

# **Women's Property and Inheritance Rights and the Land Reform Process in Malawi<sup>1</sup>**

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## **Summary**

Malawi is on the verge of a land reform process with consequences of significant proportions that may be disastrous for women's and disadvantaged people's livelihoods security. The New Land Policy and proposed Land Act are for the first time going to enable the titularization of land tenure, using institutions and procedures that are potentially gender biased in the context of the evolution of customs and perceptions on gender and property rights from matrifocused /communal norms, to supporting western androcentric/individualistic norms. This is being done under the rubric of privatization and liberalization, driven by the needs of the fanged forces of globalization. This land reform process may lead to the legitimization of the expropriation of land away from women and the poor on scale and with the speed never seen before anywhere in the world.

This raises questions about the relevance of customary norms on gender and property rights for the present situation: what components of the norms should be maintained, and what should be forced or be allowed to evolve out? There is need to dialogue for consensus around these issues. So all is not gloom and doom. Once consensus is reached, it is possible to make anticipatory decisions and plan to mitigate the negative consequences of the adopted positions. As gender equity is a norm and policy of the land reform process, there is need for the careful review of marriage, property ownership and inheritance customs, laws, and practices; as well the review of the structures for administering and adjudicating property ownership and inheritance matters. This requires on the action research, looking at the various procedures and forms and processes that will be followed, to make sure that they are gender appropriate, and that they take care of the needs of orphans and the poor in general. There is also need to increase and reorient the facilitating role of the gender ministry so that it can respond effectively to the gender and poverty reduction objectives. Thus the proposed Land Act should address the whole range of issues that impinge on women's and disadvantaged people's land rights: customs, perceptions, laws, administration and adjudication institutions, and economic policies.

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## Introduction

In the last few years the Government of Malawi has conducted a study and consultation process for the purpose of creating a new Land Policy and Land Act that will among other things privatize titles of customarily held land. The goal of the new national land policy is to ensure tenure security and equitable access to land, and to facilitate the attainment of social harmony and broad based economic development through optimum and ecologically balanced use of land based resources. The specific objectives of the policy are to:

1. Promote reforms that guarantee security and instill confidence and fairness in all land transactions;
2. Promote a decentralized and transparent land administration system;
3. Extend land use planning strategies to all urban and rural areas;
4. Establish a modern land registration systems for delivering land services to all;
5. Enhance conservation and community management of natural resources; and
6. Promote research and capacity building in land surveying and land management;

This paper presents some thoughts and ideas on the land reform process based on the findings of a study on women's property and inheritance rights, with the aim to make new Land Policy and proposed Land Act gender responsive. The objectives of the study were to:

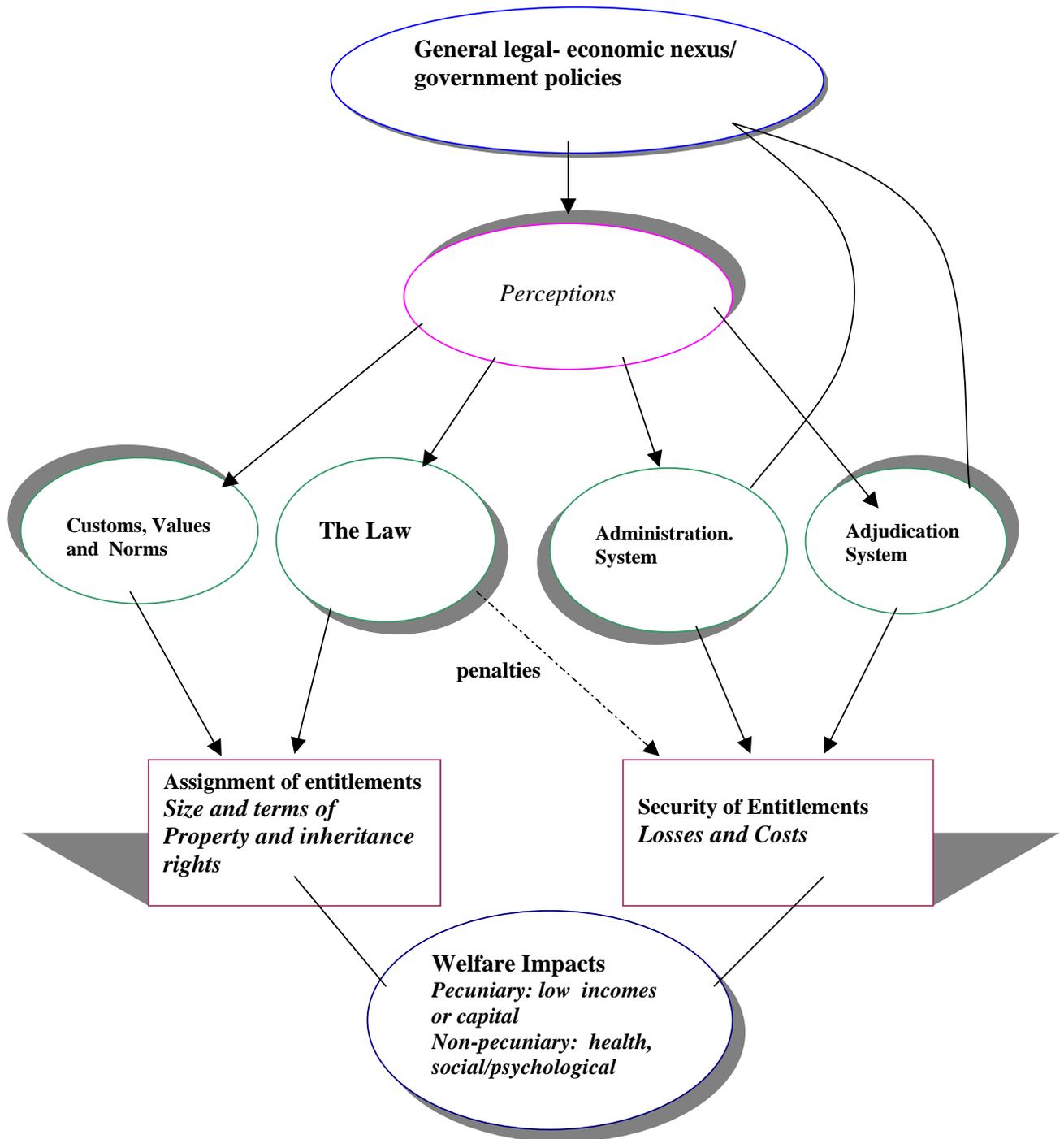
- a) To investigate factors that influence women's property and inheritance practices, with emphasis on land.
- b) To find out people's perception of the appropriateness of these practices viz -a -viz the current legal and socio-economic context.
- c) To investigate the impact of these practices on the well being of women and children.

Data were collected in 6 marriage and inheritance custom clusters in Malawi, of Lomwe/Yao, Ngoni, Tumbuka, Nkhonde, Tonga, and Chewa. The districts corresponding to these clusters that were chosen for the study were Thyolo/Chiradzulu, Mzimba, Rumphu, Karonga, Nkhatabay and Lilongwe/ Mchinji. The survey was also conducted in the low and high-income residential areas of the cities of Blantyre, Lilongwe and Mzuzu.

Two questionnaires were used for data collection: one for married male and female respondents and the other for widowed male and female respondents. Focused group discussions (FGDs) were conducted with widows, widowers (where it was possible to find enough of them to form a group), married men, and married women. Key informant interviews were also conducted with various officials in the districts.

