



**AN ANALYSIS OF THE IMPACT OF LAND RELATED CORRUPTION ON
WOMEN: CASE STUDIES FROM GHANA AND ZIMBABWE**

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ABSTRACT

This paper explores the intersection between land corruption and women's access and ownership of land. The paper highlights how women's access to and ownership of land in Ghana and Zimbabwe remain impeded by land corruption. Through analyzing a series of case studies, the paper notes that land access and ownership is increasingly defined by variables such as power, patronage and politics. Most women, who are often a marginalized group, lack leverage to these land ownership defining variables. The paper is a build up to the previous paper presented by Transparency International (TI) and Huairou Commission during the 2015 Land and Poverty Conference on "Examining linkages between Women, Land Governance and Corruption". This paper is framed within the nuances of the Sustainable Development Goals, in particular Goal 5 on achieving Gender equality and empowering women and girls as well as Goal 16 on peace justice, accountability and strong institutions.

Key words: access, corruption, land, ownership, women,



INTRODUCTION

While there is a convergence in policy and academic literature on the gender inequalities in land rights, there is limited research linking these gender disparities in land ownership and access to the growing problem of land corruption. This is despite global recognition that the land sector is not immune from corruption. A 2011 study by TI shows that there is a very strong correlation between levels of corruption in the land sector and overall public sector corruption in a country. The same study notes that corruption in land governance is often symptomatic of the breakdown of a country's overall governance. Poor governance increases the probability of corruption in the land systems and land administration and intensifies the impact of pressure on the use of the land (FAO 2012). In Africa, every third respondent to TI's Global Corruption Barometer 2013 stated that they had paid a bribe in order to access land services. In Sierra Leone, this was reported by 70% of respondents (ibid). Similarly, the East Africa Bribery Index 2013 recorded that 45% of respondents in Uganda indicated that paying a bribe was the only way to access various land services. This paper explores the interconnection between land corruption and women's access and ownership of land.

The paper highlights how women's access and ownership of land in Ghana and Zimbabwe remain impeded by land corruption. Through reference to case studies from these countries, the paper shows how land corruption disproportionately affects women because of their dependence on land as a livelihood base, property and investment option. In all these 2 scenarios presented in this paper, women are displaced from their traditional land without any free prior informed consent. Again in all these case studies women are not compensated and their basis right to livelihood is violated.



CONCEPTUAL FRAMEWORK: GENDERED DIMENSIONS OF LAND CORRUPTION

Women's land rights are particularly crucial, as secure access to land and other natural resources is a basis for sustainable livelihoods and a key factor in assuring food security (Pallas, 2011). According to the World Bank, land ownership has a number of crucial socio economic benefits for women and their families. Increased security allows women to access credit to buy key agricultural inputs or make other investments to increase food production (ibid). Access to land can also lift a woman's status and enhance her bargaining power in families and communities, boosting well-being at the household level (ibid).

In the context of this study land ownership will be defined using the concept of the bundle of rights (FAO). This essentially means owning land is about having land rights such as right to use, right to exclude, right to sell inter alia. Land can be owned by an individual, a community or by the state. In some polities such as Kenya, Uganda and Ghana men and women can own land jointly. Ribot and Peluso (2003) define access as "the ability to derive benefits from things including material objects, persons, institutions, and symbols". Using this definition, these scholars defines access using the indicators for power that is the "*who gets to use what, in what ways and when*". Access according to Ribot and Peluso (2003) is the "*bundle of powers*" rather than necessarily a "*bundle of rights*." Access analysis is thus the process of identifying and mapping the mechanisms by which access is gained, maintained, and controlled (ibid). In the context of this study it is important to note that both men and women do not have legal ownership over land as the land in question is owned by the state.

