

GENDER AND LAND DISPOSSESSION IN ZIMBABWE: A CASE OF THE NDEBELE AT ESIGODINI AREA 1893–2003

Gender and land dispossession in Zimbabwe

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ABSTRACT

The Ndebele ethnic group in Zimbabwe has probably experienced more land dispossessions than any other ethnic group stretching from the 1890s with the coming of the whites. Most of this history, unfortunately, is not well documented. Based on an oral history approach, this article focuses on the gendered dimension of land dispossession. It seeks to answer questions such as: do men and women view land ownership and land issues in the same way? Did the land dispossessions, which took place for more than one hundred years in Zimbabwe particularly in the Ndebele ethnic group, affect the way land is viewed gender wise? The article further sought to find out how women have been historically marginalised or emancipated in the community. Given the importance of land in any culture, the article seeks to find out how a shift in the way land is viewed gender wise can improve the lives of many in the Ndebele ethnic group. The research was conducted in Esikhoveni Village in Esigodini, Matabeleland-South. It was based on oral history, targeting the headmen and other elders noted for their wisdom and knowledge of the area. A total of sixteen interviews were conducted using judgemental and snowball strategies. The article reveals that land was considered an important resource in the area. Women had limited opportunities for land ownership in the village. Culture and tradition were still dominant over legal provisions when it comes to land and gender issues. The article recommends a new and more rigorous approach by the government and other stakeholders to change the cultural and traditional perceptions of the rural communities in order to achieve gender balance regarding land ownership and allocation.

Keywords: land dispossession, gender, Vukuzenzele, Zimbabwe

INTRODUCTION AND DEFINITION OF TERMS

In an African setup where economies are still agriculturally based, land is considered a critical resource. It is a source of livelihood as people utilise it for many purposes such as crop production and animal husbandry. Thus, land has been, and is likely to continue being a subject of debate for various stakeholders such as the government, politicians, development specialists, teachers and the international world at large. In Zimbabwe, land issues are still under debate. This paper focuses on gender-driven land dispossessions and allocation in one communal village in Zimbabwe, with the aim of understanding how gender influences land allocation and ownership. As it is, 'the gender gap still persists in land ownership and control of land as well as other important resources and this contributes significantly to the gender differences in economic well-being, social status and thus decision making' (Chingarande n.d.).

An understanding of the concept of gender is important as it enables analyses of ideas about resource access and livelihood activities (Paradza 2011). Gender refers to the social attributes, that is, roles assigned to somebody in the society by virtue of being male or female. That men and women are treated differently is obvious in the African community. Land dispossession in this case refers to the taking over of one's land by a certain individual, group or company, which is usually more powerful than the one being dispossessed.

STATEMENT OF THE PROBLEM

Despite the Constitution of Zimbabwe treating men and women as equals, the mentality of men being superior to women is still persistent. The general feeling that has been cultivated in Zimbabwean societies is that land belongs to men (Chingarande n.d.). This is particularly induced by cultural practices and customary laws that elevate men over women in societies, thereby making it difficult for women to secure their own land, especially in communal areas. As stated by Chingarande (n.d.), 'in Zimbabwe as in most African countries, women occupy a subordinate position in society'. Chingarande (n.d.) further stated that as one looks at production, it is often thought that most of the harvest belongs to the husband except for selected crops such as roundnuts and groundnuts. Thus, women continue to be treated as being dependent on men and they are expected to get married and indirectly benefit from the land owned by their husbands, a situation that left women landless. This article seeks to investigate the gender dimensions of land dispossession, allocation and ownership in the village of Vukuzenzele in Esikhoveni, Esigodini.

RESEARCH OBJECTIVES

The research was carried out with the following objectives:

- To find out the value attached to land by the people in the village of Vukuzenzele of Esigodini Area

- To find out whether women owned land in the past and also the present
- To find out about the land dispossessions which occurred in the land and how they affected women
- To find out whether the locals have knowledge of any legal provisions regarding the way in which land is shared or distributed.

