much of land governance, intestate inheritance is often the domain of customary law. As land under these systems typically belongs to lineage groups it cannot be inherited without the approval of customary governance bodies. Inheritance of a deceased parent's title or access to land is determined by a community's lineage system. Much of the Upper East can be characterized as 'patrilineal', with title passing from father to son. As the cases above highlight, the surviving widow or daughter must approach the customary authority in order to seek or maintain access to paternal or matrimonial land. (Kasanga and Kotey 2001)

The Intestate Succession Act 1985 recognizes the insecurity faced by surviving spouses and their children and the right of a widow to be "compensated" for unpaid household labor. Subsequent amendments criminalize the ejection of a spouse or child from the matrimonial home prior to the distribution of the estate and recognize the entitlement of the surviving spouse to the home of the deceased. However, the legislation pertains only to self-acquired property and not to lineage property, granting final authority over widows' access to customary bodies. The Act further fails to address the reality of polygamy, despite 22% of

Ghanaian women aged between 15 and 49 years living in a polygamous union. This figure is 40% in the country's three northern regions. (Statistical Service of Ghana 2006)

If matrimonial land is shared with others outside the nuclear family (i.e. the parents or brothers of the deceased), these stakeholders' claims will compete with those of the widow and, without clear protections in the Intestate Succession Act, there is currently no statutory guidance for adjudication by customary bodies in such instances.

It is in this context that the expulsion of Elfi, Nana and thousands like them slips through the cracks. Though subsequent harms, particularly those instances of physical, emotional or sexual violence, are criminal acts, the initial decision to alienate the widow from the land exists in a legal grey area and it is ultimately this decision that renders the widow economically, socially and physically vulnerable and leaves her at the mercy of corrupt local institutions.

Proposed amendments to the Intestate Succession Act have been before Parliament since 2009. The proposed reforms would guarantee widows access to matrimonial land thus limiting widows' exposure to the harms described above. In interviews with senior MGSP officials, including a high-ranking political appointee, the researchers were pleased to encounter a strong sense of optimism that the amendments would be passed in 2016, with a high-profile launch of the legislation having been hosted in Accra on March 8, 2016 to coincide with International Women's Day. Officials stressed, however, that the realization and enforcement of the law will rest on processes of social change and, crucially, upon the ability of judicial and quasi-judicial bodies to enforce the law. One official added "we can have a law that says women are now the heads of every household in Ghana, but as long as these women cannot get their case heard in front of the judge or get a favorable decision from him the law will not be worth anything."

6.2.3 Domestic Violence Victim Support Unit (DOVVSU)

Established in 1998 as the Women and Juvenile Unit (WAJU) and reformed as the Domestic Violence Victim Support Unit with the passage of the Domestic Violence Act 2007, DOVVSU is the branch of the Ghana Police Service charged with the protection of the rights and welfare of women and children by preventing and prosecuting crimes committed against them in both the domestic and community setting. Such crimes include physical, emotional and psychological abuse and extend to the alienation of women from household resources such as land.

Though the creation of DOVVSU has raised the profile of domestic violence and increased the rate of prosecution in cases of domestic violence (Amnesty International 2015), as with other judicial and quasi-judicial bodies, a lack of both human and financial resources limits its ability to function. As a unit within the Ghana Police Service, DOVVSU officers receive

salaries from the regional Police headquarters but the department itself receives no institutional funding. Interviews with the DOVVSU Deputy Superintendent for the Upper East Region revealed that “perhaps only 5% of women know about DOVVSU,” while the 10-13 cases received on an average week are themselves too many for the department’s six officers to manage. All furniture in the department has been provided by local NGOs, while only one functioning telephone is available for receiving cases. Cupboards overflow with paperwork in the absence of a functioning computer and a four-wheel drive donated by UNFPA is used as a surplus storage space as DOVVSU does not have the funds to carry out repairs. With no vehicles provided, officers investigating cases far from the city must use their own motorcycles and, as one officer candidly stated “sometimes, and I feel ashamed, I have to ask the woman if she can pay for my fuel.” This sentiment was echoed at the central DOVVSU headquarters in Accra.

The process of investigation is similarly fraught with challenges. Officers reported that spousal abuse is the most common complaint received. In such cases, victims must receive a medical evaluation in order to verify claims of physical or sexual assault. Officers in Bolgatanga and Accra reported the absence of efficient public medical facilities as an obstacle to women obtaining this documentation. “The doctor will ask for money before he – it is always a he – can give the report. Sometimes I pay from my pocket but if I don’t have then it is just the way it is,” reported one officer in Bolgatanga. Nationwide, this has facilitated a nearly 70% dropout rate among complainants at the medical inspection stage. (Mitchell 2011)

7. Conclusions

On the basis of these cases and on our analysis of the socioeconomic, institutional and cultural setting in which they unfold, we can draw several conclusions related directly to our initial research questions:

1. Women face significantly higher risk of exposure to corruption

In the absence of legally recognized entitlements under customary systems of land governance, women are more likely than men to require the assistance of institutions outside the home to provide access to land or to resolve disputes over access. Under Ghana's system of legal pluralism, customary authorities exercise near-absolute discretion. As the value of land has risen, so too has the incentive to monetize this discretion. Widows are particularly vulnerable to discrimination and extortion due to social and economic exclusion.

The failure of customary authorities to resolve disputes within the private sphere of the community and the incidence of violence and other forms of intimidation incentivizes women to seek redress from bodies outside the community. However, fear of retaliation, and financial and geographical constraints may limit their ability to do so. Additionally, many of

these bodies are under-resourced and inefficient. The value and urgency of redress and the cost of inaction is known to officials in these formal institutions and, as such, judicial or police authorities are presented with opportunities for extortion.

2. Women are significantly less likely to be able to overcome corruption

Women encounter barriers to seeking redress in both customary and formal institutions due to structural inequalities entrenched in a gendered hierarchy. Limited agency and obstructions to accessing justice are rooted in patriarchal constructions that manifest themselves in the discriminatory and sometimes predatory practices and policies across all systems.

Women face lower income levels, limited access to the fruits of their labor, and reduced access to fertile land. Widowhood exacerbates each of these conditions. The resulting lower levels of capital accumulation reduce the resource base from which they might be able to engage corrupt officials. In the case of multiple parties to a dispute in both customary and formal redress mechanisms, a woman's ability to pay is rendered moot if another party is able to pay more, i.e. if she is "outbid."

Access to legal aid or alternative dispute resolution mechanisms such as CHRAAJ is proscribed by the limited ability of these bodies to achieve sufficient coverage in a region with a highly dispersed population.

3. Women face significantly higher costs of such corruption

The costs of this corruption, particularly in the case of widows, are significantly higher for women, who face alienation from land in the context of already high levels of food insecurity. In addition to the loss of economic resources, alienation results in a loss of social identity and of status or influence within the community.

Where women fall prey to emotional, physical or sexual violence as a result of disputes over land, corruption in grievance redressal mechanisms exposes women to further harms due to the pursuit of retribution against women for escalating disputes and to the impunity enjoyed by those inflicting harms upon them.

8. Recommendations

1. Engage communities and existing CBOs in the Upper East Region

Communities in which Community-Based Organizations (CBOs) have successfully created economic opportunities for women and negotiated changes to long-standing cultural practices that discriminate against women have seen a reduction in their exposure to corruption and the disproportional weight of which falls upon women. Organizations such as

Widows and Orphans Movement in Bolgatanga have, over a number of years, built strong relationships with affected groups and the traditional leadership of communities in which they live. We recommend that TI network with and enhance the capacity of CBOs in the Upper East Region through further data collection and knowledge sharing. Widows and Orphans Movement (WOM) has partnered with CHRAAJ to train community-based anti-violence teams (COMBAT) engaging in alternative dispute resolution at the local level. Such teams could provide a useful vehicle for Transparency International to engage local communities in a structured process of sensitization and capacity building.

TI and CBOs in the region should work together to enhance dialogue and cooperation between local traditional leadership and formal authorities in law enforcement, the judicial system and other government agencies. Increasing interaction between these bodies and sensitizing them to the unique barriers that women face will serve to increase women's access to these authorities and the ability of affected groups to negotiate concessions.

2. Advocacy

TI has indicated its interest in producing audio-visual materials documenting cases of corruption and its effects in the case of intestacy and widowhood in the Upper East Region. Partnering with a CBO such as WOM would be a useful means to produce such an output and deploy a widespread public advocacy campaign. This could also help build momentum for the passage of the proposed amendments to the Intestate Succession Act before the 2016 elections.

TI should continue to advocate for the prioritization of the Domestic Violence Victims Support Unit (DOVVSU), the Legal Aid Scheme and the Commission on Human Rights and Administrative Justice (CHRAAJ) in both national and regional budgets of the Government of Ghana. Improved access to justice increases the costs of official corruption and empowers the individual in their interactions with institutions of land governance.

TI should continue to advocate for the expedited rollout of the Land Administration Project (including the Customary Land Secretariats) and the passage of the Intestate Succession Act. A comprehensive program of land titling combined with the protection of women's right to inherit and access land will remove the discretion currently exercised by the traditional authority and the matrimonial household in cases of intestacy, thus reducing the exposure of women, and particularly of widows, to corruption at the local level.

As the Customary Land Secretariat model spreads, TI should conduct an assessment of the functioning of these bodies in order to build its advocacy efforts around the need for the CLS to incorporate best practices in accountability, transparency and corruption mitigation at the district level.

ii. Zimbabwe



1. Executive Summary

Land tenure is of the utmost importance in Zimbabwe, as the majority of the population is involved in subsistence farming and relies on land not only for shelter, but also sustenance and livelihood support. (Tekere, Hurungo, and Rusare 2003) Two-thirds of Zimbabwe's population still resides in rural areas, but land access is equally important for urban citizens, and members of both groups engage in farming activities. (World Bank 2015) For many urban residents of lower socioeconomic status, housing cooperatives provide the only feasible option for land ownership, but not all co-ops are created equal. While some are registered, and provide services and a chance for legitimate tenure, others are rife with corruption, and take people's payments while double-allocating their plots or demolishing their homes. These scenarios are common, but the instances of successful legal recourse are few.

