

# OPINION PIECE

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## **Gender Dynamics and Marketisation of Land Tenure Documents in Zimbabwe: Key Issues for Consideration**

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## Abstract

The Zimbabwean government is implementing a new land policy aimed at issuing title deeds to beneficiaries of the fast track land reform program. While this initiative could enhance women's access to land ownership and promote gender equality, it also highlights significant gender implications that require careful consideration. Women in Zimbabwe continue to face substantial barriers due to socio-cultural norms, legal constraints, and land administration issues that marginalise them in agricultural economic activities. Without addressing these historical disadvantages, the policy risks issuing titles primarily to men, further entrenching gender inequalities in land. Key questions arise regarding the mechanisms through which the government is prioritising women in land titling and the kind of support it will provide to help women navigate the new land tenure system. The success of the new land policy depends on addressing historical barriers to women's access to land.

**Keywords:** gender, new land policy framework, resettlement land, communal land, transformative social Policy, Zimbabwe

# Introduction

Zimbabwe's agricultural land tenure reform has significantly evolved since independence. Agricultural land was redistributed through state-issued certificates of occupation and offer letters for A1 and A2 farmers, respectively. These non-marketised state-based rights to land have faced challenges, particularly from banks rejecting the land documents for lack of security. This led the government to introduce land titles for fast track resettlement agricultural land. Despite these changes, the confusion over tenure rights disproportionately affect women, who are often side-lined in individualised land titling, which

historically had benefited male heads of households. Without proper consideration of gender, the on-going land titling processes risks entrenching the disparities in land between women and men (Bhatasara 2020). The neoliberal leanings of the tenure reforms raise important questions for women's access to land constrained already by societal norms governing access to land. By examining the intersection of gender and land tenure, this opinion piece highlight the importance for policy makers to ensure more gender equitable land tenure systems for social justice and sustainable development.

## 1.0 Historical Context

The historical context of land dispossession in Zimbabwe is rooted in colonial policies that marginalized indigenous populations, particularly women. The Land Apportionment Act of 1930 systematically alienated land from indigenous communities allocating to white settlers for commercial agriculture and other enterprises. This entrenched racial segregation in land ownership (Moyo 2000). Land dispossession not only affected men but also undermined women's rights in land. Primary land rights were typically granted to male household heads with secondary rights relegated to women. Post-independence land reforms continued neglecting women's primary land rights (Gaidzanwa 1981). While there was room for women access to land during the FTLRP, our research indicate that the manner in which the programme was implemented further cemented these inequities (Tekwa 2020). Consequently, Zimbabwean women continue to face significant barriers to access and owning land due to social and cultural norms dictating land governance (Doss and Meinzen-Dick 2020). Addressing these historical injustices is crucial for achieving gender equity within Zimbabwe's land tenure systems.

By the turn of the millennium, land tenure reform became highly complex. Beneficiaries of the FTLRP were initially served with certificates of occupation. These were provisional land documents intended as temporary proof of occupancy for individuals who had received land through the programme. The documents, primarily issued to individuals who were allocated resettlement land in the A1 resettlement model, did not confer full legal ownership or secure tenure. As many women could not stay in bushes during the land invasions awaiting for government validation of their occupied land, the majority returned home eventually losing out in the process (Tekwa 2020).

In the A2 commercial-oriented model, eligibility for land which included history of commercial farming, possession of collateral security and evidence of grain delivery to the Grain Marketing Board (GMB) worked against women desiring to venture into commercial farming (Tekwa 2023). The gendered criteria disadvantaged women as they could not provide such evidence (Goebel 2005). In this model the land allocation process was more formal with beneficiaries issued with offer letters. These served as temporary land tenure documents proving proof of occupancy but not conferring full legal rights. Subsequently, A1 certificates of occupation were replaced by non-marketised A1 land permits with the A2 offer letter transitioning to more secure 99-year lease documents. This background forms the context in which the on-going land tenure reform is unfolding and the need to pay special attention to issues of gender which have been persistently marginalised.