LITERATURE REVIEW

In sub-Saharan Africa, women produce between 60% and 80% of agricultural foodstuffs and cash crops, while in many parts of this continent, women lack legal access to land (Peters and Peters 1998: 183). Lack of direct access to land and other means of production remains a major issue in African development (Peters and Peters 1998). Prior to independence, land holdings were held communally, whereby women possessed rights, which included a socially defined minimum amount of land on which to grow women's crops such as groundnuts and roundnuts (Chingarande n.d). According to Peters & Peters (1998), in the pre-colonial era, land was not owned by the Ndebele and Shona societies, but the patrilineal male chief held and distributed it. This was a time marked by pre-colonial practices regarding land ownership in the country. The beginning of the colonial era marked a significant deterioration of women's rights. Some colonial laws considered women to be legal minors, unable to enter into contracts or to represent themselves in court without permission of and representation by a male guardian (Jacobs 1990 cited in Chingarande n.d). Thus, at the height of colonialism women were stripped of their customary rights, including their rights to land for crops. The settler government, as pointed out by Peters and Peters (1998: 189), adopted the Native Land Husbandry Act in 1951, which promoted individualised land tenure of Shona and Ndebele men as land was registered in the names of males. By so doing, the Act 'gave male heads of households individual, rather than lineage rights to land' (Peters and Peters 1998:189).

Upon attaining independence in 1980, Zimbabwe inherited a dual economy in which land ownership was skewed, with white minority control over the country's land (Rugabe et al. 2003: 1). Following independence, the government of Zimbabwe embarked on land resettlement exercises that did not do much to rescue women from their long-time predicament regarding land ownership. The resettlement schemes especially in communal areas, which are patrilineal, did not benefit women as much as men. This was caused in large measure by the strength of patriarchal attitudes and government's reluctance to intervene actively to curb the powers of traditional authorities at the local level (Chingarande n.d.). In light of the cultural constraints that women face within marriage and family institutions, spaces for women to control land are dwindling (Bhatasara 2011: 322).

The pre-independence legal setup whereby, according to customary law, the man, who was the household of the family, is the one who was recognised as the holder of

the land further discriminated against women (Gaidzanwa 2011: 2–3). Thus, such a practice ‘precludes women from holding primary land rights, relegating them to holding secondary rights derived from and negotiated through the husband’ (Gaidzanwa 2011: 2–3). As also stated by Chingarande (n.d.), ‘the fact that communal land is administered under the Traditional Leaders Act of 2000 and the Communal Land Act of 1982 is the reason for women’s vulnerable position in those areas’. The Traditional Leaders Act 1998 is still one of the most relevant acts in the communal areas to this day. According to this act, communal land is overseen by chiefs and headmen. Thus, under this Act, ‘chiefs became presidential appointees who were tasked to supervise headmen, promote and uphold cultural values, oversee the collection by village heads of taxes and levies for the rural district council ...’ (Ncube 2011). Because these chiefs and headmen are being guided by communal law and cultural values, which happen to be pro-men, they are likely to continue influencing land ownership and allocation in favour of men. Thus, ‘historically in Africa, women’s access to land was based on status within the family and involved right of use, not ownership’ (Chingarande n.d.).

According to Shumba (2011: 238), the years preceding independence saw women being considered as minors. Despite the Legal Age of Majority Act of 1982 where women were given full adult status, women continue to be considered as minors. If one keeps the 1985 Matrimonial Causes Act in mind where women are recognised as full adults with the right to own property independently of their fathers and husbands, the burning question is whether this ‘property’ extends to land and to what extent, given the fact that women are still not being recognised as land owners (Shumba 2011: 239)? However, at present, the Zimbabwean constitution recognises men and women as equals, although culture and custom seem to be the higher law when it comes to land ownership and allocation, especially in the communal areas.

A number of studies have been conducted on gender and land ownership and resettlement programmes in Zimbabwe. A study that was conducted by Shumba (2011) titled *Women and land: A study on Zimbabwe* reveals that while both men and women in Zimbabwe appear to have equal rights to land, in practice, the women’s user rights are determined by men, and access and control of land are chiefly dominated by men. The study further reveals that societies are the source of all the hegemonic practices that influence gender roles and expectations, thereby giving women a status lower than that of men. Another study titled *The economic and social implications of recent land designations* conducted by Moyo in Zimbabwe in 2001 indicates that over 87% of the registered land owners are male, while about 23% of the farms were jointly owned and less than 5% are owned by women. The study concluded that patriarchal land tenure value systems among both the white and black community have consistently discriminated against women land owners.

All these studies lament the predicament that women find themselves in regarding land ownership and allocation. Paradza (2011) in his paper, *A field not quite of her own: Single women’s access to land in communal areas of Zimbabwe*, also indicated that women’s rights are secondary to men’s, and women depend on the maintenance of

a relationship to maintain access to keys resources. Chakona (2011) also conducted a study, *Fast track land reform programme and women on Goromonzi District, Zimbabwe*, in which gender imbalances regarding land are lamented. Walker (2002) in a document titled *Land reform in Southern and Eastern Africa: Key issues for strengthening women's access to and rights to land* also presents a case of Zimbabwe where women are also found to be side-lined when it comes to land ownership and allocation. However, most of these studies have focused on the government's land reform programme, popularly known as the 'Fast Track Land Reform Programme', which scholars have also noted, also failed to strike a meaningful balance regarding gender.