Due to their status and role in society, women suffer disproportionately as a result of poor land governance. Whether living on untitled rural land or in an illegal housing cooperative, women are responsible for the care of their homes and are thus most affected when they are seized or destroyed. Furthermore, as the majority of women are not informed of their rights nor formally employed, they lack the knowledge and financial means to negotiate when their land rights are called into question. The cases of both rural and urban land highlight the need for greater education in Zimbabwean communities through partnerships with grassroots organizations, as well as greater oversight of processes and clearer channels for redress.

2. Country Overview

While Zimbabwe incorporates an area that is much larger than Ghana, the country's population of 15.2 million people is significantly smaller than Ghana's 26.8. (World Bank 2015) However, this seemingly improved ratio - more land to less people - has not been realized in terms of greater land access and security for Zimbabwean citizens.



The right of access to land in Zimbabwe is enshrined in Article 16 of the 1985 Constitution and elaborated upon in the 2013 Constitution of which Article 289(b) states: "Every Zimbabwean citizen has a right to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of agricultural land," with Article 289(c) expanding "The allocation and distribution of agricultural land must be fair and equitable, having regard to gender balance and diverse community interests." The 2013 Constitution additionally codifies the terms of Zimbabwe's continuing process of land reform,

with Article 72(7) stating that the Government of Zimbabwe devolves all responsibility for compensation of landholders dispossessed for resettlement programs to the "former colonial power," i.e. Her Majesty's Government in the United Kingdom. Article 297 establishes the Zimbabwe Land Commission, tasked with guaranteeing "accountability, fairness and transparency in the administration of land," in addition to the regulation of agricultural and private land markets. The 1982 Communal Lands Act further vests title over all communal lands in the state and the Land Acquisition Act 1992, together with the Agricultural Land Settlement Act 1969, empowers the state to expropriate land for redistribution.

Though formal legal systems do continue to function in Zimbabwe, their reach is limited and tempered by consistent erosion of the rule of law. The statutory framework for Land Governance is overlaid with a tangled mess of emergency decrees, presidential orders and opaque standard operating procedures which make the task of mapping the *de facto* system nearly impossible. Official practices differ substantially from those defined in Zimbabwe's body of law and Judicial pronouncements on such illegality are frequently ignored. (Reynolds and Flores 2009) This lack of internal legitimacy is mirrored in the external denunciation of Zimbabwe's *de facto* land governance regime (SADC 2008), rendering the statutory system all but obsolete, a prognosis confirmed by the researchers' interviews with community members, academics, NGO workers, and government officials.

2.1 Political Environment and Corruption

Since 1980, Zimbabwe has been ruled by the war veteran, Robert Mugabe. Mugabe is the leader of the ZANU-PF political party. He has run several times for the executive power, and each time, he has managed to win the elected office of President. Several political and economic conflicts have occurred since the country achieved independence in 1980. Mugabe faced fierce opposition for almost ten years after independence, until he created a unity government by merging the ZANU party with the Patriotic Front in 1987, forming the ZANU-PF Party. In the 2008 elections, the opposition MDC made a deal with ZANU-PF to form a coalition; however this coalition was dissolved in 2013 when ZANU-PF won the election again. These last elections also brought intra-party conflicts, creating several factions within ZANU-PF, which have rekindled conflicts and corrupt practices (Freedom House 2016).

On May 22, 2013, Zimbabwe enacted a new Constitution. This Constitution includes several new rights that must be protected by the State, including the rights to non-discrimination, shelter, gender equality and other basic human entitlements. This Constitution provided a new framework to organize government offices around the most pressing issues that Zimbabwe must address to support their development strategy. Zimbabwe is divided into ten administrative regions and several districts. However, these local institutions are quite

weak, the delivery of public services is irregular, access to justice is restricted and there are few mechanisms in place to hold local offices to account. These conditions explain the prevalence of corruption in many areas and at many levels.

Several indices show that corruption is an endemic problem that Zimbabweans confront on a daily basis. With a score of 21 (0 being highly corrupt, and 100 very clean), Transparency International's Corruption Perception Index of 2015 ranks Zimbabwe as 150th out of 168 countries, a score that has been consistent throughout the last 4 years. (Transparency International 2015) Similarly, Freedom House identifies several factors that restrict liberty in Zimbabwe. The overall rating that Freedom House gives to Zimbabwe is 5.5 (1 being most free and 7 least free), which means that it has very restricted civil and political liberties. (Freedom House 2016) Freedom House discusses several forms of corruption that take place in Zimbabwe, including political corruption and the widespread practice fixing votes around elections in order to silence the opposition. These activities, of course, threaten the democratic stability of Zimbabwe. Additionally, the performance of governmental institutions is severely affected by both grand and petty corruption. Freedom House reports that there are several irregularities in regard to rule of law, enforcement of basic human rights, respect of property rights and gender equality, and most of these irregularities have to do with unequal access to resources and power. (Freedom House 2016).

At the individual level, people commonly face different types of corruption, the most extensive of which is bribes. Two out of every three people report having paid a bribe in the last year, and the three public services with highest percentage of reported bribes are the police with 53%, permit services with 42%, and land services with 35%. (Transparency International 2013) In Zimbabwe, the delivery of public services is not only related to bribery, but also political patronage, where party elites use state resources and services to build their political networks and sanction any opposition. The manifestations of sanctions to different political factions or opposition groups can be seen in the denial of public services, or the discretionary actions of institutions, including the police. (Chêne 2015)

2.2 Land

During the 2000 elections, the ruling party, ZANU-PF, ran under a slogan that highlighted the importance of land to the Zimbabwean way of life: "The Land is the Economy, the Economy is the Land." (Dansereau and Zamponi 2005) Land has long been a challenging issue in the country, one that is highly politicized and racialized in the wake of colonialism. The party's reinvigorated focus on the land issue grew out of growing frustration among Zimbabwean citizens at the stalemated process of primitive accumulation - a process that was first deferred by colonialism, but further delayed by the post-colonial state. (Moore 2001) The years following independence in 1980 showed slow change in the way of redistributing land to landless Zimbabweans, leading to disillusionment and the exacerbation of racial tensions. By the year 2000, many of Zimbabwe's black citizens - particularly war veterans from the

country's War of Independence - began occupying portions of large, white-owned farms. (Mitchell 2001) At one point, as many as 1,700 farms were illegally occupied; today, estimates place that number closer to 900, though white commercial farms still occupy one third of the land in Zimbabwe. (Mitchell 2001)

In response to growing unrest, the ZANU-PF government instituted the Fast Track Land Reform Program (FTLRP) in 2000 with the goal of expropriating white-owned farmland and redistributing it to landless black Zimbabweans. The political party relied on three moral arguments to justify this policy: "that the peasants need the land, that the war of liberation was fought for the land, and that Zimbabweans are only taking back land that was originally stolen from them." (Shaw 2003) Under this program, white-owned farmland was seized, or "gazetted," by the government, and divided into plots for smallholder agriculture (A1 schemes) and commercial farming (A2 schemes). (Maguranyanga and Moyo 2006) While the Fast Track program has successfully allocated land to around 170,000 new farmers, progress has been much slower than expected, and marked with violence and coercion. (Scoones et al. 2012) Additionally, it is arguable that the program has hurt as many as it has helped, as over 200,000 farmers employed by white commercial farms lost their jobs and livelihoods due to the redistribution process. (Sachikonye 2003) As the International Crisis Group forecasted when ZANU-PF implemented the FTLRP, "This is not land reform; it is a politically driven land grab which will devastate Zimbabwe's agriculturally based economy without immediately benefiting those being resettled." (ICG 2000)

In addition to - and partially as a result of - the current land redistribution process, urban and peri-urban land has become much more important in Zimbabwe. This includes the burgeoning system of housing cooperatives, which are designed in particular for those of lower socioeconomic status, and allow citizens and families to purchase land through small monthly payments. As landless Zimbabweans sit on government waiting lists to be allocated land, housing cooperatives have become an affordable alternative for ownership, and bring with them the promise of services such as water, electricity, clinics, and schools. The housing cooperative scheme originated in the 1983 Transitional National Development Plan, and today there are over 3,900 registered co-ops in Zimbabwe. (CHI 2016) In addition to this, there are many unregistered and illegal housing schemes, which in many ways appear identical to legitimate cooperatives. While oversight measures have been put in place - such as the establishment of the Zimbabwe National Association of Housing Cooperatives (ZINAHCO), which is charged with aiding in land acquisition and registration - these measures have not stopped the illegitimate and corrupt schemes from proliferating. (CHI 2016) Drawn into housing cooperatives under the promise of ownership and services, many Zimbabweans find that their areas are never serviced, their plots are double allocated, or their payments never reach government authorities. Demolitions and displacements are common, leading to further land and livelihood insecurity.

Finally, many Zimbabweans still live on communal land. This land is owned by the state according to the Communal Lands Act of 1982, but is commonly allocated and managed by Traditional Authorities. (USAID 2010) While some women and families may meet better outcomes in terms of acquiring land through this system, it is often dependent upon lineage and familial ties. Furthermore, should issues arise on communal land, there are tensions between statutory and customary laws that make seeking formal legal recourse difficult.

2.3 Gender

In 2013, Zimbabwe passed a new Constitution that many international organizations hailed as one of the most progressive constitutions on gender equality. The Constitution included provisions to increase women's representation in politics and created new government bodies to promote gender equality - such as investigating reports of gender-based violence, and engaging in affirmative action programs to aid women. The new constitution was not the first time the Zimbabwean government has committed to policies dedicated to gender equality. The 2008 unity government agreement between Zimbabwe's two major political parties also outlined a framework to ensure women's rights, particular on equal access to land. However, the realities of women, gleaned from academic research and field reporting, tells a different story than the policies that make Zimbabwe appear gender-friendly. One academic notes that Zimbabwe's challenge is not in recognizing the importance of gender equality, but in "the commitment to see through policies and programs that are transformational." (Mangezvo 2013)

The treatment of women in Zimbabwe has strong influences from colonial times. Colonialism introduced British-Victorian notions of women being secondary, according to a Zimbabwean lawyer and women's rights advocate. Before colonialism, women had more say in property ownership, as everyone adhered to a more spiritualistic, traditional law in communities they lived in - laws that deemed a woman's property sacred and something that men could not touch. But during colonial times in Zimbabwe, the British colonialists only wanted to deal with men, and introduced the idea of patriarchy into Zimbabwean society. Black Zimbabwean women were more severely affected as they became subordinate to both colonialists as well as Zimbabwean men. After independence, the notion of women being secondary was passed onto the resulting land ownership structure.