## 2.0 Current Land Tenure Reform Landscape

Flowing with the tide and representing a paradigmatic shift from non-marketised land tenure documents, in December 2024 Zimbabwe unveiled a land titling and registration programme. The programme anticipated issuing title deeds in land to over 23 500 A2 and 360 000 A1 fast track land reform beneficiaries. This exercise is significant for women as it involves the transfer of agricultural resettlement land, vested in the President on behalf of the State, to each holder of a valid land tenure document. The programme gives effect to Sections 289, 293 and 295 of the Constitution stipulating the rights of every Zimbabwean citizen to acquire, hold, occupy, use, transfer or dispose of agricultural land. As a marketisation strategy, the government's land titling programme is argued to secure rights to land, open up land markets and stimulate the country's agricultural productivity in addition to encouraging investment. Enticingly and aligning with the government's neoliberal agenda, the Minister of Finance argued that the exercise is set to unlock over US\$15 billion argued to be missing in the economy. While the move has been welcomed by many from different quarters not only as a means to promote economic growth and development, reduce poverty but also for consolidating the gains of independence, its implications on gender equity has not been given careful considerations. Research indicates that policies or projects to change tenure security whilst they are important, without clear contextual and intentional attention paid to women's interests in land, risks substantially worsening their tenure security. I argue that the latter remains critically important in the context of the UN Sustainable Development Goals, particularly indicators (5.A.1 and 1.4.2) and the Malabo Declaration which placed strong emphasis on promoting the rights of women in land.

### 2.1 Stakeholders involved in the reform process.

The creation of parallel structures as part of the programme's implementation throws the credibility of the on-going land tenure exercise into question. The reforms bypass the Zimbabwe Land Commission (ZLC)-a statutory body established by an Act of Parliament through Section 297 of the Zimbabwean Constitution. The mandate of the ZLC include the acquisition and disposal of State land; provide for the settlement of persons on, and the alienation of, agricultural land; provide for the control of the subdivision and lease of agricultural land. Despite the land titling programme falling under the ambit of the ZLC, the statutory body is not involved in the new land tenure registration process. Questioning whether the government can effectively administer land without the participation of the Commission, the latter has been a source of critique questioning the credibility of the whole process. The above set against a background where the resolution of farm boundaries and ownership disputes have been shifted from the Lands Department, under the Ministry of Lands, Agriculture, Fisheries, Water, Climate and Rural Development and allocated to the Zimbabwe Lands Commission. The multiplicity of stakeholders involved in governing land and the creation of parallel structure complicates the experiences of women as they navigate the system to register their land (Tekwa 2025). Parallel structures during the land redistribution exercise disadvantaged women in terms of access to land reinforcing unequal power relations in land. Unlike a statutory body expected to adhere to international conventions that government is a signatory, these unaccountable structures have the potential to prioritise male authority, marginalising women's voices and ownership claims.



### 3.0 Gender Dynamics in Land Ownership

Gender significantly affects land ownership and access, with women often facing numerous barriers across social, cultural, economic, and institutional domains. In strong patriarchal societies like Zimbabwe, societal norms frequently prioritise male authority in land ownership, leading to women's exclusion from decision-making processes regarding land use and ownership. Historically women are often viewed as dependents and minors, undermining their claims to land (Gaidzanwa 2011). From a cultural perspective, land is passed down through male lineage, leaving women with limited or no inheritance rights. Such cultural bias, well documented in Zimbabwe including in a documentary film which starred the legendary Oliver Mtukudzi and written by Tsitsi Dangarembwa, highlighted persistent gendered norms that view land as a male less a female asset. Economically, women have less access to financial resources, making it challenging for them to participate in land markets either through purchase or leasing land. While the non-marketised state-based A1 permits and A2 lease documents provided greater security for women through the state, in the on-going land titling programme most women are likely to lose the security they had as the government shifts away from state to market-based forms of land tenure. Key issues for consideration are outlined.

### 4.0 Critical Issues for Consideration

In this section gender implementation gaps in the current market-oriented land tenure reform and their potential to disadvantage women in registering their interests in land are highlighted. These include an ineffective land administration system, unclear legal frameworks critical for the protection of women's land rights and the implications of funding gaps. Without careful and intentional attention paid gender the above pose serious repercussion on women's interests in land.