The study utilized an institutional economics analytical framework to understanding women's property and inheritance rights. This framework incorporates the entitlements and the transactions cost approaches in the broader context of the paradigm of institutional determinism based on North 1991, de Fortman 1990, Sen 1981 and Williamson 1985. A fuller description of this framework is in Ngwira 2001. Using this analytical framework, the violation of women's property and inheritance rights is seen in the first instance to arise from failure to assign property ownership and inheritance entitlements to women. This assignment is done primarily through the (institutions of) customs of marriage and inheritance, and the law. In the second instance there is failure to secure whatever entitlements have been assigned. The failure to secure entitlements is due primarily to, and is encoded in the costs and losses incurred in processing property ownership and inheritance claims, as caused by the administration and adjudication institutions or systems. The costs can arise from opportunism, bounded rationality and asset specificity, and poor exchange mapping of property. People's perceptions of what is right or proper also affect both the assigning and securing of women's property and inheritance entitlements. A diagrammatic representation of this framework of shown in the figure below.

Figure 1: Diagrammatic representation of the analytical framework



### Socio- economic characteristics of the sampled areas and households

Education, place of residence, type of marriage and ethnicity, income and ownership of property and the types of property owned are variables expected to have significant influence on the assignment and security of women's property and inheritance rights.

Literacy was high among the respondents compared to the national average. It was 81% for married women and 75% for men; and 56% for widows and 40% for widowers. The national averages are 58% for both men and women, and 44% for women. The high literacy among sampled households may be due to the fact that the sample was mostly urban and northern based, as these are areas of high literacy rates. It is a curious fact of this sample that female respondents had higher levels of literacy than male respondents. Additionally none of the urban widowed respondents had tertiary education possibly because the sample was concentrated in low incomes areas. Those sampled from high income areas in Mzuzu City were mostly widows with low levels of schooling.

**Table 1.2 :Study Locations, Sampled villages and townships**

<b>District/City</b>	<b>Selected villages/townships</b>
<i>Mzuzu city</i>	Katawa (low income) Mapale, Kaning'ina, Chimaliro, Chibanja ( high income)
<i>Karonga</i>	Mpata, Group Village headperson Kalambo. TA <sup>(a)</sup> Kyungu
<i>Rumphi</i>	Mwang'onga village, TA Chikulamayembe
<i>Mzimba</i>	Lazaro village, TA Mtwalo
<i>Lilongwe City</i>	Mchesi township ( low income)
<i>Nkhatabay</i>	Kasweswe village, TA Mkumbira
<i>Chiradzulu/Thyolo</i>	Chiwinja and Sadi villages, TA Mpama, and Namvenya village, TA Chitera in Chiradzulu; and Kadaya Village, Kapichi Village in TA Kapichi in Thyolo.
<i>Blantyre City</i>	Chemusa/Mbayani township (low income); Nyambadwe, BCA Hill, and Namiwawa ( High income), Blantyre City.
<i>Mchinji</i>	Zulu Village, TA Zulu, Ta Mkanda

(a) TA means traditional authority

For widowed respondents, the most important sources of income were business (mentioned by 54% of the respondents); farming (74%), ganyu (11%), and salaried work (5%). The average income from the four most important sources was estimated to be K103,000 per year. The income ranged from almost nothing, topping K5million, mostly from urban households. Among widow headed households annual incomes were lower, the average being K84,000 compared to K120,000 for widower headed households. Seventy one percent of households had annual incomes of K22,000 or less. The K22,000 is approximately the official poverty line for household expenditure (working out roughly to a per capita consumption expenditure of K11.47 per day for an average household of 5 people).The national figure of households below the poverty line is 65.3% (Government of Malawi, 2002:6).

In the case of currently married respondents, the four most important sources of income were business, (mentioned by 47% of respondents); farming (68%); salaried work (27%); and ganyu (19%). The overall mean income from these sources was K110,347. The range was from zero to K1.3million. The mean income for male respondents was K82,955, and the median K16,000. The range was from zero to K1.3million. The mean annual income for female respondents was K134,235. with a range from zero to K1.21million, with a median of K10,000. And 63% of households had incomes of K22,000 or less. Thus in general currently married respondents had higher cash incomes than widowed respondents.

Data that is pertinent to this study concerns ownership of property as people mostly inherit what is owned or available in their households. Overall there was no discernible pattern of ownership of property by place of residence or sex of household head. One item of property was owned more by rural and female respondents, than urban and male respondents, and vice versa for another item of

property. Seventy three percent of rural widows said they did have access to land, compared to 79% of widowers<sup>2</sup>. In urban areas the proportions were higher at 88% and 91% respectively. In case of married respondents, the pattern is the reverse. More rural respondents had access to land: 95% for female respondents and 99% for male respondents; compared to 66% for female respondents and 77% for male respondents in urban areas. Average land holding size for widowed respondents was 3.6 hectares, but ranged from 0.10 to 70 hectares. Nearly 75% of the households had less than the mean land size. For currently married respondents, the mean landholding size was 4.2 hectares, with a range from 0.25 hectares to 100 hectares. The median was 2.00 hectares.

**Table 1. 3: Ownership of property by category of household head  
(at the time of the survey)**

Item of Property	Married Women		Married Men		Widows		Widowers	
	Urban (n=74)	Rural (n=111)	Urban (n=66)	Rural (n=93)	Urban (n=33)	Rural (n=82)	Urban (n=23)	Rural (n=79)
House	(85%)	(95%)	(89%)	(99%)	(91%)	(93%)	(100%)	(94%)
Roof of Iron	(89%)	(20%)	(91%)	(26%)	(42%)	(57%)	(13%)	(54%)
Land <sup>(1)</sup>	(66%)	(95%)	(77%)	(99%)	(88%)	(73%)	(91%)	(79%)
Bicycles	(35%)	(41%)	(36%)	(54%)	(12%)	(17%)	(35%)	(37%)
Radios	(77%)	(48%)	(86%)	(69%)	(33%)	(41%)	(35%)	(59%)
Cars	(27%)	(4%)	(23%)	(1%)	(12%)	(5%)	(0%)	(9%)
Sewing Machine	(14%)	(4%)	(18%)	(6%)	15%	(9%)	(5%)	(11%)
Ploughs	(5%)	(1%)	(5%)	(4%)	(0%)	(5%)	(13%)	(8%)
Oxcart	(4%)	(1%)	(5%)	(4%)	(0%)	(4%)	(0%)	(6%)
Videos	(41%)	(4%)	(34%)	(4%)	(15%)	(17%)	(0%)	(14%)
Fridge/Freezers	(42%)	(4%)	(29%)	(5%)	(15%)	(20%)	(0%)	(15%)
H/hold furniture	(81%)	(54%)	(79%)	(69%)	(33%)	(46%)	(61%)	(56%)

(1).This refers to land being available to the household.

*Source: Ngwira et al (2002), WP&IR Study Field Survey Results*

Among widowed respondents, bicycles were owned by 4 (12%) and 14 (17%) of urban and rural widows respectively. The corresponding numbers for widowers are 8 (35%) and 28 (37%). Radios were owned by 33% of urban widows, 41% of rural widows, 35% of urban widowers and 59% of rural widowers. Cars were owned by 15 households: 8 widows and 7 widowers. Surprisingly 11 of these 15 households were rural. Of the 13 households who owned ploughs, 9 were male headed, and so also were 5 out of 8 of those who owned oxcarts. More widows owned videos (19) and fridges/freezers (22) than widowers(11, 12) and most of these were in rural areas. The pattern of ownership of property was the same for currently married respondents, except that a higher proportion of these respondents compared to widowed respondents owned any of the items of property.

From the figures in tables 2 and 3, and the statistics on sampled respondents, a general picture emerges of poor households both in terms of property owned and incomes generated. It was also generally the case that widowers (those men whose spouses had died and had not yet remarried) had some of the socio economic indicators lower than for widows. This was true of conspicuous property like roofs of houses; and electronic items like videos, freezers/fridges, and also literacy rates. This may be an indicator of their poor potential to attract new spouses. More widows in rural areas had these items of property, indicating that they may be wives of men who died in urban areas, and had moved to rural areas after the death.