Barriers to accessing land for women in Zimbabwe include bureaucratic constraint, gender biases in land allocation, lack of information and poor mobilization of women's activist organizations. (Vongai Z. 2015) Although a constitution upholding gender equality exists, the legal framework to access land does not provide security of tenure for women. In most cases, women access land through male heads of household - their fathers, husbands, uncles, brothers or sons. This structure makes them constantly dependent on men. According to a women's law expert, "women have zero security of tenure...they depend on

the whims of whatever relationship they have with their husband...and if they divorce, then that's it.”

Recently, in light of the economic downturn in Zimbabwe, an uptick in migration of males to find better paying jobs in neighboring countries has resulted in many female heads of household. However, these female heads are more likely to be allocated smaller parcels of land simply because of their status. (FAO 1994) Additionally, women lack the resources to fully utilize their land even if they have been allocated a plot because other customs in place work against them. (Bhatasara 2011) For example, in many rural communities, women are legally allowed to own chickens and goats, and small farming tools; however, larger animals and tools, such as cows or a plow, must be owned by the husband.

If a woman loses her land due to occupation or land grabs, she has less resources available to her to access redress mechanisms. Although a legal structure exists for Zimbabwean citizens to fight for their rights and for justice, it is costly in both money and time to hire lawyers and fight a case in court. According to a lawyer that works in legal aid services in Zimbabwe, no pro-bono structure exists to help people dispossessed of land.

The FTLRP in 2000 was supposed to be non-discriminative on the basis of gender in terms of allocating land to Zimbabweans. Although official government data state that 18% of the beneficiaries of Fast Track were women, academic research suggests that the actual figure is less. The benefits of Fast Track for women, and alleviating poverty amongst women, is questionable - as discussed above, allocating a piece of land to a woman does not solve all of her problems. Fast Track has also negatively affected the lives of women in Zimbabwe because it has disrupted communities, families and relationships - the primary source of land access for women in the past. When men secured land from Fast Track, they had the option to start new lives elsewhere, leaving their families and home communities behind. In this shifting and insecure climate, women in fact become more dependent on men, and lose what little autonomy they had in being able to make decisions for themselves. Some academics have pointed out that the effects of Fast Track may even be to blame for an increase in the intensity of the HIV/AIDs epidemic. (Bhatasara 2011)

3. Cases & Analysis

After conducting fieldwork in Zimbabwe, we created four composite cases based on data we collected. These composite cases are based upon common characteristics and problems we heard about during focus groups and interviews, and are meant to demonstrate how corruption moves through the land administration system, and how it affects women in particular. These cases are not based upon any single individual, but instead combine various common challenges into four demonstrative examples. All names

and other identifying characteristics have been changed for the sources' privacy and protection.

3.1 Case 1: Fish Farm

3.1.1 Intro

The case of Fish Farm is an introduction to the fundamental issues around land and politics in Zimbabwe after the Fast Track Land Reform Program in 2000. Fish Farm is based off one farm in western Zimbabwe, where we were able to interview some of its residents. Its residents admitted that there are many other farms with disputed statuses like Fish Farms around the country. Fish Farms is located in a peri-urban area, and was formerly owned by a white commercial farmer. It is unclear how and why the farm's black residents first started settling there, and although its residents are affiliated with the ruling political party, this affiliation has not worked to their benefit. The questions surrounding Fish Farm's residents, how they first settled, and their lack of secure tenure demonstrate how complex land ownership has become in Zimbabwe and how vague the process has become to its citizens. These difficulties have a greater impact on women, as they will face additional challenges navigating the processes to get their life back if they are kicked off of Fish Farm. The confusion around Fish Farm's land settlement status represents a microcosm of the overall land problem in the country.

3.1.2 Case Study

In the early 2000s, the area known as "Fish Farm" was owned by a white commercial farmer, referred to as "Mr. Jones" by the farm's residents. The approximate 900 residents at Fish Farm claim that Mr. Jones began inviting black families and settling them on plots of land on the outskirts of his farm in order to provide security for his livestock. However, it is also during this time that the ruling political party, ZANU-PF, was seizing and redistributing large plots of land, breaking it down into smaller portions for rural Zimbabweans. While the residents of Fish Farm did not cite this as a cause, Mr. Jones could have also begun settling families as a safeguard against government seizures.

When Mr. Jones passed away in 2010, the executor of his will began settling people on interior portions of land, as well. Many of the people settling were widows that had heard from a relative that it was easy to obtain land at Fish Farm. Some women left land they owned to come to Fish Farm because the land was more fertile. However, none of these settlers had formal deeds or offer letters, nor did they have documentation of this acquisition process. When the government finally "gazetted" the land in 2014, the District Administrator assured the residents of Fish Farm that they would be formally resettled. More residents were added as a part of the Fast Track program, but the authorities fell silent on the issue of formal documentation. The residents were aligned with the ruling party, and thus initially, they felt confident that their affiliations would ease their access to land. But as time has

worn on, members of this community have become nervous, and have begun to seek legal guidance. To the extent that they are able, they keep their movements and consultations secret to avoid causing problems with the political party.

Fish Farm is a desirable area, and the residents there do not want to move. They are blessed with rich soils and relatively easy farming, and their peri-urban setting makes work and services readily accessible. There are also rumors that gold has been found on Fish Farm, and the residents are wary that this resource issue may be causing the stalemate over formal resettlement. The residents live in fear that any day they may be kicked off of their land.

However, this is just one side of the story. With no evidence of documents regarding their settlement process, the residents of Fish Farm live on disputed land. While their narrative is possible, it is equally likely that the first settlers gained residency through “farm invasions,” grabbing land at the far reaches of Mr. Jones’s property without his permission and then inviting others to join their settlement. This, too, may be the cause for silence from the lands officials. Like many Zimbabweans, the residents of Fish Farm have few options in terms of land access. If they cannot be formally resettled, they may be forced to rent or move into housing cooperatives while they await government land.

Fish Farm is governed like a traditional community in Zimbabwe, with a council of seven leaders, of which only one is a woman. Women living at Fish Farm say it is easier to own land because Mr. Jones’s executor was nondiscriminatory in his allocation of plots, but gender equality is still lacking (for example, polygamy is allowed on Fish Farm). Although some women on Fish Farm claim ownership over their own land, the disputed status of the entire farm makes their tenure insecure. If residents are kicked off, the women would be more severely affected as it would be more difficult for them to obtain land elsewhere.

3.1.3 Analysis

The Land Question’s Complexity

The Fish Farm case demonstrates the convolution of the land resettlement process borne by the government and its effect on Zimbabwean citizens. During our desk research, land was categorized into neat lists and columns: disputed land or resettled land, A1 or A2 leases. On the ground in Zimbabwe, such terminology was used (especially by academics and officials), but situations were still unclear. Sometimes, land appeared to be both disputed, occupied and resettled at the same time. The case of Fish Farm represents one such situation.

At Fish Farm, it is still not clear how the land was settled starting in the early 2000s - if it was legally done by the will of the former white owner to prevent the land from being grabbed by the government, or if it is a land occupation by Zimbabweans that felt they had the right to do so because of their affiliation with the ruling party ZANU-PF. Further complications arose

when the land was gazetted, or seized, by the government in 2014 as part of the Fast Track Land Reform Program. By that time, the previous owner of the farm had passed away, and the government was essentially seizing land from black Zimbabweans - the intended beneficiaries of the reform.

The residents of Fish Farm thought the gazetting meant that they would be formally resettled onto the land, but what has occurred since has led them down a spiral of confusion and anxiety about their livelihoods. Typically, the formal process of land resettlement entails the government gazetting land that belongs to a white owner, then redistributing it to black Zimbabweans via formal offer letters. It is now two years later and the residents have no formal offer letter. The residents' attempts to seek recourse have borne no fruit, showcasing that there is no clear or universally understood redress mechanism. Residents of disputed farmland areas we met said they attempted the process of formal resettlement through the local District Administrator's office, but have found the workers there unresponsive to their cause, at times redirecting them to the local police authority. The local police, however, also become a dead end for the residents.

One male resident on a disputed farm area said that the government claimed "that this land is now vested in the interest of the state - the government." But as this resident continued, "And we are the people in that government, why can't we have it and why is there this delay?" One female resident added that "the right to land is our right."

The above assertions suggest that the way laws have been publicized - and likely propagandized - in Zimbabwe makes people believe land is their immediate right when there is a process to obtain land. There is a knowledge gap that has been created by the government in how its citizens understand how to obtain land. This could encourage actions like land occupations and situations like Fish Farm to arise, which further add to the convoluted process.

The Role Political Affiliations Play in Access or Lack of Access to Land

In Zimbabwe, it is commonly stated that those who are more politically connected - regardless of gender - have easier access to land. This seems to be the belief of the citizens, as well. In the words of the late land academic Sam Moyo, as told to the team from another prominent Zimbabwe land academic: "politics is a dominant feature in elitism and elite accumulation." The intertwining of politics and land access creates an area fertile for corruption.

The fact that Fish Farm residents expect land security because of political affiliation, and also use that as a rationale for potentially occupying land illegally in the beginning, suggests that corrupt practices have nearly become the norm for Zimbabwean citizens. Residents of a

disputed farmland area, when speaking of their land and desire for security of tenure, often point to the fact that they voted for ZANU-PF - the ruling party - as the key reason they should expect formal offer letters and titles for their land. This sequence seemed natural and without fault to them. “The land issue, by its nature, is a political issue. The land is gazetted by politicians for us to settle in it,” one male farmer said in a focus group.