#### ***Women Title and Efficient Land Administration Systems***

An effective and accessible land registration system is crucial for the timely and accurate registration of women's land titles. However, post-land reform Zimbabwe faces significant challenges in delivering comprehensive cadastral surveys for all plots (Mazwi and Mudimu 2024; Scoones 2017). Currently, Zimbabwe lacks an efficient land administration information system, complicating planning and management, and making the land rights delivery system susceptible to corruption. The absence of up-to-date information on land uses, such as agriculture, forestry, and wildlife, further exacerbates these issues. A robust Land Information Management System (LIMS) is essential for capturing and analysing land data, including ownership, rights, and use planning. Without such a system, women are often disadvantaged in land titling processes (Doss and Meinzen-Dick 2020). Gendered access to information can prevent women from receiving timely updates about land titles, leading to missed opportunities. Preliminary observations indicate that men predominantly rushed to register land, side-lining women beneficiaries. A gender analysis of the 12,000 surveyed plots suggests that most are owned by men, highlighting the critical need for gender-disaggregated data to inform the on-going land registration process (Herald Online December 2024).

Our own field research indicates the absence of an effective, transparent and functioning land administration system in Zimbabwe with land surveying and boundary demarcations incomplete.

*Farm boundary demarcation process is lagging due to lack of funding. The surveying of farms is lagging far behind, what currently exist are non-title boundaries from physical pegging and all the information is manual.*

The above makes land administration inefficient, time consuming and cannot support timely decision-making and create room for corruption in land, with implications on women. The longer period for the surveying of farms, more than 25 years post-land reform, has further complicated farm boundary and allocations. Own field observations revealed so many boundary disputes emanating from illegal and multiple allocations and illegal settlements across all resettlement areas. The situation is complicated by unclear boundary demarcations and incomplete recording system with many beneficiaries lacking any any form of land documentation, particularly women. The tenure reform, if implemented in a context characterised by difficulties of knowing who has what land and where, creates a situation more acute for women. This calls for the need of a proper land registry backed by a gender land audit (Mazwi and Mudimu 2024; 2018). Furthermore, our research highlight overlaps in mandates for different government agencies posing a severe challenge particularly for women (Tekwa 2025).

*Additionally, the process is complicated by the allocation of different activities of the same process to different government and agencies. As we speak farm boundary and ownership disputes have been taken from the Lands Department and allocated to the newly formed Zimbabwe Lands Commission (ZLC)*

The above complicates the situation for women to navigate the land administration system. The absence of a one-stop land registry that provides open access to information for both A1 and A2 and other land holdings remains a critical issue for effective land tenure reform policy implementation particularly for ordinary rural poor women wishing to obtain titles for their land.

### **Clear Legal Framework and Women's Land Rights**

The lack of an effective and functional land administration system is closely linked to the existence of clear legal frameworks that protects the rights of women in land. To effectively implement a land tenure reform there is need for well-defined laws and regulations governing land ownership, use, and titling processes. This includes clarity on rights, responsibilities, and dispute resolution mechanisms. For women clarity on roles and responsibilities and a clear administrative framework for land is therefore essential to help

push administrators and the legal system to recognise women's rights to land. Without a solid and clear legal framework, women may struggle to claim their rights or face challenges in dispute resolution, making them vulnerable to land loss. Prior to the on-going land tenure reform and drawing from our research, the absence of clear legal frameworks created loopholes in which every functionary of government informally allocates themselves powers to allocated resettlement land.

*The lack of clear and multiplicity of legal framework in land created a loophole where traditional leaders continue to illegally allocate land outside the District Lands Committee (DLC).*

The illegal allocations of resettlement land by different functionaries of government complicates the already ineffective and overburdened land administration system resulting in widespread land disputes which particularly affect women. Cognisance of prevalence of unresolved land disputes across all resettlement areas and in response to the on-going tenure reform, the side-lined Zimbabwe Land Commission, on its Facebook page, posted.