<sup>2</sup> The question used to get this information did not specify if the land available to urban households was that in urban areas or also included the land available to the households in their rural homes.

There are two main types of marriage customs in Malawi: matrilineal and patrilineal. The matrilineal custom can be further grouped into two, *chikamwini* and *chitengwa*. In *chikamwini* marriages the man moves to the wife's village, and lineage is traced through the woman. In *chitengwa* marriages, the woman goes to live in the man's village but the children still belong to the woman's lineage. In patrilineal marriages lineage is traced through the man, and residence is in the man's village. These marriage systems are described in more detail in the next section.

**Table 5: Type of Marriage by District  
(widows/widowers)**

District	Type of Marriage			
	Chitengwa	Chikamwini	Nthengwa	Total
Mzuzu city	-	3 (10%)	27 (90%)	30 (100%)
Karonga	-	-	21 (100%)	21 (100%)
Rumphi	-	1 (5%)	19 (95%)	20 (100%)
Mzimba	-	-	18 (100%)	18 (100%)
Lilongwe City	8 (40%)	10 (50%)	2 (10%)	20 (100%)
Nkhatabay	1 (5%)	-	20(95%)	21 (100%)
Chiradzulu/Thyolo	9 (23%)	28 (72%)	2 (5%)	39 (100%)
Blantyre City	4 (13%)	22 (71%)	5 (16%)	31 (100%)
Mchinji	6 (35%)	9 (53%)	2 (12%)	17 (100%)
<b>Total</b>	28(13%)	73 (34%)	116(54%)	217 (100%)

Source: Ngwira et al (2002), WP&IR Field Survey Results

**Table 6: Type of Marriage by District  
(currently married respondents)**

District	Type of Marriage			
	Chitengwa	Chikamwini	Nthengwa	Total
Mzuzu city	4 (8%)	13 (22%)	43 (72%)	60 (100%)
Karonga	-	-	29 (100%)	29 (100%)
Rumphi	-	-	30 (100%)	30 (100%)
Mzimba	1 (3%)	1 (3%)	28 (93%)	30 (100%)
Lilongwe City	13 (13%)	16 (53%)	1 (3%)	30 (100%)
Nkhatabay	2(7%)	-	29 (94%)	31 (100%)
Chiradzulu/Thyolo	2 (4%)	46 (96%)	-	48 (100%)
Blantyre City	6 (12%)	38 (76%)	6 (12%)	50 (100%)
Mchinji	24(67%)	7 (22%)	4 (11%)	36 (100%)
<b>Total</b>	52 (15%)	122 (36%)	170(50%)	344(100%)

Source: Ngwira et al (2002), WP&IR Study Field Survey Results

In the rural central region represented by Mchinji (Table 1), *chitengwa* is the most common (67%) type of marriage arrangement. In the south, 96% of the rural respondents (in Chiradzulu/Thyolo) were in *chikamwini* marriages. A possible explanation for this difference is that if land is very scarce like in Thyolo/Chiradzulu districts a man may not be able to take her wife to his home and get land that his family should cultivate because the little land available would have been given to his married sisters as per custom. In Mchinji land is more abundant making *Chitengwa* more feasible. It is possible that the presence of the Ngoni tribe in some parts of Mchinji over the last century has influenced the Chewa here to practice *chitengwa*, although the Ngoni were a minuscule part of the study sample in Mchinji .

The Nkhonde, Tumbuka and Ngoni are surprisingly opting for *chikamwini/chitengwa* marriages, accounting respectively for 51%; 48% and 48% of the marriages. Among the families whose head was

Nkhonde, 30 (34%) respondents (20 female and 10 male), were in *chikamwini* marriages and 15 (17%) respondents (9 female and 6 male) were in the *chitengwa* category. The 10 men settled in their wife's villages, and the 6 men married women from matrilineal systems away from their homes. The converse is true of the others: the 20 women took Nkhonde men into their villages, and the 9 women left their matrilineal villages to settle with their husbands. Most of these Nkhonde have settled in cities and Thyolo/Chiradzulu. None of the Nkhonde in Karonga are in these types of marriages. What is clear is the high propensity of Nkhonde men to migrate, and to accommodate other customs.

### **Customs, Perceptions and Practices of Women's Property Ownership and Inheritance**

This chapter deals with the customary and formal systems of assigning and securing ownership and inheritance rights of all property, of which land is one. For the majority of Malawians land ownership and inheritance is not processed through the formal institutions. But by showing the problems that pervade the current formal systems concerning the other property this paper illustrates the kinds of issues that are likely to be faced when putting into practice the new land policy and the proposed land act.

The main finding of the study was that there are gaps and lags in the institutions for assigning women property and inheritance rights, and that these together with the subtle but resilient perceptions about property ownership and inheritance raise a hideous specter of gender inequality in matters of property ownership and inheritance. In both matrilineal and patrilineal systems of marriage women have few or no independent rights to property due to the mixture of traditional customs and market economics still in the process of accommodation. *The exception is custodial ownership of land in matrilineal uxirilocal (chikamwini) marriages.* The other exception applying to both patrilineal and matrilineal inheritance systems is kitchen or feminine property. Thus when a man dies, the property he leaves behind may be grabbed and/or even its use rights may be disputed by the wider family, leaving his widow and children property-less, and having to move away from the marital village or residence.

#### ***Patrilineal marriage, property ownership and inheritance customs***

The patrilineal system of marriage of the northern region is for operational purposes referred to as *nthengwa*, to distinguish it from that of Nsanje district in the south, which the study did not cover. A number of distinctive features set this system apart from the matrilineal system. The marriage residence is virilocal, that is, the man's village is the matrimonial home and the man pays *lobola* or bride price to the wife's parents to establish his right to take his wife and children to his own village. This in turn signifies that the man owns everything and makes the children of the marriage legitimate. Women do not own property in their own right. Widows inherit property through children. Widows are inheritable, but they may have a choice among the husband's relatives, usually brothers to the deceased, who want to inherit them. This is practiced because payment of *lobola* is a family matter. The man's father and brother(s) may be asked to contribute towards the payment, hence their vested interest and entitlement to inherit the widow and the property. Descent and inheritance passes through sons or male relatives. Since daughters are transient, that is, they are expected to get married and live in their husband's village, they do not inherit property. Thus the customary heir is the firstborn son in the patrilineal districts studied.

#### ***Matrilineal marriage, property ownership, and inheritance customs and practices***

The distinguishing features of matrilineal *chikamwini* system of marriage is that residence is uxirilocal, the wife's village is the matrimonial home, and no *lobola* is paid for the wife. Inheritance of property passes through the female line. Land belongs to the clan and its inheritance passes through female offspring. Women have custodial ownership of land. Children belong to the woman and her brothers. A woman's children inherit her brother's property. Upon death of a man the wife and children are undisturbed in terms of residence and land use. When a wife dies the man returns to his village.

A variation of the matrilineal system is called *chitengwa*. No *lobola* is paid but a gift called *chiongo* is paid for the wife. The man's village can become the matrimonial home. This practice is becoming more common but was in past reserved for the chief or *mwini bumba*, a brother in a clan of sisters or

uncle in a clan of daughters of a sister, who oversees the clan. This is to enable him stay close to the clan. Upon the death of a man, the widow and the children of *chitengwa* marriages return to the widow's village. The practice is more common among the Chewa of the central .

In practice now many marriages are negotiated on neutral ground and these marriages tend to disadvantage women. The *mwinimbumba* system is waning because men are taking care of their nuclear families, and tend to identify with them more permanently. This may be due to moving from pre-capitalist to capitalistic modes of earning livelihoods. So even in matrilineal systems of marriage men are the decision makers, either as *mwinimbumba*, or due to the emerging nuclear families in the context of capitalistic labor based economics, where husbands are the main breadwinners. The fallout of this is conflict between inheritance customs and inheritance practice, and hence between the man's children and his nephews.