Perhaps the residents put it best, when one man said: “Fear in any society is always an aspect of corruption... And if we can’t stand against it, surely we will be booted out, so that is our greatest fear.”

Understanding Women's Realities in Zimbabwe

Fish Farm also sheds light on the situation of women in rural communities, as a standard to understand the lived reality of Zimbabwean women in general. Women at Fish Farm claim it is easier to own land compared to elsewhere (this would be due either to the allocation situation they were in or the fact it was a land occupation), but they still face the same roadblocks as other Zimbabwean women: lacking representation in politics, and lacking in resources to provide for themselves and their family. Additionally, the way women negotiate access to land informally is representative of similar traditions across Zimbabwe. Women at Fish Farm expressed their desire to be represented more in the political structure of the community, and seemed unhappy with the progress the male-dominated political structure is making in attempting to obtain formal settlement of their land. They believe that if there were more women present in their negotiations with the District Administrator to be formally settled, it would speed up the process because the District Administrator would have more sympathy for crying and affected women than men. They recognize gender differences and how these can benefit them as well as work against them.

The importance of relationships for women in obtaining land was also observed at Fish Farm. Several female residents of Fish Farm say they came to the farm after hearing about it from an aunt or a niece. In other rural communities, women also depend on relationships - but often with the head male figure of the family - in order to access land. As a single woman or a widow, it is difficult to be given land in a communal setting, and the decision typically depends on the community's Traditional Authority (TA). If the TA does not allocate a woman a plot, she must then use relationships with other males in her life to access land. “They don't really have independent access to land but it's up to the discretion of the father or uncle to give them access to land depending on relationships,” a Zimbabwean researcher on land and gender explained in an interview. The use of relationships is an issue that primarily rural women deal with, but the position of women as disenfranchised, and dependent on the men they know, is a common reality across Zimbabwe.

3.2 From Rural to Urban

The Fish Farm case has laid out the complexities of land ownership in Zimbabwe, highlighted issues women face, and provided a baseline from which to start our understanding of the situation in the country. It also touches upon the racial tensions between white and black Zimbabweans that underlies the country's land question, although that is not the primary purpose of our research and it will not be analyzed independently in our report. There are many issues to explore in women's land ownership in Zimbabwe, but for the rest of this report we will focus our study on housing cooperatives in urban and peri-urban areas. Housing cooperatives provide a fitting case in our study because corruption is rampant in co-op organizations, women are impacted disproportionately in corrupt co-op schemes, and they showcase the extent to which Zimbabweans - and women in particular - feel they deserve land.

3.3 Case 2: Nancy

3.3.1 Intro

The following cases jump to the urban setting. As shown by the Fish Farm case, land is considered an essential asset in Zimbabwe, especially for women. The story of Nancy reflects what many women face when they decide to move to the cities to find more opportunities. Each day, men and women come to the cities of Zimbabwe, searching for sources of income that they do not have in the rural areas. Most of them stay with family members or rent while they search for a way to acquire land on their own. This is where the housing cooperative schemes become attractive. Given the few opportunities there are to acquire land, the housing cooperatives have gained popularity in urban communities, but they have also been a source of scandals and corruption. Nevertheless, people are still willing to join them: after all, as one woman explained, "there is corruption everywhere."

3.3.2 Case Study

In 2007 Nancy, a 34-year-old woman, and her husband were renting a small house in Harare. Like many other couples with small children, they wanted a place of their own. Renting had become unbearable: the landlords increased their rent without any notice, changed the conditions of their contract at will, or would often evict tenants without notice. Thus, Nancy and her family lived in fear that their landlord would kick them out at any time.

Through some friends and family, Nancy knew that there were new housing cooperatives forming. Housing cooperatives are an alternative to the government waiting list, and allow Zimbabweans to acquire land for small monthly payments. Nancy was on the list for several years and yet nothing happened. Some of her relatives have obtained a "stand" – or small plot of land – through housing cooperatives, and their experiences made Nancy confident that this was a real opportunity. Both Nancy and her husband work in the informal sector,

selling fruits and vegetables in the streets of Harare. This leaves them with no proof of income to ask for a mortgage for a home, nor enough savings for a downpayment. Therefore, in 2007, they decided to join a housing cooperative so they could finally have a stand of their own, paying just a small membership fee and affordable monthly payments. The housing cooperative was supposed to service the plots using these fees, and building sewage systems, roads, and all of the infrastructure required. Of course, with four children, Nancy and her family had to wait until there were services in place to start building their home. Meanwhile, Nancy and her husband were saving to build their home. One day in 2014, Nancy's husband visited "their" plot only to find that another family was already building there.

Nancy and her husband approached the cooperative's management, but they found out that the managers they were dealing with had already left Harare with the money of many residents. Since these managers never sent the money to the government, the land was reassigned to new cooperators. Suddenly, Nancy and her family had lost everything: their stand, all their payments and all their hopes of owning property. After talking to many people, Nancy realized that her family was not the only one in this situation, and many people had been affected by the same managers. Nancy's husband and other men quickly organized a group of representatives to go to the police, NGOs, and the government to seek recourse. They wanted someone to take their case and give them their stands back, or at least recover their payments. The police said that they would investigate, but that they needed to find the former managers. Then, the police dropped the case when they found out that the former managers were part of the political faction that controls the Ministry of Land.

As going back and forth to government and NGO offices is so time-intensive, fighting for their stands became a full-time job for community representatives. As Nancy's husband is involved in this battle, Nancy had to find a way to contribute to the family's income, so now she goes to South Africa every week to earn money to feed her family.

It has been more than three years now, and there is still no solution for these families that lost everything. They continue fighting because they have few other options. They still hope to recover some of their money, or that the government might allocate more land for them.

3.3.3 Analysis

Law Enforcement

The story of Nancy exemplifies what many families are going through to find shelter in Zimbabwe: a process that is very difficult for people with scarce resources. In urban areas, many families start renting a room when they first move to the city. Affordable housing is

difficult to find, and renting becomes the only option while they save enough for a down payment. The problem lies in the abuse of landlords – or "land barons," as they call them – and the lack of law enforcement to protect tenants. At any given moment, a landlord can change the conditions of an agreement or evict tenants without any prior notice. The tenants are helpless, as it is difficult to enforce any contract, and the landlord is more likely to be well connected and have contacts within the local police force. Our focus group research revealed that many people feel insecure about their lease or purchasing agreements, and the same is true of housing cooperative agreements: at any given moment, co-op managers can say that the money has lost value and that the cooperators need to start fresh with new payments. As one female co-op resident said, "They said that the payments we paid to the cooperators does not count, now I had to start fresh and since I had no money they took away my stand and sold it again, I had to go a live with a niece."

Land as an Asset

Land ownership is a fundamental part of Zimbabwe's culture. People strongly believe that the land belongs to them, and as Zimbabweans they are entitled to a piece of land. According to the 2013 Zimbabwean Constitution, section 28: "The State and all institutions and agencies of the government at every level must take reasonable legislative and other measures, within the limits of the resources available to them, to enable every person to have access to adequate shelter" (Constitute Project Zimbabwe 2013). People's desire for land is also related to a lack of other assets, as a piece of land represents not only shelter, but a means of subsistence. With land, people can grow enough crops to feed their family and survive without depending on relatives. It is this desire for land that drives people to engage in any option that might bring them closer to ownership.

The more formal and institutionalized procedures to obtain a piece of land are through mortgages and through government allocation. Mortgages are managed by banks, and a mortgage approval is based on employment information and financial records. This requires people are required to be employed by the formal sector, and have at least enough savings to pay 30-40% of the property value. This procedure is unattainable to most people in Zimbabwe, given the rampant rate of unemployment: as of 2009, only 6% of Zimbabwean citizens worked in the formal sector (USAID 2010). In regard to government land, the bureaucratic procedures and red tape - combined with little to no political will - make the waiting list a slow, nearly hopeless alternative. As one woman explained: "Since 2007 I am still on the waiting list, I went one day to see if my name is moving from the bottom to the top but I saw that my name is still at the bottom." The only remaining option for people with very little income are the housing cooperatives.

Cooperatives in Harare are formed with individuals similar to Nancy - people that want to have a small stand but have financial limitations to pursue this by other means. People know

that there are risks to investing in housing cooperatives. Corruption and mismanagement are common topics among the urban communities, but people also know of relatives or friends that have received a titled piece of land. We interviewed both men and women who have been part of the housing cooperatives, but our research showed that women represent a larger share of the housing cooperative community.

Due to cultural, social and economic factors, unemployment among urban women is more extensive than it is among men, and consequently, the options for women to obtain a piece of land are very limited. Many women engage in the cooperatives because it is the only way that they can provide shelter for their families while their husbands are away working, or because they are single, divorced or widows. Based on gender alone, several economic and social opportunities are restricted for women. As a young woman explained in a focus group, it is the men that have to provide shelter, as they are the ones that are considered capable of negotiating for a piece of land. Consequently, when the management committee is formed for a given housing cooperative, most of its members are men. Housing cooperatives are supposed to have regular elections to select these management committees, but these elections are rarely held and, when they are, there are few candidates, most if not all of them belonging to the same political faction.

In most cases, members of the management committees are affiliated with a political faction, and have close ties to government officials. These government officials help the managers by allocating land for the cooperators, but this close relationship reduces accountability and oversight - powers that the government is supposed to hold over these cooperatives. This lack of accountability measures, weak law enforcement, and the close ties to political power reduce the expected costs of deceiving or defrauding the housing cooperators. The managers of the cooperative know that they will not face prosecution if they decide to run away with cooperators' money, so it is very easy for them to do so.

Our interviewees considered this lack of law enforcement as corruption: no one is being prosecuted because the managers have relationships that exempt them from having to face their responsibilities. In the end, this practice primarily affects low income families that are trapped in a landless circle, as they cannot access formal channels to obtain land, nor they can rely on the government to enforce their cooperative agreements. This situation places a higher burden on women that are alone – divorced, single, widowed or with a husband away at work. These women have household responsibilities, and cannot leave all day to seek recourse. Most of them have to find sources of income while taking care of their families.