*"when seeking to obtain title deeds for your agricultural land, it is crucial to first ensure that there is no existing agricultural land disputes. We are encouraging all those experiencing land-related disputes to engage us?" (Facebook Zimbabwe Land Commission).*

While many rural poor women affected by land disputes may not access this digital information, the already complex pluri-legal systems and fragmentations in land administration systems pose a further severe challenge (Tekwa 2025). While ZLC had posted some important piece of information for women, no dispute resolution mechanisms were put in place within the parallel structures to deal with potential boundary disputes with the government operating from an androcentric assumption that no boundary or owners dispute exists. While the fate of prior state-based land documents, alongside the pathbreaking and gender progressive Statutory Instrument 53 of 2014 which had cemented the rights of women in land is not mentioned, women are at risk of losing the gains they had so far acquired. The latter is particularly important at this point when rights in land are being specified. As argued by Mazwi and Mudimu (2024) citing Moyo et al. (2009) over 80 per cent of plots in Zimbabwe are registered in the name of males. For the protection of women's rights in land, joint naming must move from being optional to mandatory in the on-going land tenure process.

## **Women Land Titles and Registration Fees**

Establishing an efficient land register that must facilitate effective tenure reform is an expensive undertaking especially for a cash-stricken government. Given the state of the LAS in Zimbabwe funding is needed to create and update laws and regulations governing the land titling processes. This is in addition to investment in the physical resource infrastructure such as cadastral surveying equipment, and IT systems for record-keeping and data management. The latter also covers, cadastral land surveying and mapping to create accurate maps, which are essential for establishing boundaries and ownership before any registration can commence.

Recently, the government launched a digital land administration platform to facilitate the processing of deeds online. Purportedly, prospective applicants are able to register and process their applications remotely via WhatsApp and email saving time and money. An intersectionality of gender and technology reveals that Zimbabwean women and girls often have limited access to technology and the internet due to the costs associated with it. This situation is more acute for poor rural women potentially losing out in the land titling programme (Mare 2021). While the Fourth Schedule of the Statutory Instrument published in a government gazette makes reference to an online registration system, its Second Schedule subsection (1) emphasises fees payable either online or manually (The Herald 3 June 2025). For those with plots not surveyed constituting 96.9% of all land reform plots, if only 12,000 plots out of a total 360,000 A1 plots plus 23,000 A2 plots have been surveyed and easily transferable (according to the Herald Online December 2024), the greater proportion of the fast track plots, particularly those owned by women are not ready for transfer through titles.

Under normal circumstances, all of the above financial obligations must be borne by the government as a public cost of implementing a land reform. Unfortunately, the neoliberal agenda saw the cost shifted to individuals with severe financial implications for women. While the flat registration fee is pegged at US\$10.00 it is the verification of land ownership and land surveying where the full cost of land titling comes to light, as highlighted in the excerpt from the titling process below.

*Verification of Land ownership and land survey. A surveyor verifies the survey status and uploads the survey diagram into the Deeds System, along with the associated survey and examination fees. A ZLC official checks the farm's status, including confirming any disputes. A Valuation & Estate Officer conducts an assessment to determine the purchase price, seeks approval, and requests authorization to issue the Title Deed. The farmer is then informed of the purchase price and registration fees, and with the assistance of the conveyancer, signs the necessary documents (One Stop Centre Title Registration).*

Depending on the type of farm and whether any additional fees are required an ordinary A1 farmer is expected to pay US\$300, while A2 farmers pay US\$800 for the survey of their farms, which is a necessary step in the title deed issuance process. With the key word purchase, without any financial support many poor rural women may be unable to redeem their A1 permits and A2 offer letters and A2 leases for a title deed. Only public servants and water veterans have been specifically mentioned to qualify for a 15% discount from government (ZBC News 12 March 2025). Due to economic constraints poor rural women may lack the financial resources required as fees for cadastral surveys or registration, further limiting their access. While the government argued that modalities have been put in place for those who cannot afford to buy the title deeds and can get mortgage from designated banks (ZBC News 12 March 2025). From a gender perspective, the latter constitute a debt trap for poor rural women who would wish to purchase their title but already posed to lose their land upon failure to payback. These and other gender considerations need care attention from policymakers.

## 5.0 Recommendations for Gender-Responsive Policies

In view of preceding discussion, below I provide suggestions for integrating gender considerations into the on-going land tenure reform in Zimbabwe.