The term land corruption is a relatively new term in both policy and academic literature. Kakai (2012) argues that the concept of land corruption is not in common use in social science. The newness of the term to both the academic and policy literature can therefore be attributed to the scant research on the relationship between land corruption and gender inequalities in land rights. Lascoumes, 2009:264 (as cited in Kakai 2012) argues that it is essential to think of land corruption as an operational concept reflecting the illicit acts and the abuses of power committed by those with the power (at different levels) when performing their duties as this relates to different land operations. Kakai (2012) argues



that in the sphere of land corruption, power is both an exploited resource and the aim of the action undertaken. Corruption in the land sector is therefore the abuse of power and authority by those in charge of land administration for their own gain or benefit (Mutondoro and Ncube, 2013). It is worth noting from this analysis that corruption in the land sector usually takes two forms namely political corruption and bureaucratic corruption.

Amundsen (1999) defines political corruption as the manipulation of political institutions in order to facilitate resource allocation that sustains the power and wealth of political decision makers. Political corruption in the land sector manifest as a result of opportunities created through land transactions, reforms and development projects that occur within a country, region or district (TI 2011). Examples include when state-owned lands are privatized or leased, zoning or construction plans are approved, large-scale land acquisitions by investors are negotiated and land is expropriated for government (or government-related) projects (ibid). Political corruption in the land sector relies on broader weaknesses or breakdowns in governance that compromise institutions' transparency, accountability and integrity (ibid). Brankov and Tanjevic (2013) argues that political corruption in the land sector is usually extremely hard to document as political corruption usually involves the interface between the holders of political and economic power and opens the way for the widespread abuse of public functions on the one hand and the smooth, fast and enormously enriching individuals close to the government, on the other hand.

Bureaucratic corruption is corruption in the public administration at the implementation end of politics (Mutondoro et al, 2012). Bureaucratic corruption occurs in the government ministries, departments and parastatals that are owned by the government (Amundsen, 1999). A Working paper by TI and FAO (2011) uses the term administrative corruption in describing bureaucratic corruption. Administrative or bureaucratic corruption takes the form of small bribes that need to be paid to register property, change or forge titles, acquire land information, process cadastral surveys and generate favourable land use plans. More often citizens who want residential stands, farms or other land services are forced to pay bribes to bureaucrats working in government land ministries and local councils. The 2013 Global Corruption Barometer indicates that one in five people reported that they had paid a bribe for land services during the previous years.



It is important to note that corruption in the land sector has been largely associated with the rise of large scale land deals. MacInnes (2009) argues that corruption facilitates land grabbing or land deals. Cotula et al. (2009) argues that large scale land deals involve at least two parties, an *acquirer* and a *provider*. In the African context, the acquirer is usually a private or joint equity company, but it can also be a foreign government acquiring land directly while the provider is usually a government or, much more rarely, a private land-owner (ibid). Cotula et al (2009) argues that many countries do not have in place legal or procedural mechanisms to protect local rights and take account of local interests, livelihoods and welfare. Therefore large-scale land acquisition often goes hand in hand with issues of displacement, weak governance structures, corruption, conflicts, and environmental damages (Verhoog, 2012). Large scale land deals across Africa have generally affected rural women negatively, with women losing their identity as well as the right to land ownership and land use, as the conglomerates often ask people to leave the land and women emerge as poor victims in most communities as they cannot fight for their land due to patriarchy which insists on land being a male regulated commodity (Mutopo & Chiweshe, 2012). The table below gives a summary of some of the risk factors and forms of corruption in land sector governance and how they impact on women.