The specific survey question on customary heirs showed that in the case of land, in a large minority of cases (See Table 6), the husband's uncle or parents actually inherited the property when the husband died. In summary, a woman who gets married has generally no property ownership entitlements and consequently has no rights to sell property. Widows in patrilineal marriages may have use entitlements to their husband's deceased estates as long as they do not remarry, remain in the matrimonial home, and have born children. The payment of *lobola* seals the dispossession of women in patrilineal customs. In all the six marriage and inheritance customs women are allowed to inherit non-land property as proxies or in trust for children. Men in *chikamwini* matrilineal marriages are also disadvantaged, as they lose use rights immediately the spouses die. This may explain the higher incidence of trading and migrant labor among men in these areas as a strategy to maintain control over their livelihoods.

### ***Perceptions of land rights***

Most of the practices of property ownership and inheritance are not based on customs and the law, but on perceptions of people on what is right or proper. The questionnaire survey asked for perceptions of land rights: ownership, sale and user rights, and also in whose name the land was held. These questions are important because Malawi's new land policy is advocating for the titling of land. Data revealed that urban (80%), patrilineal (83%) and matrilineal respondents (81%) inherited land mainly customarily. This does not mean that the urban people have inherited land in town. What it means is that they have inherited land from their ancestors in their various home villages. The distribution of responses is shown in the tables (for widows/widowers and currently married respondents) and figures (for currently married respondents only) below. Almost all respondents said they had user rights to land available to their family or household. The data show that more respondents felt they had ownership rights than those who felt the family land was held in their names, and that even less respondents felt that they had sale rights.

From the household survey data even in *chikamwini* marriages, 79% of currently married male respondents perceived themselves as owning land. This is an important empirical finding, because to appearances it contradicts custom. Among rural respondents only, this proportion was 70%. This may be evidence of perceptions that use rights are the same as ownership rights, as suggested by a surprisingly high proportion (45%) of currently married women in *nthengwa* marriages, and *chitengwa* marriages (89%) who also felt they owned land. This finding has important implications on the administration of land policy especially with respect to registration of land titles. Participants from one of FGDs reported that "*land and house belong to a woman in the matrilineal system because land is in the woman's village and she inherited it from her parents . . . and the husband is obliged to build a house for the wife according to custom . . . but the rest of the property belongs to both.* (Widows FGD, Chiradzulu District).

As expected among *chitengwa* and *nthengwa* marriages, 93% and 78% of currently married men said they owned land. This compares to 89% and 45% of women in these marriage custom categories who said so. The high percentage for men can be explained by the following quote

there are other two crucial things such as land and house that unquestionably belong to the man. Since the woman follows her husband to his homeland (village), she . . . does not have a say on land that belongs to the man including the house built in his village despite the fact that she might have contributed to the building. (FGD, Kasweswe village, Nkhata Bay).

Among widows and widowers, in *chitengwa* and *chikamwini* marriages almost all respondents said they owned land. In *nthengwa* marriages a significant proportion of widows (68%) said they owned land, indicating that perhaps in reality women in patrilineal systems of marriage do perceive themselves to own land, and possibly also perceive that use and ownership rights are the same.

**Table 2 Perceptions on Land Rights**  
(% of the respondents saying they have rights)

Marriage Type/Land rights	Married Respondents			Widows/Widowers		
	Men	Women	All	Men	Women	All
<b><i>Chikamwini( uxirilocal)</i></b>						
Ownership	79	89	84	91	91	91
In whose name	52	81	65	80	83	76
Sale rights	24	24	24	41	34	37
<b><i>Chitengwa(virilocal)</i></b>						
Ownership	93	89	91	91	80	86
In whose name	92	28	50	90	63	78
Sale rights	13	19	17	55	20	38
<b><i>Nthengwa(virilocal)</i></b>						
Ownership	78	45	61	86	68	77
In whose name	85	26	52	94	59	76
Sale rights	37	6	20	52	21	36

Source: Ngwira et al. (2002): Field Survey Results

#### ***In whose name is the land held?***

This question did not refer to in whose name is the land ‘registered’, but in whose name the land is ‘held’. This information is important because the person in whose name the land is held is highly favored to be the one in whose name the land will be registered when the exercise starts. In *chitengwa/chiongo* marriages, 92% of male respondents said land was held in their name, compared to 28% of female respondents. In *chikamwini* marriages, 52% of men said land was held in their names. Among women respondents, 81% said land was held in their names. This finding may add credence to the suggestion that men in matrilineal uxirilocal marriages do perceive themselves as owning land. This is difficult to explain: whether it is a manly attitude or a perception of functional ownership of land due to access through marriage. In *nthengwa* marriages 85% and 26% of currently married male and female respondents respectively said land was held in their name.

The majority of widows and widowers in *chikamwini* marriages (80% and 83% respectively) said land was held in their names. In *nthengwa* marriages nearly all widowers and 59% of widows said the land was in their name. It will be important to pay attention to these perceptions when registering land. Since they do not tally with what custom prescribes, they will most likely lead to significant emotions and confusions, that will need to be well taken care of.

#### ***Rights to sell land***

A minority of currently married respondents of both sexes in *chitengwa* (17%); *chikamwini* (24%) and *nthengwa* (20%) felt that they had rights to sell land. Since sale rights are predicated on ownership rights, it is surprising that the proportion is much less than of the respondents who said that they had ownership rights to land. This may imply that people understand rights to land as communally derived so that they have no rights to sell it.

In *chikamwini* marriages, 79% of currently married men said they owned land but only 24% said they had sale rights. Among women 89% said they had ownership rights but similarly only 24% said they

had sale rights. In *nthengwa* marriages there is a marked difference between men and women. Among married men, 78% said they had ownership rights but only 37% have sale rights. Among married women 45% have ownership rights and only 6% said they have sale rights.

In the case of widows and widowers, among those in *chitengwa* and *chikamwini* marriages 20% and 34% respectively had sale rights compared to 80% and 91% who had ownership rights. Only 21% of widows in *nthengwa* marriages felt that they could sale land, although 68% said they owned land.

The discussions in all FGDs showed that there is no epidemic of squabbles or misunderstandings about who should inherit land. This is not to say that there is no disgruntlement, but that traditional inheritance customs concerning land are generally followed. What is surprising in the face of perceptions that do not match customs is that inheritance administration goes on relatively smoothly. A possible interpretation of this is that customs accommodate the needs of both marriage partners, and that while the marriage is on, they both perceive themselves to own land. At the time of dissolution of marriage or death they follow what custom prescribes. In most cases the reason is the perception that the custom is fair to children, they do not get disturbed.

In some areas especially where commercial farming is intensely practiced there are cases of selling of customarily held land. Often it is men who transact sales because of higher levels of education. They register the land in their names. In this way land is being expropriated away from women. So even when women have custodial ownership of land, like in matrilineal customs of inheritance, men still appear to be the main beneficiaries from land through sale of cash crops or renting/selling it off.

Similarly in peri-urban areas and among urban families titles are being recorded in the names of men or husbands. It is highly possible, particularly in patrilineal systems of marriage that women will not have even use rights to land upon death of husband both in the matrimonial and birth homes. This is because land may be registered in men's names and since it will have collateral or commercial worth, it may not be easily given away to relatives-in-law, or widowed daughters. It is thus important to ensure that land legislation and policy have no gender bias.

The study also found that people perceive men to own family property because men tend to pay for its purchase. And that paying for purchase of property confers ownership. So for example 36% of married male respondents said that they felt entitled to inherit property when their spouse dies because the bought the property, and 47% felt satisfied with what they are expected to inherit because they bought it. And for only 24% of married women, was their expectation to inherit based on the fact that they bought property together with their spouses. This implies that the differential in the ability of men and women to purchase land or pay for processing its ownership or titling may have consequences over who will own it, favoring men.