Women are underrepresented in the management committees, but also in the community groups that represent affected families. Although they have been severely affected by the mismanagement of the cooperatives, these women are not a part of the negotiations for

redress. Women are also trapped because they cannot simply leave to find other shelters: many have lost all of their savings paying into the housing cooperatives, and they rely on public services for their families - services that are tied to their place of residence. These families are now renting rooms or other small spaces while they figure out their housing situation, and as these rents use most of their income, there is little left for other necessities.

3.4 Case 3: Rejoice

3.4.1 Intro

The case of Nancy illuminates the issues that many families employed in informal sector confront when they fall victim to corrupt housing cooperative schemes. In the case of Nancy, she has her husband helping her access redress by pursuing legal avenues through court, the police and NGOs. Rejoice's story attempts to illustrate the difficulties women face in society especially if they are divorced, widowed or in a polygamous relationship. Her story also exemplifies why and how women are disproportionately disadvantaged in corrupt schemes, and how they are more vulnerable to sexual extortion.

3.4.2 Case Study

Rejoice is a 45-year-old married woman with four children who lives in the Kuwadzana suburb of Harare with her family. She works as a vegetable vendor to bring in extra income to sustain herself and children. Her husband, Desmond, works as a cross-border vendor selling handicrafts in South Africa. She has been married for 25 years, but recently her husband decided to marry a younger woman, Rebecca. Polygamous relationships are a well-known practice in her community. Rejoice fears that she will lose her home and access to shelter for her children. Rejoice and Desmond entered into a customary marriage or traditional unions, but they did not register their marriage under a civil union.

Rejoice is contemplating divorcing her husband. The legal status of a marriage determines the rights of a wife after divorce or the death of a spouse. The major disadvantage with a customary marriage is that a man can have more than one wife, but if he takes a second wife under a civil union - without any objections from the first wife - the previous marriages become illegal. This leaves Rejoice outside the protection of the law.

All of her life, Rejoice's husband has made major decisions in her life. Now, she is looking for an alternative for housing security for herself and her children. She joined a housing cooperative scheme with some of her neighbors a year ago by paying an up-front cost of \$2,500, and has since been paying \$65 per month. She has spent all of her life savings in this housing cooperative. She recently found out that same housing plot she has been paying for over the past year has been assigned to another family, who is politically affiliated with ZANU-PF. She has gone to the council, court, and police station to file a case against

the housing cooperative. She has receipts showing what she has paid for over the year, but she has not been successful in regaining her plot. She has been asked if she can pay extra service fees to help with her case. She not only lacks the financial muscle to do this, but also feels vulnerable to extortion.

3.4.3 Analysis

Women's Status Linked to Marital Status

Evidence accumulated through our research suggests that women's autonomy varies across and between age groups and across marital statuses. As a patriarchal society, male dominance and power is an important aspect of gender relations in households in Zimbabwe. A husband's control over household decision-making is just one measure of the degree to which a man still has control over the family and his wife (or wives). Women in Zimbabwe face many financial obstacles to access services or decision-making power within the household, as most women have lower incomes (if any) and less job security than men. Most employed women are in the informal sector – mainly agriculture, farming industries, and the domestic sector - where salaries tend to be on the lower and sporadic.

Three Types of Marriage

Zimbabwean law recognizes three types of marriage: civil marriage, registered customary marriage, and unregistered customary marriage. The prevalence of unregistered customary marriage among poor women contributes to their own vulnerability - just like in the case of Rejoice. The major disadvantage under customary marriage is that the man is allowed to have more than one wife, but if the husband goes and marries one of his wives under a civil union, then marriages under customary law become illegal. Not all women, however, know that this is true. This knowledge gap threatens the security and livelihood of women like Rejoice. While laws exist to protect them, women routinely lose their property when their husbands die, as they are not viewed as equals in marriage or divorce and they do not know how to protect themselves.

In the case of polygamous marriage - where there is more than one wife, and the families live together in the same house - divorced or widowed women cannot access the inheritance of her husband's property. Research shows that, in general, divorced and widowed women are stigmatized, and have a much harder time accessing land and other property.

How Does Corruption Disproportionately Disadvantage Women?

Our research indicates that corruption disproportionately affects poor women, particularly in their access to public services and justice. In the case of Rejoice and many others like her, women are often put in a vulnerable situation where it is likely they might fall victim of other types of corruption, such as sexual extortion. One of the primary reason for corruption's

disproportionately negative impact on women is that, as stated above, the majority of Zimbabwean women are employed in the informal sector and have few financial resources. Corruption is part of the norm to access services (e.g. accessing court to file against an illegal housing cooperative scheme). However, as women like Rejoice have relatively weaker access to and control over financial resources, the likelihood of them being denied services due to their lack of ability to pay a bribe is much higher.

As women have less access to resources, services and justice, it leaves them more vulnerable to extortion and abuses of law. Corruption impacts women differently than men because, lacking financial resources, women are asked to use their bodies as a form of currency. As an expert from a local non-profit organization explained, "Women are on the disadvantaged side, so they want to resort to informal ways of getting land. Do this for me and I'll do this for you, but if you do not have financial resources then you fall into other abusive things."

In addition to the limited resources available to women, corruption imposes extra "fees" to access land and services. These additional "fees" have debilitating impacts on women's lives. In the case of Rejoice, being denied justice means an insecure livelihood, just not for her but also for her children. Evidence shows that women are targeted by corrupt schemes or corrupt officials more often than men, likely because women are assumed to be less knowledgeable on how or where to file a complaint. Furthermore, more women than men join these housing cooperatives, but due to rampant corruption and limited access to justice, they are left even more disadvantaged than when they entered.

3.5 Case 4: Faith

3.5.1 Intro

The cases of Nancy and Rejoice illustrate many of the issues that families face when living in Zimbabwean housing cooperatives - issues that often affect women the most due to their place in society, their role as caretakers, and their lack of financial and political means. Confronted with such severe adversity, this begs the question: why do they stay? Housing cooperatives are not the only feasible living situation in Zimbabwe, so why don't women and families move elsewhere? Faith's story attempts to answer this question, and illustrates the all-encompassing, multi-generational effects of insecure land tenure and housing cooperative corruption.

3.5.2 Case Study

Faith is a married mother of three, living in a housing cooperative in the suburbs of Harare. Faith is HIV positive, and she faces challenges maintaining her antiretroviral (ARV) regimen. When she moved into the housing co-op, the leadership promised that it would be serviced

within a year, but many years have passed since then and the area is still “unserved.” As this is the case, Faith has no health clinic in her area, so she must travel outside of her home if she wants to refill her medication or seek medical attention. Faith does not always find the money or the time to do this, and her health suffers as a consequence.

This lack of services has caused many problems for families in the area, but as women are charged with household care, these issues affect women like Faith most drastically. As the co-op is unserved, Faith has only intermittent and inconvenient access to clean, safe drinking water, and must walk upwards of a kilometer to find an overcrowded borehole. Some families have tried digging wells, but many have fallen ill as a result of this water, and then have no clinic to visit to receive help. Whether spending the day walking to get water or leaving the area to find medical assistance, both issues impact Faith’s ability to work and generate food and income for her family. Faith’s children are able to help her with the farm work, but only because there is no school for them to attend. With little to no education, Faith’s children will face significant obstacles in trying to escape this cycle and build better lives for their families.

Faith’s family has been paying into the housing co-op under the belief that someday they would be able to pay off, and finally own, their land. However, their hopes were dashed when late one night, hundreds of homes – including Faith’s – were demolished with no notice. Most of the family’s belongings were destroyed, including the crops they rely on for subsistence. With nowhere else to go, and fearing that all of their previous payments would be for nothing, Faith’s family set up tarpaulins to continue to live on their stand. Faith lives in constant fear of what will happen to her family, and under the weight of so much distress, she has completely forgone her ARV treatments. Faith struggles to feed her family, but is hesitant to invest in planting new crops, as those too might be destroyed should further demolitions occur or if the cooperative leadership kicks her family off of the land. Faith moved into the housing cooperative full of hope that her family might find a better life with ownership and agency; however, the realities of the situation have pushed Faith’s family further into poverty and despair.

3.5.3 Analysis

Why Do People Stay?

Throughout our research, time and again we heard of the suffering that men and women endure in order to be a part of a housing cooperative. Whether they have experienced financial extortion, over-allocation of plots, lack of services, or unwarranted demolitions - or most likely, some combination of these injustices - cooperative residents do not feel secure or satisfied in their situation. However, despite such widespread and valid complaints, we

met very few people who did what one might expect given these abuses: leave. And so we asked them the question, “why do you stay?”

The simplest answer is that they lack alternatives, and that families - and women and children in particular - continue to stay on the land despite their poor quality of life and insecure tenure because there is no better option. In one of our focus groups, we met a married mother in her 30s, who lives in a housing cooperative in the suburbs of Harare. At the time of our meeting, her house was still standing, though others in her area have not had such luck. She felt fear about what might happen in her future, and described her situation as follows: “And it’s affecting women, because if they demolish the house, I’m left homeless with my kids, and my husband is away. What will I do? They won’t give me a place to stay, they won’t give me shelter. Where will I go? No money to go and rent somewhere. I have to stay there. Put a tent, and stay there.” While families may not have control over what happens with their land and living situation, their quasi-ownership through a housing cooperative is still the only home they have.

However, while a lack of options is certainly part of the problem, the answer to why they stay is not this simple. Life in the housing cooperatives may be challenging, but this does not mean that life elsewhere is easy. As a middle-aged male cooperative resident explained: “Where to go is the problem. Even if you try to go to the rural areas, if the climate changes, that will determine if you live comfortably.” Housing cooperatives provide peri-urban settings and livelihood options outside of agriculture. In a semi-arid country increasingly affected by drought, this is a serious consideration when choosing where to make a home.