Table 1 Risk and Forms of Corruption in the Land Sector

Area	Risk Factors	Forms	Gendered impact
Land Administration	<ul style="list-style-type: none"> - Inadequate land laws and procedures; - Excessive or unpublished fees for land services; - Lack of recognition of land uses and rights; - Under-developed and non-transparent land registration systems; - Absence of up-to-date and accurate land records; - Existence of multiple land management authorities; - Irregular practices in the collection of land taxes; - Limited accessibility of services - Lack of effective compliant, grievance and oversight mechanisms; - Absence of a code of conduct. 	<ul style="list-style-type: none"> - Bribery of land administration officials and law enforcement authorities; - Fraud and production of false land claim documentation. 	<p>Bribery can result in less women getting land because women generally might not have money to use.</p> <p>-Bribery can also result in sex extortion as some women will be forced to trade sex for land.</p>
Customary land tenure	<ul style="list-style-type: none"> - Lack of legal recognition and delineation of customary land; -Traditional practices of payments and exchanges; - Opaque systems, absence of outside control and lack of clarity in allocation of land; - Monetarisisation and speculation on land sales. 	<ul style="list-style-type: none"> - Abuse of power by chiefs; - Conversion of property and capture of revenues by chiefs and influential people; - National institutions and business interests override local land rights. 	<ul style="list-style-type: none"> -Abuse of power by chiefs who are predominantly males expose women to sex extortion -Abuse of power by chiefs and monetarisisation of communal land can also lead to illegal sale of land which will further marginalize women's access to land as they may fail to buy land



<p>Management of State Owned land</p>	<ul style="list-style-type: none"> - Lack of inventory, delineation and management of state land; - Irregularity of land prices for disposal and acquisition; - Unclear institutional responsibilities and decision mechanisms; - Absence or lack of clarity of regulations for leasing land or exercising eminent domain; - Lack of effective compliant, grievance and oversight mechanisms. 	<ul style="list-style-type: none"> - Bribery of government officials to obtain public land at a fraction of market value; - Manipulation of compulsory land acquisition and compensation processes by government officials and investors; - Irregular conversion of property and land classification status by government officials. 	<p>-Secret land deals and land acquisition usually results in displacements of communities. Women are rarely compensated in the process. More so their land based livelihood activities are violated</p>
<p>Land use planning, conversion and investments</p>	<ul style="list-style-type: none"> - Lack of transparency of planning processes and land allocation procedures; - Opaque, slow and bureaucratic processes for issuing building development permits; - Unclear land use and property rights; - Lack of effective complaint, grievance, independent oversight and enforcement mechanisms; - Lack of an independent media. 	<ul style="list-style-type: none"> - Capture of rents and profits originating from land conversion and re-zoning by government officials and investors; - Abuse of government officials' discretionary power to propose real estate and land developments that increase the value of her/his personal property; - Acquisition of land through state capture and/or by investors and developers having received insider information from government officials; - Bribery of government officials by investors and/or developers. 	<p>- Acquisition of land through state capture and re zoning usually results in destruction of people's houses as was the case with Operation Murambatsvina in Zimbabwe in 2008. Poor women and widows are usually left without any shelter. The majority of them become landless.</p>
<p>Payment of environmental services (eg UN REDD)</p>	<ul style="list-style-type: none"> - Lack of legal recognition of tenure rights; - Lack of recognition of protected areas and lands reserved for environmental protection; - Opaque, slow and bureaucratic payment systems. 	<ul style="list-style-type: none"> - Capture of funds by developers, investors and government officials; - Acquisition of parcels eligible for payments by developers, investors, and government officials. 	<p>- These risks often lead to the rise of Illegal Housing co-operative who swindle citizens of their money, women are usually victims. This phenomenon is on the rise in Zimbabwe.</p>

(Source: Adapter from TI 2011)

Given these risks and opportunities for corruption in land sector as shown by Table 3 above, it is important to look at the gendered impacts of land corruption. A report by UNIFEM and UNDP (2010) entitled *Corruption, Accountability and Gender: Understanding the Connections* states that corruption disproportionately impact on women and girls than men because women form the majority of the global poor. The same reports cites from Schimmel and Pech (2004) and Khadiagala (2001) who all argue that the poor, reliant on publicly provided services, disproportionately suffer when corruption depletes the amount of resources available to those services. Nawaz (2009) argues that women's access to resources is an area where corruption has profound gendered impacts, especially where it concerns access to public services. Nawaz argues that women are particularly disadvantaged by corruption in at least three ways mentioned below:

- Resources intended to benefit poor women may be more vulnerable to „grand“ corruption, especially in the form of “leakages”, since this is particularly common with earmarked resources for marginalized groups. Bribes requested for the delivery of basic services such as health, education and water and sanitation affect women in a significant way since their income level tends to be lower and they have fewer alternatives to acquire these services. However, limited evidence is available on the relationship between grand corruption and delivery of public services to women.
- Corruption in accessing services and resources are less likely to be reported than other forms of corruption due to their sexual nature. For example, some of the most serious evidence of sexual extortion (sextortion) for access to services can be found in cases of sexual abuse in schools; in instances where such abuse results in pregnancy, a common response is to expel the pregnant girl, rather than to punish the responsible teacher. In this case, the impact of corruption is doubled on girls: not only are they required to pay bribes in the form of sex, they also run the risk of being deprived of an education for doing so.
- The perception that women are less able to pay bribes can lead to them being excused from paying bribes. However, this does not always mean that women access the required services without paying bribes. In many cases they, simply cannot access the services since they are unable to find the adequate bribes.



WOMEN, LAND CORRUPTION AND GENDER INEQUALITIES

Doss et al, 2013 argue that globally more men than women own land. On average, across 10 countries in Africa, 39% of women and 48% of men report owning land, including both individual and joint ownership (ibid). Only 12% of women report owning land individually, while 31% of men do so. (Note that these data only include men and women of reproductive age (ibid). The 2004 African Gender and Development Index (AGDI) findings from 12 African countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia, and Uganda) revealed that women's access to land was, on average, less than half of that enjoyed by men. Though not substantiated or corroborated by empirical data there are claims that "less than 2 % of the world's land is owned by women and approximately 15% in Sub-Saharan Africa". Paradoxically, while women make up almost 43% of the agricultural labour force in developing countries and are responsible for between 60 and 80% of food production in developing countries, women comprise on average between less than 5% to less than 20% of agricultural landholders in the main developing regions (FAO, 2010, Action Aid 2011). The table below gives some examples on the gender inequalities in land across the globe.



Table 2: Land Ownership, by households' women and men

Country	Year	Households		Women			Men		
		Sample size (households)	% of households owning any agricultural land	Sample size women	Own any land (sole or joint)	Own any land (sole only)	Sample size men	Own any land (sole or joint)	Own any land (sole only)
Burkina Faso	2010	14,422	79	17,071	32	12	7,304	54	43
Burundi	2010	8,589	86	9,372	54	11	4,280	64	50
Ethiopia	2011	16,693	73	16,503	50	12	14,107	54	28
Lesotho	2009	9,385	53	7,624	38	7	3,317	34	9
Malawi	2010	24,818	80	15,399	48	23	NA	NA	NA
Rwanda	2010	12,540	81	13,666	54	13	6,328	55	25
Senegal	2010-11	7,902	47	15,688	11	5	4,929	28	22
Tanzania	2010	9,592	77	10,137	30	8	NA	NA	NA
Uganda	2011	9,029	72	8,667	39	14	2,292	60	46
Zimbabwe	2010-11	9,756	63	9,171	36	11	7,480	36	22
Total		-	71	-	39	12	-	48	31

Extracted from: Doss et al (2013) Gender Inequalities in Ownership and Control of Land in Africa IFRPI Discussion Paper 01308.

Notes: NA = not available. All descriptive use sample weights provided in the DHS. In Tanzania, the household ownership data included a “don’t know” option. Indicators for most countries had low percentages of missing values (from 0 to 31 observations). Land indicators for individual ownership in Malawi were only asked to currently married or partnered women, resulting in missing information for 7,575 women.