In nine percent of the FGDs participants agreed that

*even though under normal circumstances, it can be said that property belongs to both husband and wife, in practice, the housewife tends to be limited in the way she can claim that property as hers because of the purchasing power. If both spouses are working, the woman has more power to stand and say these things are mine . . . because she can prove by show of receipts . . . (Women's FGD, High income area, New Naperi, Blantyre District).*

The results (Table 5) also showed that no female respondent *felt entitled* or *expected to inherit property* or *were satisfied with what they inherited* after the death of spouse, simply because the "property was mine". In contrast, 27%, 23% and 59% of male respondents were able to say so. However most female respondents said that this ought not to be the case because they also contribute to the welfare of their families, and hence wealth creation through their nurturance/reproductive services. Participants in the majority of FGDs (91%) from urban and rural areas, and both men and women felt that

*"there is no individual ownership of property in the family. Both spouses buy the property together as*

a family. It does not matter whether a husband works and a wife is a housewife. She also has a responsibility in the home of taking care of children at home when he is away. . . Even when both spouses work, property belongs to the family. . . Hence, . . . house, household effects, car, maize mills and grocery shops belong to the family. Not to a husband and wife only . . . (Focus Group Discussion, high income married women, Mapale, Mzuzu)

**Table 5: Perceptions of entitlement, expectation and satisfaction with inheritance**

<b>Gender/ Marital status</b>	<b>Entitled to Inherit?</b>	<b>Expect to Inherit?</b>	<b>Satisfied with (expected) inheritance? <sup>(a)</sup></b>
<b>Widows</b>	<p><i>N=113, Yes =95%</i></p> <ul style="list-style-type: none"> <li>• Acquired property together (42%)</li> <li>• Custodian as surviving spouse (15%)</li> <li>• I am his wife (13%)</li> <li>• It's the custom (13%)</li> </ul>	<p><i>N = 113; Yes = 74%</i></p> <ul style="list-style-type: none"> <li>• Property jointly owned (46%)</li> <li>• It's the custom (16%)</li> <li>• There was a Will (8%)</li> <li>• Was only beneficiary (7%)</li> <li>• Because I use the property (5%)</li> <li>• Good relations with in laws (4%)</li> </ul>	<p><i>N = 104; Yes = 64%</i></p> <ul style="list-style-type: none"> <li>• I got everything (92%)</li> </ul>
<b>Widowers</b>	<p><i>N=100; Yes = 92%</i></p> <ul style="list-style-type: none"> <li>• Property is mine (27%)</li> <li>• Property jointly owned (22%)</li> <li>• It's the custom (12%)</li> <li>• Head of households (10%)</li> </ul>	<p><i>N = 96; Yes = 87%</i></p> <ul style="list-style-type: none"> <li>• It's the custom (24%)</li> <li>• Property is mine (23%)</li> <li>• Property jointly owned (21%)</li> <li>• Paid lobola(17%)</li> </ul>	<p><i>N = 87; Yes = 94%</i></p> <ul style="list-style-type: none"> <li>• Property was mine (59%)</li> <li>• Yes, I inherited through children (13%)</li> <li>• I got everything (16%)</li> </ul>
<b>Currently Married Women</b>	<p><i>N = 108; Yes = 94%</i></p> <ul style="list-style-type: none"> <li>• It's the law (43%)</li> <li>• Bought the property (together)/ I was working (24%)</li> <li>• Yes, some of the property (7%)</li> </ul>	<p><i>N = 90; Yes = 84%</i></p> <ul style="list-style-type: none"> <li>• It's the customs (35%)</li> <li>• Good relations with in laws (15%)</li> <li>• Will inherit what I bought (7%)</li> <li>• We have discussed issue / oral will (10%)</li> </ul>	<p><i>N = 112; Yes = 86%</i></p> <ul style="list-style-type: none"> <li>• Will inherit what I use (26%)</li> <li>• Will inherit what is expected (21%)</li> <li>• We bought it together (13%)</li> </ul>
<b>Currently Married Men</b>	<p><i>N = 114; Yes = 55%</i></p> <ul style="list-style-type: none"> <li>• Husband and wife one body (49%)</li> <li>• I bought the property (36%)</li> <li>• It's the law (16%)</li> </ul>	<p><i>N = 88; Yes = 65%</i></p> <ul style="list-style-type: none"> <li>• It's the custom (52%)</li> <li>• I am man so no problem (22%)</li> <li>• Yes, personal clothes (9%)</li> <li>• Yes, some of property (8%)</li> <li>• Property jointly owned (5%)</li> </ul>	<p><i>N = 90; Yes = 96%</i></p> <ul style="list-style-type: none"> <li>• Will inherit what I bought (47%)</li> <li>• We bought it together (19%)</li> <li>• As a man I inherit Everything (11%)</li> <li>• Inherit what I expected (10%)</li> </ul>

Source: Ngwira et al. (2002): WP&IRs Study Field Survey Results

The men's high income group in Mzuzu said

*when one buys property, it is for the whole family whether someone is working or not. The man and woman are one in a family . . . land, house, household effects, car/mill, kitchen utensils, all these items belong to both the man and woman. Whether the husband or wife had acquired land, the main purpose is to ensure that the whole family enjoys it and both decide on how to make use of it . . . Household effects are usually a result of sacrifices made by husband and wife . . . it therefore makes sense to say that they belong to both. The man and wife usually take their time to discuss and plan together . . . (FGD High income men, Mzuzu City Chamber)*

The coming of colonialism and Christianity and Islam has brought together old and new values and economic systems. Women tend to get the worst of both sides of traditional and modern values and systems. Customs are not followed when it is advantageous from men to follow modern systems, and vice versa. The penetration of the market economic has weakened the kinship systems by transforming the economic basis of most communities. And the entry of colonialism and capitalism into communities has been through forces that offered greater economic opportunities to men than women. This process is supported by institutions of the law that gives support to individualist values which together with opportunistic behaviour lead to flagrant violations of women's property and inheritance rights.

To sum up, property ownership and inheritance customs, perceptions and practices create social and economic insecurity among women. This is exacerbated by the impacts of AIDS, which often induce a downward spiral in well-being of widows and their families ( Ngwira et al 2001). There is thus need to challenge and change or outlaw customs and perceptions that are against the gender equality provisions of the Constitution. The following recommendations are made in this respect.

- ✓ Because payment of *lobola* is a *raison d'être* for denying women their property and inheritance rights in patrilineal marriage and inheritance customs, the MGYCS should lead an effort to re-construct the meaning of or outlaw *lobola*.
- ✓ The new land policy and law will in many instances go against people's perceptions and customs on property ownership and inheritance. It is recommended to the Department of Lands and the MGYCS to formulate IEC on the merits of the new policy and law to accelerate people's accommodation of these, as well as to secure a perception of women as entitled beings
- ✓ It is recommended to the Department of Lands that the first generation of titling of customarily held land should be to the customary custodial owners of land in both systems of marriage. The law should then recognize the children as the heirs of that land. This may reduce the propensity of spouses to expropriate land from children of their deceased spouses in favour of the children of consequent spouses. In the process of changing registration of land due to sale or inheritance or bequeaths those to be consulted or required to consent to it should be clearly spelt out in the law. This will protect orphans and widows from dispossession.
- ✓ The Department of Lands should also hold consultations and IEC on people's perceptions of ownership of land, and the implications for the titling of land.
- ✓ To avoid chaos and opportunistic people from taking advantage of others, the Department of Lands should set up a full system of land administration and adjudication services before beginning the registration process.