ESIGODINI AREA

Esigodini area is situated in Umzingwane, Matabeleland-South in Zimbabwe. It has an estimated population of 2 228 000. The authors, due to the vastness of the area, carried out their research in Vukuzenzele about seven kilometres from the growth point. The village is rocky and mountainous with unreliable rainfall. It was originally designated a 'reserve' area under the notorious 1931 Land Apportionment Act. The source of livelihood mainly constitutes the growing of crops and domestication of animals with cattle, goats, sheep and donkeys a common sight. The land issue has been quite dramatic in the Esigodini area where the people were first evicted by the colonialists, then later on the whites were dispossessed, but the irony is that those who got land were not necessarily the descendants of the former land owners.

METHODOLOGY

This paper is based on the research carried out in Esigodini area, in the village of Vukuzenzele in Esikhoveni over a radius of ten kilometres. Sixteen individuals were interviewed of which six were women. Of the sixteen interviewees, five were *sobhukus* (homestead leaders) while the rest were ordinary villagers. Of the five *sobhukus* interviewed, one was female. This was the only female *sobhuku* in the Vukuzenzele area. More than 50 per cent of the interviewees were above seventy years, 19 per cent were aged between 61 and 70, 6.2 per cent between 51 and 60 and 6.2 per cent between 41 and 50. This study was largely qualitative since it sought to find out the feelings, opinions and views of the people concerning land and gender issues. Interviews were carried out with elders and *sobhukus*.

The target population was 20 interviewees but only sixteen were interviewed due to other factors like availability and time. Judgemental sampling was used whereby the *sobhukus* were approached on the grounds that they had wisdom of the area since they were the ones handling land issues in the village. The snowballing strategy was used whereby the *sobhukus* referred us to the elders who had also gained wisdom of the place because of their residency there for a very long time. In this way, such 'senior citizens' would further recommend us to go to another one. The interview questions were then read to the respondents who would respond and their answers were written down.

ETHICAL ISSUES

Researchers were always called upon to be as ethical as possible in conducting research. As a way of abiding by this requirement, the present researchers sought a consent letter from the Registrar at the National University of Science and Technology who then wrote an introductory letter 'to whom it may concern'. This letter was produced to the District Administration Officer for Umzingwane District Council, the district under which the village under study falls. The researchers sought permission from him to interview the targeted individuals and this permission was granted. Upon arrival in the village, the researchers approached the *sobhukus* who then welcomed them and granted them permission to interview them and other villagers. Generally, the researchers did not face any serious challenges regarding access to the village, partly because one of them was originally from the village. This made it easy to establish the necessary rapport with the interviewees.

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

The research revealed that indeed land is very important in the lives of the Ndebele around Esigodini, there were mixed reactions as to whether women should be given land, with those above 70 insisting that, as in the past women, should not own land while other groups thought otherwise. The research also revealed that even though women do not own land, they do utilise it the same way as men do. Both interviewees revealed having heard of or witnessed land dispossessions in one form or another. These and other findings are discussed below.

Vukuzenzele is organised in such a way that about 20 homesteads are under a leader (*uSobhuku*), and then eight or 10 *sobhukus* are under a village head since they form a village. In this research, one village head was interviewed and four *sobhukus*. The first question was to explore how the people viewed land and it focused on the importance of land to them. The answers from all the interviewees were almost the same on the importance of land. Most of the respondents described land as their source of livelihood, and cited some of the activities that are done on the land: the growing of crops, though due to a combination of poor soil and poor rainfall, the village of Vukuzenzele does not produce much in terms of crops. The other activity cited was cattle rearing and this included other animals such as goats, sheep and donkeys, which could be seen throughout the village. Other respondents cited mining, which is again an important activity carried out around Esigodini since the area is rich in gold. The other interviewees summed up by simply saying land is important for settlement. Unfortunately land is very scarce in the village of Vukuzenzele and is valued so highly that one cannot easily find any available. Based on this perception that land is very important, people therefore consider so many factors, including gender when they distribute land.

The research sought to find out about land ownership in the past, asking the question: 'who owned land in the past?' This question was directed towards the *sobhukus* and

the village heads. All the interviewees stated that land was owned by the community. These responses indicated the status quo in a pre-colonial Zimbabwe whereby land was not owned by individuals. As revealed by Peters and Peters (1998: 186), in a pre-colonial Zimbabwe, the patrilineal chief would allocate land to village headmen and so consolidated his political power. One interviewee elaborated that land was owned by the community, under the local council and the chief. Only one interviewee stated that land was owned by the whites, this might probably imply that the interviewee witnessed the recent dispossessions that saw the blacks repossessing land from the whites. The land was so important that nobody owned it but rather the community in general owned land.