It is important to note that while there is no consensus on the exact data reflecting the gender inequalities in land rights globally and in Africa, the undisputed fact and point of convergence in research literature is that more men own land than women. Lack of access to land resources has a negative impact on the enjoyment of several human rights for women, including food security, tenure



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security, meaningful participation, and freedom from poverty (IFAD and GLTN). Conversely, violations of human rights (such as the right to information, participation, freedom from torture and cruel, inhuman or degrading treatment, and education) prevent women from accessing land and other productive resources (ibid) As argued by Davidson 1988 (in Shumba 2011) women's relationship with land affects the political economy of their lives and impacts on their roles as procreators and producers, a dual burden, which they carry. A World Bank Report (2003) notes that if women have access to and control over land then family livelihood patterns improve. This is confirmed by LANDESA¹ which states that

- **Educated:** Families where women own more land devote more of budget to education;
- **Prosperous:** Women with strong property and inheritance rights earn up to 3.8 times more income;
- **Nourished:** Children whose mothers own land are up to 33% less likely to be severely underweight;
- **Safer:** Women who own land are up to 8 times less likely to experience domestic violence;
- **Resilient:** Where women's property and inheritance rights are stronger, women's individual savings are likely to be up to 35% greater;
- **Healthy:** Children in households where women own land are up to 10% less likely to fall sick.

It is worth noting that while there is a convergence in policy and academic literature on the gender inequalities in land rights, there is limited research linking these gender disparities in land ownership to the growing problem of land corruption. This is despite global recognition that the land sector is not immune from corruption². The analysis on data from 2013 Global Corruption Barometer shows that corruption in land correlate very strongly and negatively with the Corruption Perception Index (CPI) measure of corruption perceptions for the public sector in general. This demonstrates that more corruption in land is associated with a lower CPI score (higher perceived public sector corruption). For petty corruption: correlation coefficient is -0.69 (p<0.01) while for grand corruption: correlation coefficient is -0.73 (p<0.01). Table 1 below also gives some empirical examples of corruption in the land sector across the globe.

¹ <http://www.landes.org/wp-content/uploads/infographic-womens-land-rights.jpg> (last accessed on the 13th of January 2016)

² http://www.transparency.org/news/feature/land_and_corruption_a_global_concern (last accessed on the 13th of January 2016)



Table 3: Country cases of land corruption: Global perspective

Country	Empirical examples of corruption in the land sector
Bangladesh	According to a household study conducted in Bangladesh shows that 97% household that bought land had to pay bribes for land registration, 85% of the households who mutated their land ownership had to pay bribes for land survey and 40% household who received land had to pay bribes.
India	A study in India estimates that US\$700 million worth of bribes are paid annually by users of the country’s land administration services (IT India, 2005). The same study states that 79% of those interacting with the Land Administration Department in the country had agreed that there is corruption,
Mexico	According to a survey conducted by Transparencia Mexican in 2011, illegal payments to land authorities ranked among the top 10 services plagued by bribery in the country. The survey’s results show that a bribe has to be paid at least once out of every 10 times that a person solicits a land permit.
Cambodia	In Cambodia, investigations by the UN High Commissioner for Human Rights show that many state land concessions granted after the country’s civil conflict have been violated recently passed legislation and have been opaquely awarded to individuals who often come from the country’s political and economic elite.
Kosovo	According to a study by the Organization for Security and Cooperation in Europe (OSCE) in Kosovo, illegal occupation of property remains rampant, property rights record have become unreliable, illegal construction and informal settlements have exploded and informal and illegal transactions continue unabated.
Kenya	The Kenya Briber Index 2001 and 2002 ranked the Ministry of Lands and Settlement 4 th and 13 th (TI, 2001a, 2002a). The Kenya Bribery Index (TI 2005c) shows that 65, 7% of the people visiting the Ministry of Lands might be asked for a bribe, 36,3% of declinations resulted in service denial. The average bribe paid by those dealing with government land agencies was US \$ 65 in 2011, a figure that had been raising in the last two years but which has since fallen. The same survey also finds that Kenya’s Ministry of Lands is the fourth most corrupt public administration body in the entire country. Nearly 58% of people who have sought land services from the ministry have been asked to pay a bribe; of those requested to make an illegal payment, one-third did.
Ethiopia	A World Bank Report (2012) shows that there are no documents regulating Ethiopia’s land policy, with rules for land access remains unclear. This creates plenty space for corruption. In the Ethiopian land sector, informal fees can be considered common place. A study by Transparency International (2011) revealed that 50% of the respondents reported to have bribed in land services. Further, officials often allocate land to themselves – from 2009 to 2014, approximately 15 000 forged titles had been issued in Addis Ababa.
Ghana	Land management in Ghana is struck by several constraints. For instance, a study shows that 65% of chiefs responsible for the allocation of land and who should in theory carry out land transaction in the interest of their community are in reality the main beneficiaries of land sales (Ubink, 2004). Further, 29% of respondents to the Global Corruption Barometer (2009) stated to have paid a bribe to land services, with 54% responding that one had to pay a bribe to obtain a favorable decision in land services (Global Corruption Barometer, 2009)