### **The Law on Property Ownership and inheritance**

The law is another instrument for assigning property ownership and inheritance rights. The law of the country provides for everyone (man and woman) the right to own property, individually or jointly with others, and every person has the right to dispose of property that they personally own. The Wills and Inheritance Act (WIA) is the main law dealing with inheritance. The incidence of will writing is very low such that most deceased estates are administered intestate. The WIA provides that in such cases all non-household property should be distributed depending on the customs of where the marriage was

contracted. The WIA is defective in several ways. The shares of inheritance for non household property (50% to wife and children and 50% to customary heirs in patrilineal customs and 40/60 in matrilineal customs) have been challenged as unconstitutional, as ascending custom over the constitution, being gender biased and leading to hardship for dependants. The WIA prescribes one type of gender equality for patrilineal systems and another for matrilineal systems. The WIA is open ended on customary heirs and thus encourages opportunistic grabbing of property. ***It does not deal with inheritance of land.*** The WIA is based on the Marriage Act, which does not recognize some types of marriages e.g church weddings. This means that those women married in those ways are not ***bona fide*** heirs. The spousal relationship is not recognised as a basis for inheritance of non-household property. Such property is supposed to be distributed to customary heirs and widows who want to remarry have to give it up. Also according to the WIA men can not inherit their wife's property left intestate, implying that land registered in women's names and left intestate can not be inherited by husbands. The record of enforcement of the WIA is dismal.

These deficiencies have ramifications for the proposed Land Act. The most important one is that customary heirs will get 50% or 40% of the deceased estate land if it is not designated as a household effect. And almost any relative is a possible heir. If land is scarce, and the deceased man had little of it, relatives may expropriate land from the family of the deceased man, and just because the law says so.

The following recommendations are made for gender sensitive assignment of land inheritance rights through the law.

- ✓ It is recommended to the Law commission and the MGYCS to review the law to make the spousal relationship a basis for inheritance. This requires removing the clauses that disposes the widows who remarry, or encourage the perception that the wives and children are not the 'customary heirs'. Transformation or outlawing customs that prescribe that spouses cannot inherit should be part of the whole plan. This recommendation is based on the finding on perceptions/custom that the spousal relationship does not entitle women to inheritance, and these perceptions underlie the law on inheritance, and which if applied to land, after it has been commodities, can lead to very negative consequences for women.
- ✓ Clearly assign whether land is or is not a household effect, or how much of it should be considered a household effect in the Land Act and the WIA as well as the proposed Domestic Violence Act. The law should then follow through to provide for mitigating any negative gender consequences of the chosen assignment, like who will inherit it, with no open-ended provisions.
- ✓ Nullify Wills and property ownership laws that dispossesses widows, divorced women and their children of land and other property required for normal subsistence.
- ✓ Introduce a distribution principle in the WIA that heirs other than wife and children should get a share of the deceased property only after the hardship criteria, which may use up all the inheritance, has been applied, and if there is still property remaining, subject to giving *bona fide* parents or guardians at most 20% of the inheritance. In this way most of the deceased estates land will be kept in the family.

### **Administration of Property Inheritance Issues**

The study results indicate that the whole nexus of institutions for property distribution and adjudication is a fertile ground for opportunism, on the part of husbands, relatives, the Administrator General's (AG) and District Commissioner's (DC) staff. This leads to the abrogation of women's property and inheritance rights. Opportunism is experienced and exacts costs and losses through fraud, corruption, theft or delays in processing claims, as well as property grabbing and gender bias in sharing out inheritance. At the village or family level distribution of inheritance is often done by men who are gender insensitive, and do not have adequate understanding of the WIA. There are many serious cases of property grabbing

The AG's and DC's offices are understaffed, and usually with the wrong or poorly trained or gender insensitive people. They operate on pitiful budgets, not commensurate with their mandate. Claimants

are usually not very clear on the procedures for processing claims and the DCs offices do not seem to make effort to make these things clear partly to cover them up in fraudulent practices. Claimants may make unnecessary trips to the offices, raising their travel expenses. The steps in processing of claims are circuitous, and create room for opportunistic and corrupt practices. There is no evidence of transparency in handling deceased estate accounts beyond the yearly government audits.

An important lesson for land policy and the law is that the property ownership and inheritance administration systems are potently and effectively gender biased and inefficient, and the staff in the AG's and DC's offices are a bellwether of opportunistic behaviour. Using the systems to implement the new land policy when they are not yet reformed can easily lead to extreme cases of dispossession of land from women and the poor.

Recommendations made to create gender and orphan sensitive land administration procedures are as follows. The Law Commission and the Department of Lands and MGYCS should make sure

- ✓ that the law is clear on how (heirs and shares) land will be inherited;
- ✓ that this is clear to traditional leaders and land administration officers, through training them in the WIA, land law, and gender issues;
- ✓ that IEC for the general populace is developed on (land)inheritance matters,
- ✓ Work based IEC is developed so that workers can be sensitised on procedures on distribution of land inheritance.

### **Adjudication of Inheritance Disputes**

The realization of women's entitlements can also be compromised by the adjudication systems, which take up cases of unsatisfactory administration of inheritance claims. The first problem of courts is of course that they try to apply the WIA. But women may not challenge court rulings because of their low social positions, threats from relatives or lack of resources to take the cases to courts.

The second problem is the length of time it takes to resolve the cases. It is usually difficult to assemble witnesses at one time. Some witnesses have pressing social obligations like attending funerals, others may be antagonistic because they perceive that they may lose the case. Although cases can be handled in one month, it takes six to twelve months to conclude most cases. The longer time it takes to deal with them, the higher the time value of money is lost and the opportunity costs incurred by claimants. Or the woman may fear witchcraft from her in-laws, so she will give up if they do not easily cooperate to come to court. In this case she loses everything.

To reduce problems at the courts it is recommended to the Ministry of Justice and the Department of Lands that

- ✓ the courts or the proposed land tribunals should be equipped to handle their work quickly, and in a gender sensitive manner. The women on the tribunals should be chosen to make impact not mere gender representation;
- ✓ Stiff and swift punishment should be meted out to grabbers of property including land, as well as to corrupt and fraudulent land administration officers and traditional leaders.

### **Information on processing property ownership and inheritance**

Officers working in the various formal institutions and traditional leaders do not have adequate information on the WIA to administer and adjudicate fairly. Women themselves have low levels of literacy or education that constrains their ability to get and decipher information. Since the new land services will require form filling and processing and payment of fess – men who are more literate and have more cash incomes may cleverly expropriate land from sisters and wives. This means that officers in land administration should be trained to understand inheritance and property law and also to recognise gender issues. Additionally the law should have penalties for officers who will facilitate gender irresponsible procedures and outcomes.

Some of the ignorance or silence concerning property inheritance and administration procedures can be ascribed to a culture of superstition about death. There is a social reluctance to know or deal with matters of inheritance before death. People do not seek information until they need to.

The AG's and DC's offices have no IEC activities on inheritance issues. The WIA requires the MGYCS to do IEC on inheritance issues. But this has been left mostly to NGOs. The few NGOs that have embarked on the good work tend to concentrate more on dealing with individual cases of complainants, rather than taking a broad based preventive approach. In the absence of guidance of a Will, this lack of information leads to lengthy and costly processes of distributing inheritance because family members usually quarrel when there are no clear guidelines of a Will. It is recommended to the Department of Lands and MGYCS that:

- ✓ Information on procedures for processing land titles and claims should be available easily to the general public so that they know the procedures and the law on inheritance even before death occurs. Use popular methods to communicate the central messages about processes and procedures for land registration and sale
- ✓ MGYCS should initiate action on gender sensitive IEC on inheritance for the general populace, rather than leaving most of the work to NGOs.
- ✓ Simplify land administration procedures so that illiterate and disadvantaged people can access them effectively
- ✓ Increase penalties for misadministration of land and deceased estates to realistic levels to protect orphans and the poor. The current levels on K100 in the WIA is a joke.