One of the crucial issues was that of women owning land. The research revealed that women did not own land in the past. There are so many reasons as to why they were not given land. One of the reasons was the fact that men and women were not given the same status, men were considered to be more important than women, hence land, because it was considered important, was given to them. Another reason for not giving land to women was because they would get married and abandon the land, as one interviewee stated. This was not only typical of this village in Esikhoveni, but many other African countries were faced with the same situation. As stated by Peters and Peters (1998: 184), 'women in various countries in Africa are often refused the opportunity to own or hold farming or grazing permits to land in their own right'.

Women and girls in the family were equated to *amawabayi* (ravens), which are birds of no fixed abode, since they were going to be married off to men and would take orders from their husbands. However, they were considered important in the sense that they would bring wealth back home through 'lobola'. This situation matches a statement by Peters and Peters (1998: 184) that lack of access to land by women partly emanates from indigenous notions of patriarchy, coupled with the institutional effects of colonial rule in Zimbabwe. This shows the fact that women were not allowed to own land. Another interviewee who is over 70 years old thought giving land to women is 'poisonous'.

Other older interviewees also insisted that women were and are still not allowed to own land. Allowing women to own land promotes *omazakhela*, which means a woman who is not married and who is staying alone, and the Ndebele culture does not allow that. It is considered taboo. As one interviewee elaborated:

... our traditional cultural practices were fair. Women were not entitled to land and that is the position that we support up to present. We do not encourage girls or women that seek land on their own. They must be married and they get land through their spouses, not on their own.

Most of the interviewees over 70 insisted that when it comes to land, women should not have the same opportunity as men. However, asked the same question, one female *sobhuku* stated that women should be given land even though in the past they were not considered.

There was also a question on whether women owned land in Vukuzenzele Village, and the aim was to find out whether indeed women are allowed to own land. The research

revealed that there are women who own land but most of these are widows (*abafelokazi*) whose husbands died and they were left to till the land and look after the children. There were also a few cases of women who returned from where they were married and asked for pieces of land where they could settle and look after their children. Almost all the *sobhukus* agreed that these are the women who own land, not women who come directly to ask for land. They are not and will not be readily considered. This matches Shumba's (2011: 238) assertion that customarily, in Zimbabwe, 'unmarried and divorced women were allocated some pieces of land in their mother's fields to grow some crops and accumulate some provision for marriage'.

Asked the same question as to whether women should own land, ordinary village elders stated that indeed women should be given land but the community still insists on them being married. Marriage is one of the prerequisites for one to get land according to the Ndebele culture as one interviewee stated. The majority of the respondents indicated that marriage was considered important in the community and village headmen were not comfortable with allocating land to unmarried women as this was likely to promote social disorders when such women go out with married husbands in the community.

Although these respondents did not give examples, they insisted that applications for land were generally not considered favourably in the community and insisted that unmarried women had a potential of engaging in unacceptable behaviour that had a potential of causing social disorder in the community. This trend matches Shumba's (2011: 238) statement that customarily, among Shona and Ndebele people of Zimbabwe, women obtained land for farming through marriage. 'We give land to married people. It is not easy to give land to those who are not married. We do not just rely on the production of marriage certificates, but we want to see the couple before allocating land to them' (respondent X, Interview 30 October 2013). This assertion by the respondent matches statements by Peters and Peters (1998: 189) that despite an acute shortage of land in Africa, the Shona and Ndebele tenure in the reserves, to a certain extent, resembled precolonial holdings and allocation whereby land was allocated patrilineally by male chiefs and elders. Land therefore is so important that to safeguard it, only married people should be given land. The younger age groups, however, feel land should just be given to anyone, male or female, since times are changing and there are issues of human rights and gender equality, but the older generation maintains that land should not be given to women.

The research also focused on the issue of land dispossessions especially between men and women where women are apparently dispossessed of their land. All the interviewees stated that they have never witnessed such dispossessions, neither were they told by their fathers of such incidents because in the past, land was in abundance before the coming of the whites. However, one interviewee said such dispossessions occur because of a shortage of land. The interviewee must have mistaken the interviewers as people from the Ministry of Lands and was thinking maybe there would be a move towards redressing the visible land shortage. Otherwise, widows left on their lands were not harassed and could till their own land in peace. The dispossessions that came out

were those that occurred with the coming of the white people.