Last but not least, the issue of ownership plays greatly into people’s decision to stay despite the challenges. Even when renting might provide a lower cost, higher security alternative, many people choose to stay in the cooperatives because it is their only chance at ownership. As a leading Zimbabwean expert in land and gender explained: “You need a place that you can call your own, it’s what drives the imperative to own. Renting is not something that people in the rural and urban areas are interested in because there is the issue of permanence...There is a sentiment that you are never really at home and you never feel that you belong in a place that is not yours, that is what drives people to go to the cooperatives to access land...With rentals it is very difficult to say that you belong.”

Not Just Land

While all of the cases illustrate issues surrounding insecure access to housing and farm land, Faith’s case shows how the problems associated with housing cooperatives are affecting multiple aspects of residents’ lives, including health, education, and prospects for income generation.

In Harare, we met an HIV+ mother of four, who serves as a community representative for people living with HIV and AIDS. While her story describes the problems faced by co-op residents with this specific virus, it points to a larger issue in terms of access to health care and ongoing treatment support. As she explained: “As people living with HIV, there are some people whose houses were demolished and they were displaced. And now they were caused to be defaulters. Why?...if something happens to you which is so bad, you will never ever think of taking medicine, you will leave that medicine.” For people afflicted by illness and disease, maintaining a health care regimen may be difficult even in times of stability; but with the additional shock of destruction and displacement, preserving such a system may become impossible. This is even worse in unserviced areas where there are no clinics at all.

According to societal norms, Zimbabwean women stay at home while men go to work. Nevertheless, some women engage in informal industries - such as selling vegetables, or poultry farming - in order to earn additional income to support their daily lives. With housing demolitions, business activities are destroyed along with personal property. As a young mother from a Harare suburb explained: “In this time of demolitions, women are affected in their businesses. Because you’re left with no business, it seems you have to move to another place, and you don’t have money. And in my ward, there is no clinic, there is no primary school, so you know, life is not easy. This corruption is really affecting us.” Women are left with no prospects for income, and no way to help support their children. This exacerbates the lack of educational opportunities, as in unserviced areas, private schools are the only option, but they are often unattainable due to exorbitant fees.

Propagating the Cycle

In asking co-op residents why they first chose to enter these housing schemes, it is clear that they had hope - hope for a better life, with home ownership, and the chance to leave an inheritance for their children. These people were searching for agency, for the ability to have some control over their properties and livelihoods. Unfortunately, the lot of housing co-op residents seems only to be made worse through their involvement with these systems, including the prospects for future generations. One woman, who had resided in multiple housing cooperatives, described the co-op scheme as follows: “They’re saying it’s for the poor, this is not for the rich. But the rich are become the richer, and the poor are becoming the poorest.” People join the cooperatives in search of a better life, but due to corruption, they are left even more disadvantaged than when they entered.

Housing cooperatives are not only hindering families, and particularly women, from achieving growth and security, but also crippling the next generation. As mentioned above, access to education is a great challenge in the co-ops, either because they are unserviced to begin with, or because demolitions force families to relocate to these unserviced areas. As one mother explained: “The kids will be affected because they will be relocating, so they

will stop going to school, because there will be no schooling in the area. So already, there is no right to education.” In speaking with a group of four co-op fathers, only one was sending a child to school - and even then, this man had three other unschooled children. The right to education is enshrined in the Zimbabwean Constitution, along with the right to land; but with no opportunities for advancement, the housing cooperatives are limiting a whole new generation of citizens, and committing them to the same fate as their parents.

4. Concluding Analysis and Recommendations

Our research reveals that women in Zimbabwe are often marginalized, and women's access to land, ownership, and legal recourse is impeded by corruption.

The following conclusions and recommendations are based on the team’s fieldwork and desk research, and promote ways to contend with these gendered manifestations of corruption in the area of land access.

1. Gendered Knowledge Gap in the Housing Cooperatives

Conclusion: There are more women than men applying for housing cooperatives, and more women are falling victim to illegal housing cooperative schemes. Men, in general, have better access to information and are more knowledgeable about their legal rights, including what they are entitled to under the law, where and who to go to for help, and what the systems are for redress. Women have a lower literacy rate, and have not been informed of their legal entitlements. This knowledge gap is preventing them from achieving land access, and/or fighting when they have been victimized.

Recommendation: Promote Housing Cooperative Oversight and Further Education

TI should continue to advocate for bringing justice to illegal housing cooperative schemes. TI should work with other organizations to lobby for greater oversight of housing schemes, including the registration process and financial management. TI should advocate for clear and simple ways for citizens to look into the legal statuses and operations of the co-ops, to aid them in their decision making. TI can help facilitate female cooperative boards, which can run in parallel to the main boards, but be set up to specifically help women have a voice and participate. Also, TI could provide specialized information-sharing and outreach to women through these cooperative boards.

2. Women are Negatively Impacted Due to Structural Inequalities in Society

Conclusion: Gender inequality in access to land ownership is substantial due to discriminatory land inheritance practices, women’s lack of knowledge of their entitlements

and their socioeconomic status. Women are more likely to participate in Housing Cooperative because they are not formally employed. Structural inequalities in society lead to fewer land options for women, which lead women to housing cooperatives. Many housing cooperatives are corrupt, and fighting corruption is nearly impossible for poor women due to their lack of resources.

Recommendation: Empowerment Through Grassroots Organizations

TI should continue their advocacy work on the community level, and also partner with other grassroots organizations in those communities to further educational and empowerment opportunities. TI should create synergies between existing NGOs and other organizations to help close the knowledge gap. Furthermore, TI can continue data collection on the redress process for women in these communities. By continuing to track their claims and seek out data to better understand the obstacles, TI can better equip its staff and partner organizations to address these community issues.

3. Gendered Aspect of Corrupt Practices within the Housing Cooperatives

Conclusion: Men are more likely than women to access land through bribery because they hold the decision-making power in the family, and also have more financial resources. Women are more negatively impacted by land or housing corruption, as they lack the resources and/or knowledge about where to go to file complaint. Since women lack financial capabilities, they are often vulnerable to sexual extortion. A lack of transparent or accountable measures on the land registration process (and on how to seek recourse) creates a space for corruption.

Recommendation: Promote Clear Procedures for Land Access or Redress

TI can advocate for clear processes in land access. As of now, citizens face confusion as land issues are handled by multiple parties in various government offices. TI should advocate for the clear delineation of responsibilities, and the public dissemination of this information. Furthermore, TI can provide special support groups for women staking claims, so that they can access support and are better able to seek redress. TI can work with other stakeholders working in the area of housing cooperatives to develop revolving funds or other financial support to women seeking formal documentation of their claims, or redress when they are violated.

IX. Conclusions & Recommendations

In evaluating the conclusions we came to in northern Ghana and Zimbabwe, we conclude with the following recommendations for Transparency International to address overall in their Women and Land in Africa project.

- ❖ **TI should strengthen coordination between grassroots organizations and other nonprofits.**

Regular communication and coordination between TI and local grassroots organizations can strengthen advocacy efforts for women's equal access to land, as well as the promotion of programs to help close the gendered knowledge gap. In both Ghana and Zimbabwe, community-based organizations have strong relationships with the communities in which they work and can advise on the most pertinent issues and advocacy needs. TI can leverage its international reputation and network to connect smaller, local NGOs with larger organizations, and coordinate larger scale efforts based on complementary skills and expertise.

- ❖ **TI should promote harmonization of customary and statutory systems of land governance.**

An important and salient issue in both the Zimbabwe and Ghana contexts is the lack of harmonization between customary and statutory systems of land governance, as well as between the associated leadership and mechanisms for redress. This report highlights the inefficiencies and inequalities borne of these competing and sometimes collusive systems, and the vulnerable subsets of the population that are affected most. TI should work in tandem with NGOs, customary leadership, and officials from formal government institutions to promote coordination and mitigate the harms and negative effects that disproportionately befall women.

- ❖ **TI should promote clear procedures for land access and redress.**

The case studies presented in this report clearly illustrate the barriers that women in both Ghana and Zimbabwe face in accessing land and seeking redress when they are denied said access. Corruption and unclear channels through which they can navigate their way to justice reinforce immense structural inequalities and exacerbate other conditions such as poverty and food insecurity. TI should advocate for the efforts to amend existing procedures and implement clear and just mechanisms through which men and women alike can realize their rights.

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XI. Appendices

Appendix A: Institutional Review Board Approval



March 11, 2016

Eugenia McGill
561000X - IPA Academic Dept: SIPA

Protocol Number: IRB-AAAQ7646
Title: Gender, Land and Corruption in Ghana and Zimbabwe
Protocol Version #: 1
Approval Date: 03/11/2016 Expiration Date: 03/10/2021
Event Identifier: New Protocol (Y01M00)

The above-referenced event was reviewed by Columbia University MS IRB.

Level of review and outcome: Determined to be Exempt

To view a list of documents that were included in this approval (if applicable) and all other currently approved documents for this study, please refer to the Print Menu for this Event in Rascal. It is important to confirm the status of each document, e.g., active, stamped, etc. Only stamped, active documents can be used with research participants.

Important reminder:

-Per instructions from Michelle Avallone, Research Export Control Officer (see Avallone's email to Eugenia McGill dated 3/10/16), the PI and/or faculty advisor for this protocol must confirm that the students will not interview any individuals on the Office of Foreign Assets Control's ("OFAC") Specially Designated Nationals and Blocked Parties List for Zimbabwe.

Sincerely,

Annie Barry
Assistant Manager
Human Research Protection Office (HRPO)-Morningside

Electronically signed by: Barry, Annie

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IRB-AAAQ7646

Protocol (Y01M00)

Researcher Responsibilities:

Any proposed changes in the protocol must be immediately submitted to the IRB for review and approval prior to implementation, unless such a change is necessary to avoid immediate harm to the participants.

Any unanticipated problems that involve risks to subjects must be reported to the IRB in accordance with the Unanticipated Problems: Reporting to the IRB of Unanticipated Problems Involving Risks policy. All submissions for modifications and unanticipated problems must be submitted through Rascal.