### **Failure in the exchange mapping of Property**

Even when women have exchange entitlements for (i.e. they can legitimately sell) property or products/services from property, they tend to face poor market situations. The value of their property or sale value is reduced by fraud, hurried/distress sales because relatives are pressing to share the money to be realised, or because the family needs the money to clear pressing debts, or to pay financial obligations like funeral commemoration expenses. The low sales value realized may also be due to poor knowledge of property markets and inheritance processing procedures. Reference is made here to those failures in exchange mapping that originate from policy on access to credit, extension services, or crops that can be grown and other marketing (trade/export) services. Women tend to have less access to these services.

Exchange mapping is also affected by asset specificity. Much of the property to be inherited is location specific. Homes and land can not be moved or sold easily by a surviving spouse. The high costs of transporting chattel property may also create location specificity. Land rights are location specific: use rights only accrue during residency in the marital home, as ownership rights are vested in men or women with respect to patrilineal or matrilineal systems of marriage. It may also cost too much in terms of trauma to take away property from the marital home due to threats of or actual witchcraft. The actual uses to which land may be put can create asset specificity. This specificity can be due to government laws on what can be produced where or the suitability of land to certain uses. Asset specificity affects the value of land differently depending on the markets for the products or services that can be generated from the land.

It is recommended to the Ministry of Irrigation and Agriculture, and to the Department of Lands to

- ✓ Increase the access of women to agricultural ancillary services like credit and extension
- ✓ Make more readily and widely available information on markets for land and the services/outputs from land, to reduce room for predatory buying of land from the poor.

### ***Upholding of Property Ownership and Inheritance Rights***

The summary of findings on outcomes for security of entitlements are as follows. As reported in Table 6, widows inherit items of property more often than children, and more often than ascribed to them by custom or perceptions. (Customs and perceptions are measured by the responses of currently married respondents, and practice by the responses of widowed respondents.) However because they start from a low base of goodwill they still inherit less often than men. Widowers inherited any items of property in not less than 42% of the cases, with the exception of kitchen items (29%). Widows inherited any items of property in at most 44% of the cases with the exception of kitchen items (63%) and land (54%). The latter can be explained by matrilineal customs of inheritance. It is also evident that when

women are the surviving spouses, there are more heirs than when men are the surviving spouses. In the particular case of land, 37% of widowed respondents said that the husband relatives were among the heirs, the highest for any category of property. The fact that half of the respondents were from matrilineal customs and yet only 6% of widowers said that land devolves to the wife's relatives when she dies also poses a curiosity that needs to be further understood in relation to titling of land that is being planned in the new land policy. The emphasis by male respondents on spouse and children as the expected heirs may be a normative perception. Since the administration and adjudication of inheritance is strongly influenced by perceptions, land may increasingly be owned by men even in matrilineal customs (What will remain of matrilineal customs, since one can only legitimately claim children if they can provide them with means of sustenance – i.e. land?).

Dispossession was measured both in terms of extent (% of those who lost any property, or a particular item of property), and also in depth (the proportion of items of property lost). The findings summarized in Tables 7.1 and 7.2 show that losses are deeper and extensive for widows in general; widowed persons in urban areas, particularly women; when distribution is done by a team; more than 6 months after burial; for men in *chikamwini* marriages; and women in *chitengwa* marriages. Length of marriage is negatively related to dispossession. Less of those with higher education and those who officiated their marriages through the church experience dispossession. Children as preferred heirs are more frequently dispossessed in practice when women are the surviving spouses, because there are other beneficiaries crowding them out.

A logistic regression analysis (Ngwira 2002) dispossession has shown that being a widow married according to patrilineal customs increases the odd of dispossession over being a widower married under the same customs, by 12.2 times. The absence of a Will increases the odds of dispossession by 3, and not following a Will by 43 times, over following a Will. This indicates that Wills whether written or not, tend to favour spouses and children, and that as of now writing a Will itself may be an indicator of a seething inheritance problem, or that Wills violate the WIA. This may be due to the fact that the majority of people do not know the contents of the WIA.

Property grabbing happened in 30% of the widows cases compared to 3% for widowers. Thus the likelihood of a widow's inheritance being grabbed is 10 times that of a widower. Grabbing may be a remnant of traditional customs of sharing out all the property, except kitchen items, usually under the pretext that everybody needs some of the property to wipe away their tears. Inheritance loss is deep when naked grabbing takes place. In these cases the mean PPL is 80% and the mode 100%. Most of the households as indicated earlier, do not have multiple items of property and have low incomes. So if an item of property is taken away the welfare impacts may be severe and they may not be able to replace it since the main income earner has passed away.

The findings on the welfare impacts were mostly that the formal system of administering inheritance causes delays, high costs and losses leading to reduction of income of the families of deceased men. Due to extensive and deep dispossession of property, as many as 40% of widows face hardship. The majority of respondents felt that inheritance customs and practices are not good: they lead to deterioration in living standards of the family; that they encourage property grabbing; that children are bewitched or psychologically disturbed. Widows lose capital goods more often than widowers meaning that future incomes are more threatened for families where the wife is the surviving spouse. Witchcraft is a major aspect of what leads to the abrogation of property and inheritance rights. It creates fear and erodes social capital for the bereaved family. And dissipates energies from productive action. The main lessons from this analysis that are relevant for securing women's land rights are that

- i) the government should lead an expanded effort to implement programs that inculcate values and provide services that lead to increased writing, respect for and proper administration of Wills.
- ii) There is need also for IEC programs that dissuade extensive distribution of inheritance, especially in urban areas where widows tend to get more dispossessed.
- iii) inheritance law should be reviewed on heirs and shares and should be clear so as to reduce opportunistic grabbing and sharing out of property, obviating the need for a team of

- distributors to participate in distribution, as these have been linked to greater dispossession ;
- iv) The law should provide a guide on the timeframe for completing processing of inheritance claims whether through the government or traditional systems to between one to 6 months, to reduce chances of orphan and widows becoming destitute.
  - v) Women should be taught the importance of ensuring proper and complete officiation of their marriages.
  - vi) There is need to encourage the preparation of instruments of inheritance, like the filling of BNF, Wills and making bequests to obviate the need for group discussion of distribution of deceased estates.

### **Conclusion**

This paper points to the need for the reform of the institutions for assigning and securing women's and disadvantaged people's land ownership and inheritance entitlements. This includes changes in customs, perception, laws and structures for administering and adjudicating ownership and inheritance matters, as well as policies and programs related to livelihoods derived from land. Those responsible for implementing the new Land Policy and crafting the Land Act need to continually look out for subtleties and nuances in these institutions that if ignored would lead to extensive dispossession of land from women, orphans and the poor with negative consequences for their welfare.