- **Conduct a gender audit in land registration:** Zimbabwe needs to implement a comprehensive gender audit of its land administration system to assess potential barriers women may face in the on-going land titling process. This audit should inform the development of an inclusive registration system that ensures equitable access for women, facilitates timely applications, and maintains accurate records.
- **Enshrine women's land rights in legal frameworks:** While the country had made considerable progress in protecting women's rights through the promulgation of Statutory 53 Of 2014, there is need to establish comprehensive laws in the ongoing land tenure reform that explicitly recognise women's rights to land as independent holders. This should include mandatory joint naming of spouses to ensure equitable ownership and clear dispute resolution mechanisms to address gender-related issues. These measures will empower women to inherit, bequeath, sell, rent, and lease land, reinforcing their rights and promoting gender equality in land ownership.
- **Enhance gender-sensitive funding for land tenure reforms:** As a public cost to implement a land reform the government need so allocate public resources to improve land administration infrastructure, including cadastral surveying and IT systems, while ensuring that initial land surveying and registration costs are covered as a public expense. Implementing a subsidy programs or financial assistance for women to cover registration fees and survey costs, may ensure that low-income women can access land titles without incurring debt traps. Freely supporting the delivery of land documents to all beneficiaries, particularly women ensures equitable access to land and empower disadvantaged groups in the land reform process.
- **Urgent prioritisation of stakeholder engagement and public awareness:** With the land tenure reform already on-going, there is need to engage women's groups and other stakeholders in developing and implementing public awareness campaigns about the new land tenure reform. These must focus on educating poor rural women about their rights and the benefits of land titling. This is in addition to establishing gender-sensitive communication strategies to ensure that information is effectively disseminated, empowering women to understand, claim, and enforce their land rights within their communities.

## 6.0 Case Studies and Examples

### 6.1 Highlight successful gender-responsive land policies from other countries.

No positive outcomes exist for formalisation of land through title in Africa. The formalisation of land through titling in Rwanda and Kenya, has frequently resulted in negative outcomes, such as land concentration that disenfranchises the poor and leads to significant political and economic consequences (Scoones 2024). While scholars like Sam Moyo have argued for the retention of a multi-form state-based tenure regime which provide security of tenure for women, the development of land markets introduces challenges related to equity and justice, often favouring the powerful. In market-based land tenure systems women, in particular, often suffer when land is sold without their consent. Distress sales, currently framed as an "exit strategy" from farming, have lasting gendered implications, particularly for women. Despite these issues, efforts to register land aimed at securing rights and encourage investment must prioritise women's land rights to improve their tenure security.

While the government proceeds with the tenure reform, the challenges of land formalisation in countries like Rwanda and Kenya highlight significant risks for Zimbabwe, particularly regarding land concentration and disenfranchisement. Retaining a multi-form state-based tenure regime remains advisable as market-based systems often favour powerful interests, undermining women's rights. While the arguments being put forward are to secure rights to land and access to capital, the Kenyan experience proves otherwise. Tilling didn't guarantee secure tenure nor access to capital (Mazwi and Mudimu 2024). In the Zimbabwean context, effective tenure security including that for women requires a combination of political, social, cultural, and legal rights. With unresolved political issues and ongoing evictions since 2017, the country is yet to establish a stable political settlement around land (Mazwi and Mudimu 2024). Needed are robust land administration systems providing clarity and security for women's land rights, for a more equitable land tenure system in Zimbabwe.

## **7.0 Conclusion**

The proposed new land policy in Zimbabwe presents significant opportunities for advancing gender equity, yet it also poses considerable risks if not implemented with a gender-sensitive approach. Historical injustices and entrenched socio-cultural norms have long marginalised women in land ownership and access. Without addressing these systemic barriers, the policy may inadvertently reinforce existing inequalities, particularly through market-based systems that often favour male authority and exacerbate women's vulnerabilities. For the policy to be effective, it must prioritise women's rights and ensure their active participation in the land tenure process.

To achieve meaningful and equitable outcomes, it is essential for the Zimbabwean government to implement comprehensive legal frameworks that protect women's land rights, enhance public awareness campaigns, and engage women's groups in the reform process. Additionally, the establishment of a robust land administration system is critical to facilitate effective title registration and protect women's interests. By addressing these considerations, Zimbabwe can create a more inclusive land tenure system that not only secures rights for all citizens but also fosters sustainable development and social justice, ultimately empowering women in their quest for equal access to land and resources.

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