Renewal applications should be submitted 60 days before the expiration date of this study through Rascal. Failure to obtain renewal of your study prior to the expiration date will require discontinuance of all research activities for this study, including enrollment of new subjects.

You must file a Closure Report in Rascal when your study has been completed.

Appendix B: Key Stakeholder Interview Protocol

Women and Land in Africa

SIPA Workshop in Development Practice 2015-16

Interview Guide: Government Officials, NGO Staff and Academics

Interviewee: Official in Lands Commission of [Ghana/Zimbabwe]; NGO staff working in land-related field; academic expert on land, gender, and/or corruption

Interviewer: SIPA Team

Location: [Ghana/Zimbabwe]

Introduction

Good morning. Thank you for meeting with us today. My name is _____ and this is _____. We are graduate students from Columbia University in New York, working with Transparency International's local chapter in [Ghana/Zimbabwe] on a study of how women and men approach land ownership and their engagement with government officials regarding land issues.

We are not employed by Transparency International and we are not getting paid for conducting this study. The information we gather will be included in a report to help Transparency International in [Ghana/Zimbabwe] better understand the challenges women face in accessing land.

The interview will take roughly one hour. Please feel free to skip questions you do not want to answer, and you may stop the interview at any time. During the interview, _____ will be taking notes and I will be asking the questions.

In our notes, may we identify you as a representative of [organization]? Or if you prefer, we will not record your name or position. (Wait for consent.)

Before we begin the interview, we would like your permission to record our conversation. The recording will help us remember what you say. We will keep the recording private until we finish our study, and it will be deleted after. We will not record your name if you prefer.

Will you allow us to record today's interview? (Wait for consent.)

If no: Thank you for letting us know, we understand and will proceed without recording.

And finally, before we begin, do you have any questions for us? (Wait for questions.)

Ice Breaker

- To start, could you speak a little about your background and what your job entails?
- Could you tell us a little bit about [organization, and how it is involved in governing/researching land administration in Ghana/Zimbabwe]?
 - If not mentioned before, ask: How long have you worked for this organization?
 - If not mentioned before, ask: Have you held other positions within this organization?

Land Acquisition

We would like to learn as much as we can about formal and informal processes of acquiring land in [Ghana/Zimbabwe], and your insights here would be very useful for us.

- Can you describe the formal process of transferring and registering land?
 - What is the first step?
 - Is it a long process?
 - [For government/NGOs]: Where does [organization] get involved in the process of transferring or registering land?
 - What other government agencies/NGOs are involved in the process - at the national and the local level?
- Does the formal process of transferring land differ across regions or is it centrally directed?
- What are some of the schemes or programs for government allocation or distribution of land, and how do they work?
- What happens when this system doesn't work for certain people? What are the informal mechanisms that people use?
 - [Probe] When does it become a problem?
 - [Probe] Does the government view it as a problem?
- In your opinion, what are some of the main issues and problems in land administration in [Ghana/Zimbabwe]?
- I understand that there have been reforms in [Ghana/Zimbabwe] in recent years regarding land administration; are you familiar with these reforms?
 - Could you tell us what the reforms did?
 - What problems in land administration do you think the reforms were trying to fix?
 - Do you think the reforms resolved those problems?

Customary Laws in Land Acquisition

We understand that the acquisition and management of land is often governed by customary law, and would like to discuss these laws' role in land transfers.

- Are you familiar with the practice of customary law with respect to land?
 - Is there a certain ethnic group's laws you are familiar with?
 - Could you tell us more about what it would be like to go through the customary process of acquiring or transferring land as a landowner?

Women and Land Ownership

As a [job title/academic], you may have come across both men and women who want to acquire land. We would like to focus on your interaction with, or perceptions of, women who wish to own their own land. We understand the system doesn't work the same for women as it does for men, and that there are laws and policies intended to address this.

- What are some of the challenges and what is the government doing about it? What are things we should look for in the field?
- Do more men or more women attempt to acquire and register land?
 - Either answer: Why do you think that is the reason?
 - If "men": Do you think there are barriers that prevent women from owning land?
 - If "men": What do you think are some of the social, economic or cultural factors that prevent women from owning land?
- In your experience, what are the main reasons women wish to own and register land?
 - Can you give us an example of a woman you interacted with recently on the topic of land ownership?
 - If "yes": could you tell us more about the process?
 - What did she want to use the land for?
 - Was she ultimately successful in gaining a title to land?
 - If "no": Do you think this would have been different if she was a man?
 - Are you familiar with how women navigate the customary law process within their ethnic groups or traditional processes and institutions to acquire land?

Closing the Interview

Thank you so much for answering our questions. Before we conclude, we would like to know:

- Is there anything else that you would like to share with us?
- Do you have any suggestions for other [officials/NGO workers/academics] we

-
- should speak with in relation to our study?
 - May we contact you if we require further clarifications or have questions about what you have shared with us today?
 - If yes: Ask for the most convenient method to contact them.

Conclusion

Thank you again for your help with our study. Your answers will provide valuable insight for our final report. If you would like more information about our work or have any questions for us, [share information sheet or business card].

Appendix C: Community Interview Protocol

Women and Land in Africa
SIPA Workshop in Development Practice 2015-16
Interview Guide: Community Member

Interviewee: A community member in [Ghana/Zimbabwe]
Interviewer: March EPD Team
Location: [Ghana/Zimbabwe]

Introduction

Good morning. Thank you for speaking with us today. My name is _____ and this is _____. We are students from Columbia University and are conducting a study with Transparency International. Our goal is to better understand land ownership in your community and your interactions with the government related to land. We are interested in hearing your stories and experiences.

Please note that we are not employed by Transparency International, and we will not receive any payment for this study.

The interview will take about one hour. Please feel free to skip any questions you do not want to answer, and to stop the interview at any time. With your permission, we will be taking notes and recording the conversation. I will be interviewing you and _____ will be taking notes. We won't record your name in our notes, and we will destroy the recording once we have updated our notes.

Will you allow us to record today's interview? (Wait for consent.)

If no: Thank you for letting us know, we understand and will proceed without recording.

And finally, before we begin, do you have any questions for us? (Wait for questions.)

Icebreaker

- To start, can you tell me a little about yourself and your family?
- Could you tell us what a typical day for you is like in your community?
- What do you like about your community?

[Make dynamic comments/conversation here about her/his community and family, to further the ice breaker and make her/him feel at ease.]

Core Interview Questions

- What type of work do you do? What type of work do women in your community do?
- Do you own land? Do women in your community own land? Which women in your community own land? How common is it for women to own land?
- What are the most common ways for people to acquire land in your community? Do they inherit? Do they purchase? Is it allocated by the government? Is it the same for men and women?
- How important is owning land to you?
 - Do you think it is more important to men or women? Why?
- What do men and/or older generations in your community think about women owning land?
- Do more people now own land compared to 5-10 years ago? Do more women own land now?
- Who owns the land you currently use?
 - What do you use the land for?
 - If you do own land, is it your name recorded on the land documents? If not, whose name is recorded?
- In your community, who decides how land is used? And how income is spent?
- How much do you know about the process of acquiring or transferring land?
 - Do you know where to get this information?
- How easy or difficult is it for women to acquire land?
 - Have you or anyone you know attempted to acquire land recently?
 - If so, what are some of the challenges you faced?
 - How did you overcome those difficulties?
 - Do you think women and men face similar challenges related to land?
- How much do you know about government services and programs for people who own or want to own land? (e.g. titling, microfinance, agricultural extension services, etc.)
 - Have you attempted to use any of these services?
 - If so, were you successful?
 - What challenges did you face using or trying to use these services?
 - Did you receive any support or guidance to overcome those challenges? From whom?
 - Do you think women and men face similar challenges in using these services?
- Are you happy with the land system? How has it been for you?
- If you could change anything about the land system in [Ghana/Zimbabwe], what would that be?

Closing

- Is there anything else that you would like to share with us?
- Can you introduce us to other people in your community whom we should contact regarding land issues?
- Do you have suggestions on places we should visit before we leave the country?

Conclusion

Thank you again for your help with our study. Your answers will provide valuable insight for our final report. If you would like more information about our work or have any questions for us, [share information sheet or business card].

Appendix D: Focus Group Protocol

Women and Land in Africa
SIPA Workshop in Development Practice 2015-16
Focus Group Guide: Community Members

Focus Group Research: Female or Male Members of a Community in [northern Ghana/
Zimbabwe]

Assumptions

- The focus group is in [Northern Ghana/Zimbabwe]
- Size: About 10 to 12
- Private setting
- Separate female and male groups, subdivided by age (18-35 and 36+)

Preparation

Before starting a focus group discussion, keep in mind the research questions for the study. These questions are for your orientation only; they may need rephrasing when discussing them with the focus group:

- What affects women's access to land?
- Do women face difficulties in this regard that are different from those faced by men?
- What ways have women found to adapt to or overcome these difficulties?

Facilitation

The role of the researcher is to facilitate - to get the participants to talk, in a way that should be as free-flowing as possible and that allows every participant to fully contribute. The facilitator should:

- Invite all participants – including the quieter ones - to speak. One good way of doing that is if the facilitator first sums up statements of other participants (without referring to their names, for example by saying “someone in this discussion just said...”), and then asks a quieter participant how she/ he sees the point.
- If there is a long pause in the discussion, rephrase the different ideas stated in the discussion (again, without naming names) and ask whether you have understood correctly. If participants don't add anything new, move on to the next question.
- If the discussion strays away from the main subject, sum up the latest statements and link them back to the initial question on the main subject matter.

-
- Don't say anything without referring to statements that have already been made. The facilitator does not add anything new to the discussion – she/ he only keeps it flowing.

Introduction

Thank you for joining us today. We are students from Columbia University and are conducting a study with Transparency International. My name is _____ and my partner is _____, I will be moderating the discussion, and _____ will be taking notes.

Please note that we are not employed by Transparency International, and we will not receive any payment for this study. We hope you can help us have a better understanding about land ownership in your community and about the role of the government related to land. Before we continue, we would just like to check if everybody is comfortable taking part in this discussion?