As shown by some of the empirical evidence provided in the table above, corruption is an inevitable reality in the land sector governance. This paper is premised on the understanding that corruption in land sector governance is a key factor that should be attributed to explain the pervasive gender inequalities in land rights. The argument of this paper is that while a myriad of factors (such as the lack of education and knowledge on the part of women, women's lack of capital and assets, patriarchal institutions of land governance and culture) have been put forward to explain why there are gender inequalities in land rights, gendered corruption is least mentioned in these narrative either as one of the factors or a likely reality that might arise due to some of the opportunities in land governance. Globally, according to the 2013 Global Corruption Barometer, 27 % of men and 22 % of women report paying bribes to at least one institution. In a recent study by the Ghana Integrity Initiative (carried out by the TI National Chapter in Ghana) on *Women and Corruption*, almost 40% of women specified that corruption hindered their access to, and control over, land resources and therefore fundamentally impacted their livelihoods. This data shows the extent to which land corruption is an impediment to women's access and ownership of land.

METHODOLOGY

Andvig et al (2001) argue that corruption is a complex and multifaceted phenomenon with multiple causes and effects, as it takes on various forms and functions in different contexts. The complex and multifaceted nature of corruption requires an in-depth analysis in understanding its impact. Such analysis is well rooted within the qualitative research approach. The study therefore employed a qualitative research design to understand the impact of land corruption on women's access to and ownership of land. Denzin and Lincoln (2005) argue that qualitative research turns the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. It consists of a set of interpretive, material practices that make the world visible. Qualitative research tends to yield more wealth data when conducting impact assessment studies. The qualitative research zeroed in on a case study as the paper is informed by 2 cases conducted in Ghana and Zimbabwe. Punch (2004) views case study as a method of studying social phenomena through thorough analysis of an individual case. According to Yin (2003) a case study



design should be considered when: (a) the focus of the study is to answer “how” and “why” questions; (b) you cannot manipulate the behaviour of those involved in the study; (c) you want to cover contextual conditions because you believe they are relevant to the phenomenon under study; or (d) the boundaries are not clear between the phenomenon and context. As such the paper is informed by 2 case studies.