Table 6: Frequently mentioned customary heirs to property  
(Reporting responses mentioned by 4 or more % of respondents)

Property/Recipient	Category of Respondent							
	Currently Married Men		Currently Married women		All Currently Married Respondents		Widowed Respondents	
	WWD	WMD	WWD	WMD	WWD	WMD	WWD	WMD
<i>Kitchen utensils</i>								
Spouse	31	67	26	73	28	70	29	63
Spouse&children	15	20	18	13	17	16	12	13
Children	21	7	9	7	14	7	8	
Sons								
Daughters	8		8		8			
Husband's or wife's mother			7		5			
Wife's mother	15		19		17		14	
<i>Household furniture</i>								
Spouse	49	20	51	27	50	23	60	37
Spouse&children	24	27	26	20	25	23	8	15
Children	21	28	18	29	20	29	13	
Sons								6
Husbands/parents		4		6		5		5
<i>Radio and bicycles</i>								
Spouse	54	10	52	16	54	13	65	32
Spouse&children	22	23	25	16	24	19	11	18
Children	15	33	16	33	16	33	20	
Sons		9		10		9		5
Husbands/parents		7		11		9		5
<i>Large Electronics</i>								
Spouse	49	11	52	13	50	12	67	36
Spouse&children	24	23	27	19	26	21	10	36
Children	19	32	17	37	18	34	23	8
Husbands/parents		12		13		13		
<i>Trade equipment</i>								
Spouse	51	8	49	16	50	12	42	44
Spouse&children	21	21	25	18	23	20	16	17
Children	18	33	20	33	19	33	16	
Sons		12		8		10		
Husband's uncle								9
Husbands/parents				5		4		13
Wife's uncle							5	
Wife's parents							5	
Wife's mother							16	
<i>Land</i>								
Spouse	35	23	43	25	39	12	53	44
Spouse&children	19	23	24	23	21	33	14	
Children	31	31	25	32	28	10	20	
Sons		6		7		4		
Husband's uncle						20		17
Husbands/parents		4		5		4		22
Wife's mother							6	
<i>Capital goods</i>								
Spouse	44	15	46	15	45	15	63	29
Spouse&children	25	19	26	17	25	18	6	29
Children	20	29	20	31	20	30	25	
Sons								
Husbands/parents		8		11		10		5
Husband's or wife's parents								5
Wife's mother							6	
<i>Personal cloths and beddings</i>								
Spouse	10	5	8	5	9	5		
Spouse&children	5		5		5			
Children	14	21	8	17	11	19		
Sons		19		24		22		
Daughters	21		21		21			
Husband's uncle		7		4		6		
Husband's parents		14		16		15		
Wife's parents	5		10		6			
Wife's mother	24		29		22			
Husband's father and Sons	12		9		10			

Source: Ngwira et al (2002): Survey Results  
Note: WMD –when man dies; WWD = when woman dies

*Table 7.1*  
*Summary Statistics on Depth of dispossession [PHLAP<sup>(1)</sup> and mean PPL<sup>(2)</sup>]*  
*By socio-economic variables*

<i>Socio-economic Variable</i>	<i>PHLAP</i>			<i>Mean PPL</i>		
	<i>Widowers</i>	<i>Widows</i>	<i>All</i>	<i>Widowers</i>	<i>Widows</i>	<i>All</i>
<i>Education</i>						
<i>No schooling</i>	22 (18%)	13 (62%)**	35 (43%)	7%	45%	21%
<i>Lower Primary</i>	35 (20%)	31 (42%)**	66 (30%)	12%	30%	20%
<i>Upper Primary</i>	23 (13%)	33(25%)**	56 (27%)	8%	27%	14%
<i>Secondary</i>	9 (33%)	12 (17%)	21 (76%)	17%	10%	17%
<i>Tertiary</i>	4 (0%)	5 (20%)	9 (24%)	0%	28%	6%
<i>Marriage Customs</i>						
<i>Chitengwa</i>	11 (0%)	13 (46%)*	24 (25%)	0%	36%	19%
<i>Chikamwini</i>	26 (42%)	27(30%)	53 (36%)	25%	18%	22%
<i>Nthengwa</i>	56 (11%)	54 (41%)***	110 (26%)	4%	32%	18%
<i>Wealth Index<sup>^^</sup></i>						
<i>First quartile</i>	13 (39%)	23 (52%)	36 (47%)	13%	39%	29%
<i>Second quartile</i>	31 (26%)	33 (49%)*	64 (38%)	19%	35%	27%
<i>Third quartile</i>	29 (7%)	24 (21%)	53 (13%)	3%	20%	11%
<i>Forth quartile</i>	20 (10%)	14 (21%)	43 (15%)	3%	11%	6%
<i>Place Residence<sup>^^</sup></i>						
<i>Rural</i>	70 (16%)	65 (26%)*	135 (21%)	10%	18%	14%
<i>Urban</i>	23 (26%)	29 (66%)**	52 (48%)	10%	51%	36%
<i>Existence of Will<sup>^^</sup></i>						
<i>No Will</i>	83 (19%)	70 (34%)**	153 (26%)	11%	25%	17%
<i>Will not followed</i>	3 (33%)	10 (90%)**	13 (77%)	5%	69%	54%
<i>Will followed</i>	7 (0%)	14 (24%)	21 (14%)	0%	18%	12%
<i>Who distributed?<sup>^^</sup></i>						
<i>No distribution</i>	49 (10%)	29 (24%)*	78 (15%)	3%	19%	9%
<i>Self</i>	4 (0%)	7 (14%)	11 (9%)	0%	5%	3%
<i>Own Relatives</i>	8 (2%)	0 (--%)	8 (2%)	9%	0%	9%
<i>Spouse's Relatives</i>	12 (33%)	15 (40%)	27 (37%)	18%	29%	24%
<i>Combination</i>	20 (30%)	43 (51%)*	63 (44%)	23%	38%	33%
<i>Overall</i>	93 (18%)	94 (38%)**	187 (28%)(	10%	28%***	19%

*Source: Ngwira et al (2002), WP&IRs Study, Field Study Results;*

The figures outside the brackets are the number of respondents in that category

(1) Proportion of household losing any item of property; (2) proportion of items property lost

<sup>^^</sup> ANOVA of mean PPL between subgroups of variable significant at 1%;

\*chi-square significant at 10%; \*\* chi-square significant at 5% and \*\*\* chi-square significant at 1%

**Table 7.2**  
**Extent of Dispossession:**  
**Proportion of households Losing Items of Property (PHLIP)**  
**By Socio-economic Variables**

Socio-Economic Variables	Household Furniture		Radios/Bicycles		Large Electronics		Land	
	Widowers	Widows	Widowers	Widows	Widowers	Widows	Widowers	Widows
<b>Education</b>								
<i>No schooling</i>	5	60 **	0	63 ***	23	20	6	27
<i>Lower Primary</i>	9	32 **	4	33 **	13	28*	16	32
<i>Upper Primary</i>	5	25 *	0	29 **	24	24	10	21
<i>Secondary</i>	14	25	17	29	25	17	14	20
<i>Tertiary</i>	0	20	0	0 ??	40	0	0	0
<b>Marriage Customs</b>								
<i>Chitengwa</i>	0	41 **	0	44 *	8	19	0	13
<i>Chikamwini</i>	17	29	10	35 *	21	18	33	0**
<i>Nthengwa</i>	4	31 ***	0	11 ***	23	25	4	40***
<b>Wealth Index</b>								
<i>First quartile</i>	8	44 **	0	50 **	6	6	10	27
<i>Second quartile</i>	20	39	5	52 ***	9	10	23	33
<i>Third quartile</i>	0	19 **	0	24 **	27	36	7	18
<i>Forth quartile</i>	0	24 *	6	0	36	53	0	8
<b>Residence</b>								
<i>Rural</i>	9	25 **	0	71 ***	0	11	9	13
<i>Urban</i>	0	48 ***	4	20 **	--	--	18	48 **
<b>Existence of Will</b>								
<i>No Will</i>	8	26***	4	24**	0	26	12	26**
<i>Will not followed</i>	0	80**	--	78**	--	--	0	40
<i>Will followed</i>	0	17	--	33	--	--	0	0
<b>Who distributed?</b>								
<i>No distribution</i>	0	24***	0	17**	0	0	7	12
<i>Self</i>	0	0	--	--	--	--	--	14
<i>Own Relatives</i>	0	0	--	--	--	--	0	--
<i>Spouse's Relatives</i>	22	29	17	44	0	0	9	23
<i>Combination</i>	21	42	8	45	0	33	31	37
<b>Overall</b>	7	32 ***	3	33 ***	0	20**	11	28 **

*Source : Ngwira et al (2002) WP&IR Field survey Results*

(1) -- implies not reported due to small numbers in cells; capital goods and trade equipment not reported due to small numbers; (2)Chi-square tests \*significant at 10%; \*\*significant at 5% and \*\*\*significant at 1%

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