With your permission, we will be taking notes and recording the conversation. We will not record your names, and we will destroy the recording once our notes are updated.

Do you mind if we record this conversation?

[If no: Thank you for letting us know, we understand and will proceed without recording.]

We expect this conversation to last about two hours. Please don't hesitate to ask any questions or to interrupt us at any time. If you do not feel comfortable with a question, you do not have to answer it. We appreciate the time that you are here, but please remember that you may leave at any time.

We invite you to share your experiences with the group, but we ask that you please keep our discussion private and not share this information outside of the group. We also ask that you listen to others and be respectful of their comments. This is a group discussion, so please feel participate and speak freely.

Do you have any questions? (Wait for questions)

Ice-Breaking Questions

[General questions to open up the discussion. Examples include:]

1. Tell us three things about yourself or about your community.
2. Tell us one thing we should see in Ghana/Zimbabwe.
3. What is your favorite color/food/etc.?

Thank you for sharing this information. We are very interested to know more about you and your communities.

Often it is a good idea to start the discussion around a “vignette” - i.e., a short story that presents a typical situation, such as the example below. It should be a story that is close to the real life of the participants. For example, one vignette could look like this:

“Mary is a 32-year old mother of two. This past year a large agricultural business purchased a large amount of land in her village, including her family farm. Because her title over the land was not formalized and she has had some difficulties in trying to get guarantees from the government that she will receive compensation. She has approached the local government and officials but she has had no luck.”

Background Questions

- Are you familiar with Transparency International or any other organizations that work on land issues?
- If so, what do you think about the work they do?
- Do you ever talk about land issues with your family or friends?

Main Focus Group Questions

- What type of work do you do? What type of work do women in your community do?
- Do people in your community own land? Do women in your community own land? How common is it for women to own land?
- What are the most common ways for people to acquire land in your community? Do they inherit? Do they purchase? Is it allocated by the government? Is it the same for women and men?
- How important is owning land to you?
 - How do people in your community view this?
 - Is it more important to men or women?
 - What do you/men or the older generations think of women owning land?
 - Who owns the land you currently use?
 - What do you use the land for?
 - In your community who decides how land is used?
- How much do you know about the process of acquiring land?
 - Do you know where to get this information?
- How easy or difficult is it for women to acquire land?
 - Have any of you attempted to acquire land? Recently? / Why not?
 - What are the difficulties or challenges you faced?
 - How do you overcome those difficulties?
 - Did you receive any support or guidance to overcome those difficulties?
 - Do you think these are the same for men and women?
 - If you do own land, is your name recorded on the land documents? If

-
- not, whose name is listed on the documents?
- How much do you know about government services and programs for people who own or want to own land? (e.g. titling, microfinance, agricultural extension services etc.)
 - Have you attempted to use any of these services? Recently?
 - Were you successful?
 - What challenges did you face? Did anybody give you any trouble?
 - Do you think that men or women have better luck with these services?
 - If there is a difference, why do you think that is?
 - If you could change the program/service to make it more [useful/fair for both women and men], what would you change?

Closing the Discussion

- Is there anything else that you would like to share with us?
- Is there anyone else in your community whom we should speak with?

Conclusion

Thank you again for your time. The discussion has been very helpful for our study. If you would like to contact us later, [share information sheet or business card].

Appendix E: Stakeholder Analysis - Ghana

Stakeholder National Level=N, State/Regional=S, Community Level=C	Status/ Role	Likely attitude toward project	Capacity, Resources & Constraints	Influence Low=1 High=4	Importance Low=1 High=4	Priority? Low=1 High=4
Ministry of Lands, Forestry and Mines (N)	Secondary Stakeholder	Positive	In charge of land policy issues, land management, which includes plotting land and setting land price.	3	1	1
Ministry of Lands and Natural Resources: Land Registration Division (N)	Primary Stakeholder	Positive	Register and record all land deeds and titles.	3	3	2
Ministry of Lands and Natural Resources: Land Valuation Division (N)	Primary Stakeholder	Positive	Assess land values in order to determine property taxes and the compensation due for land that is compulsorily acquired by the government.	3	3	2
Ministry of Lands and Natural Resources: Survey and Mapping Division(N)	Primary Stakeholder	Positive	Regulate the surveying, mapping and demarcation of land.	3	3	2
Ministry of Lands and Natural Resources: Public and Vested Land Management Division(N)	Primary Stakeholder	Positive	Acquire and management of government land.	3	3	2
Ministry of Environment, Science and Technology(N)	Secondary Stakeholder	Positive	Conduct land use planning and issue land usage permits.	2	1	1
(CLS): Customary Land Secretariats (N)	Primary Stakeholder	Positive	Recording of land transaction, enumeration of properties and recovery of land records, Improved traditional/customary level accountability in line with the constitutional provisions.	3	2	2
The Regional Lands Commission (S)	Key Stakeholder	Positive	Advise the government, local authorities and traditional authorities on the policy framework for development of particular areas in the country to ensure that the	3	2	2

			<p>development of individual pieces of land is coordinated with the relevant development plan of the area concerned.</p> <p>Formulate and submit to government recommendations on national policy with respect to land use and capacity. Advise and assist in the executive of a comprehensive program for the registration of title to land throughout the country in consultation with the title Registration Advisory Board. Provide information on land transaction to guide operation of the land.</p>			
Office of the Administrator of Stool Lands-OASL (S)	Primary Stakeholder	Positive	Enhance stool land revenue mobilization and disbursement. Facilitate sustainable development and efficient management of stool lands for the benefit of present and future generations. Assist with collaboration and consultation with chiefs to help enhance the operations of the Office.			
Farmer/Farm Dweller (Women) (C)	Key Stakeholder	Mixed	Women contribute largely to household food security in Ghana and produce about 80 percent of the food consumed. Women farmers are found to allocate a greater proportion of their farm produce to household consumption than male farmers.	4	4	4

Farmer/Farm Dweller (Men) (C)	Key Stakeholder	Mixed	Men possess more land than women (approximately 3 times more), own more cash crops than women, gain land through inheritance	3	4	4
Chief Farmer (C)	Key Stakeholder	Mixed	Mentor other farmers in the community, in charge of best farming practices and distributing fertilizers.	4	4	4
District Assembly (C)	Primary Stakeholder	Positive	Sustainability of the district's fertile land, ability to obtain revenue from the land.	2	2	1
Law Enforcement (i.e. Police) (C)	Primary Stakeholder	Mixed	Resolve conflict in the community, enforce all laws of the land (i.e. bribery arrest)	2	3	2
Civil Society Group and NGOs (C)	Primary Stakeholder	Positive	Land rights advocacy groups address emerging issues in a coherent and an all-encompassing manner. Mediate role between the individual and the state (i.e. capacity building, advocacy, lobbying).	3	3	4
Traditional Chief (C)	Key Stakeholder	Mixed	Has absolute ruling authority in the community. Facilitate the creation of community-based land registration facilities, minimize boundary/family disputes, and harmonize statutory and customary laws.	3	3	4

Appendix F: Stakeholder Analysis - Zimbabwe

Stakeholder National Level=N, State/Regional=S, Community Level=C	Status/ Role	Likely attitude toward project	Capacity, Resources & Constraints	Influence Low=1 High=4	Importance Low=1 High=4	Priority? Low=1 High=4
Ministry of Lands and Rural Resettlement: Land Acquisition and Transfer (N)	Primary Stakeholder	Positive	Assessment of rural state land and permanent improvements, equipment and materials for the purposes of disposal, purchase price and rental determination and compensation.	3	2	1
Ministry of Lands and Rural Resettlement: Resettlement and Planning Development (N)	Primary Stakeholder	Positive	Formulate and submit to government recommendations on national policy with respect to land use, capacity and development for the future to ensure food security.	3	2	1
Ministry of Women Affairs, Gender and Community Development (N)	Secondary Stakeholder	Positive	Advocate for equal and equitable access, control and ownership of resources in order to address gender inequalities. Formulate, implement and direct policies, strategies and programs that promote of women's involvement and participation in national development.	3	1	1
Ministry of Women Affairs, Gender and Community Development (N): Department of Food Security (N)	Secondary Stakeholder	Positive	Help the women of Zimbabwe through empowerment and this is a good platform of empowering through agricultural practice and in the process promote seed-multiplication by a Ministry that goes right down to the grassroots.	2	2	2

The Ministry of Agriculture, Mechanization and Irrigation Development: Department of Agricultural Education and Farmer Training	Primary Stakeholder	Positive	Ensure the maintenance and improvement of the agricultural resource base. Contribute to sustainable industrial development through the provision of home grown agricultural raw materials and expand significantly the sector's contribution to the national balance of payment	3	2	2
Farmer/Farm Dweller (Women) (C)	Key Stakeholder	Mixed	Women contribute largely to household food security in Zimbabwe and produce about 80 percent of the food consumed. Women farmers are found to allocate a greater proportion of their farm produce to household consumption than male farmers.	4	4	4
Farmer/Farm Dweller (Men) (C)	Key Stakeholder	Mixed	Men possess more land than women (approximately 3 times more), own more cash crops than women, gain land through inheritance	3	4	4
Chief Farmer (C)	Key Stakeholder	Mixed	Mentor other farmers in the community, in charge of best farming practices and distributing fertilizers.	4	4	4
Law Enforcement (i.e. Police) (C)	Primary Stakeholder	Mixed	Resolve conflict in the community, enforce all laws of the land (i.e. bribery arrest)	2	3	2
Civil Society Group and NGOs (C)	Primary Stakeholder	Positive	Land rights advocacy groups address emerging issues in a coherent and an all-encompassing manner. Mediate role between	3	3	4

			the individual and the state (i.e. capacity building, advocacy, lobbying).			
Traditional Chief (C)	Key Stakeholder	Mixed	Has absolute ruling authority in the community. Facilitate the creation of community-based land registration facilities, minimize boundary/family disputes, and harmonize statutory and customary laws.	3	3	4