ZIMBABWEAN CASE STUDY: THE CASE OF CHISUMBANJE AND CHINYAMUKWAKWA

The Zimbabwean case study focused on Chisumbanje and Chinyamukwakwa villages in Chipinge district in the Manicaland province. These 2 adjacent villages lost huge tracts of land beginning of 2009 when the Government of Zimbabwe through the Agricultural Rural Development Authority (ARDA) ventured into a secret deal with Madcom Rating. In 2007 the government of Zimbabwe, signed a 20-year agreement under what is known as a build-operate-transfer (BOT) arrangement on lands owned by the quasi-state parastatals, i.e. the Agricultural and Rural Development Authority (ARDA), in Chisumbanje and Middle Sabi with Ratings Investments and Macdom Investments (Makombe, 2013). Clearly from the beginning, the deal was shrouded in a lot of secrecy to the extent that the communities were not consulted and the deal is in favour of the investor. Makombe (2013) notes that when the deal was signed it was believed that ARDA would provide 40,000 hectares for the project, but it was later realized that the ARDA boundaries only had 5,112 hectares, hence the company’s decision to immediately “acquire” additional land from the adjoining communal lands in a desperate bid to make up the deficit and in the process displacing thousands of villagers (ibid)

Chiweshe et al (2013) argue that ARDA was desperate for a partner because it was broke thus entered into an agreement in which the investor had an upper hand. According to the memorandum of understanding, Rautenbach’s companies hold a 70 % stake while ARDA holds the remainder (Makombe, 2013). Additionally ARDA receives 10 % as management fees from Rautenbach’s companies and it is also entitled to an 8 % share of the revenue generated from the annual production (ibid). In 2009, construction began on a US\$600 million ethanol plant in Chisumbanje by a company known as Green Fuels (Mutopo and Chiweshe 2012). Mujere and Dombo (2011) concludes that in



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Zimbabwe investors in land projects have largely been controversial businessmen with close ties to the Zimbabwe African National Union Patriotic Front (ZANU PF) ruling elite and some multinational companies who get into partnership with government companies or companies owned by some few elites.

Preliminary findings from an ongoing study by Transparency International Zimbabwe in Chisumbanje and Chinyamukwakwa show that as a result of the land deal between Madcom Rating and ARDA, the community in general and women particular have been severely affected as they lost their access to land. The two villages do allege that they were not consulted about this deal and how it would impact them. In addition, the community claims that starting in 2008 the company ploughed down their crops and didn't compensate for them. Villagers from both villages also allege that since time immemorial Chipinge Rural District Council which leased land to ARDA has control over 5112 hectares of which to date Green Fuel is using 9 000 hectares. This means that the company has grabbed more than 4 000 hectares from the two villages. Preliminary finding shows that more than 3000 households have been affected as Green Fuel has grabbed 2600 hectares from Chinyamukwakwa and 1600 hectares from Chisumbanje. A review of secondary data on this land deal shows a lot of irregularities such as:

- ✓ While the BOT was signed in 2007, in 2012 ARDA wrote a letter seeking 40 000 hectares from Chipinge Rural District Council. The biggest question is why would ARDA write a letter to CRDC seeking 40 000 hectares, 5 years after signing a deal with Madcom Rating?
- ✓ In 2014, there were several media stories suggesting that Billy Rautenbach, the owner of Madcom Rating and Green Fuel had acquired this deal through corrupt means³. The former Member of Parliament for Hurungwe, District Temba Mliswa alleges that Billy Rautenbach had bribed politicians including the ARDA Chairperson Basil Nyabadza as facilitation fee for the Chisumbanje land deal.

³ <http://www.chronicle.co.zw/mliswa-rautenbach-wrangle-opens-can-of-worms/> (last accessed on the 27 December 2015)



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- ✓ The community also has records that shows that since the 1960s, ARDA has always owned 5112 hectares not the 40 000 hectares that its signed on to with Madcom Rating

As a result of this land deal, the on-going TI Z study notes that women have been impacted more severely than men. In both these two villages as is the case in the entire Ndau culture, most men are polygamous. Women in a polygamous relationship have a primary responsibility of taking care of the family. With the land grab, most women in these villages have been left without any option but to fetch firewood and selling it for USD0, 50. An interesting case is that of the Mashava family where the husband who is married to 18 wives and has 73 children lost his 150 hectares of communal land to Green Fuel. His wives, who prior to 2009 had access to 4 hectares each, have been left without any land to grow cotton and maize. These wives told the research team that in order to survive they are now selling firewood and fetching water for a fee for those pregnant women at a local clinic.