Most of the interviewees recalled being told by their fathers how they were driven from their productive farms under the notorious 1931 Land Apportionment Act. One interviewee lamented the introduction of ‘reserves’ by saying it means land reserved for Africans. This land was generally hot and had poor soils. As for the village of Vukuzenzele, there is no soil to talk about, it is mountainous and rocky. The statement by this interviewee buttressed what Peters and Peters (1998: 160) observed when they stated that ‘the majority of the Shona and Ndebele populations were forced to reside in the crowded, rather infertile, native land’. According to this interviewee, ‘the term reserve was coined to describe a situation whereby residents were temporarily settled, pending resettlement to better places. However, the question is, when will the term reserve end?’ The source went on to recall how their ancestors were driven to this rocky and mountainous place. These were the only dispossessions recalled, but nothing was mentioned of any local dispossessions. These assertions by the source match Shumba’s (2011: 238), that is, that land dispossessions in Zimbabwe by the white settler regime resulted in the Shona and Ndebele people, who were the majority, being forced onto the 22.4% of marginal lands in the reserves while the minority white settlers occupied about 50.8% of the total land, which was fertile.

The interviewees were also asked whether giving land to women would be a good idea, given the fact that, because of disease, most women are left to look after children when their husbands die. The answer to that question was yes, they should be given land. This would help them cope with the stress of having to look after the children. In line with the same question again, the interviewees were asked whether women can utilise land in the same way men do. This was designed to find out whether women were considered as capable as men. Three quarters of the *sobhukus* interviewed agreed that women can use the land productively depending on the availability of rain. However, one *sobhuku* disagreed, stating that utilisation of land by men and by women is not the same, as women are generally ‘soft’, they need support that they generally lack and eventually fail to utilise the land productively. However, the research revealed that women can utilise land as much as men do. One interviewee joked that actually women utilise land more than men, they weed and harvest while men are drinking beer and wasting time.

The interviewees were asked whether they were aware of any legal provisions that guide the way in which land is shared or distributed among men and women in the community. This question was asked to both the *sobhukus* and the village elders. Most interviewees were not aware of any legal provisions but were generally aware of the local procedures to be followed. There are two ways of looking at it: the first one is a case of an outsider who approaches the *sobhuku*, the *sobhuku* consults other elders, they interview the man to find out his background, questioning him about where he is coming from and whether he/she is married or not. The *sobhuku* and the elders would then give their recommendation regarding him/her to the village head after a background check. The matter would then be taken to the chief who would have the final say.

The study thus revealed that, except for one interviewee who was once an agricultural extension officer who had a rough idea, all the interviewees were not aware of what the law says concerning provision of land to both men and women. The constitution of Zimbabwe adopted in 2013 prohibits discrimination on the grounds of sex. Chapter 4 recognises that men and women have a right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. It also accords to women, the right to opportunities, custody and guardianship, and makes void all laws, customs, cultural practices and traditions that infringe on the right of women (The Second National Gender Policy [2013–2017] 2013: 6–7). As a result, the traditional values on land ownership are still very much in use hence the disparity between what the law says and what is prevalent in practice.

CRITICAL REFLECTIONS FROM THE RESEARCH

- If land is very important but is in the hands of men with women being marginalised, that poses a gender hazard that needs to be addressed. How can we transform the society so that there can be gender equality and equity?
- If a constitution is put in place on the distribution of land and men disregard it in favour of cultural laws, this again perpetuates injustice. How can we develop to such an extent that we honour the constitution for the sake of the future?
- If women can utilise land in the same way as men yet they do not have equal access regardless of the fact that they are numerically more than men, what can be done to close such a wide gap?
- If land continues to change hands violently from generation to generation, what can be done to put an end to such a generational gap?
- Chiefs and village headmen were still responsible for land allocation and redistribution in the village. The hierarchical relationship between the headmen, village headmen and the chief was still evident in this community. Headmen indicated that they always consulted both the villagers and chief before allocating land to anyone, and the chief would finally take the matter up to the district administrator to ensure that the new homestead is registered to facilitate general administration and payment of tax by the occupant.

CONCLUSION AND RECOMMENDATIONS

The research indicated that there is a huge disparity between gender policy documents that are passed as laws and the actual situation on the ground. While gender policies give a picture that men and women are equals in land ownership and allocation, the study showed that this is not happening at grass-roots level. Women are side-lined, yet men are considered the rightful owners of land. The study indicated that culture and tradition take precedence over the constitution and policies. Thus, although super policies and

legislation are drafted in favour of women, the situation on the ground shows that culture is dominant and unwilling to change. The study therefore recommends that there is a need to revisit the approaches towards gender issues regarding land. The study further recommends an experimental approach to land ownership where there is 50/50 land ownership between men and women.

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