Another interesting case is that of a widow called Memory from the same village. Memory lost her husband in 2000 and ever since that time she has been taking care of her family through growing cotton and maize on the 10 hectares that she accessed through marriage. Through farming Memory was able to build a three bedroomed house and pay fees for her two sons. When her land was taken Memory, couldn't pay fees for her last daughter who has to drop out of school when she was doing her form 3. The daughter has since been impregnated and is staying with her mother. The study also noted that when villagers lost land to Green Fuel, the company working with the traditional leaders parceled out 0.5 hectares of land to some villagers. Villagers allege the process of parceling out this land was ridden with corruption. For example, one young woman told the research team during a Focus Group Discussion (FGD) in Chisumbanje that she got the 0.5 hectares through consenting to sex with the local traditional leader. The lady narrated that a number of women had traded sex in return for land, but they could not disclose this as this would ruin their marriages or they would be labeled as prostitutes by the community. It also emerged that a number of people who did not lose any land also got the 0.5 hectares through paying some bribes in the form of cash and cattle to the local leaders. A study by Mandihlare (2013) in Chisumbanje also confirms that people who were not displaced and some who are not from Chisumbanje were being allocated the 0.5 hectare under irrigation yet there are still a large number of directly affected who have not benefited.



GHANAIAN CASE STUDY: LARGE-SCALE ACQUISITION OF LAND FOR AGRICULTURAL INVESTMENTS IN THE EASTERN REGION

The Ghanaian case study is informed by a study that was undertaken for Ghana Integrity Initiative (GII) in 2015 on the Intersectionality of Gender, Land and Corruption in Ghana. The study was undertaken to meet four key objectives namely

- ✓ Develop case studies to bridge the gap between existing research and literature on land and corruption, and their intersection with gender in Ghana;
- ✓ Provide evidence on the costs and/or benefits of corruption for women seeking to access, use, or control land;
- ✓ Produce advocacy materials for TI and GII based on the findings of the case studies and the literature review;
- ✓ Create a how-to guide for anti-corruption practitioners having the same research mandates.

Just like in the Zimbabwean case, data for the Ghanaian study was collected through the review of secondary data, FGDs and Interviews. Generally the study on the *Intersectionality of Gender, Land and Corruption* in Ghana noted that the dual systems of land management (customary and statutory) systematically restrict women's ability to access, use, and control land by bolstering patriarchal institutions and channeling resources through male-dominated hierarchies. The study also noted that the relationship between customary and statutory authorities may be collusive, cooperative, or competitive, but in all cases, the interaction of these two models results in the disenfranchisement of women. More importantly, the study highlighted that customary and statutory authorities interact with private citizens primarily at the household level. In many cases, the interaction between the two land systems allows corruption to go unchecked, which leads to greater impacts on women than on men. While the original study looked at three case studies listed namely the (i) *distribution of subsidized fertilizer to cocoa farmers in the Western Region*, (ii) *large-scale acquisition of land for agricultural investments in the Eastern Region* and (iii) *the development of artisanal and small-scale mines in the Western Region*, this paper will concentrate on the case study 2. The second case will



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allow for comparison of issues with the Zimbabwean case study which also another form of large scale land acquisition. Through the second case study, which is not so different from the Zimbabwean case study, we see how the land grabbing and land displacements exacerbate existing gender disparities and limited economic opportunities for local women

Data for the second case study was collected through interviews conducted in Akumeni District. Akumeni district comprises of community-owned farmlands and state farms, a university research station, and a forest reserve of 21,000 square miles (TI and GII, 2015). Oil palm plantations that belong to the state and other foreign companies occupy a large portion of the district. In 2002, the state divested its control of palm oil plantations acquired through coercive means in 1976 to a foreign company (ibid). The company initially cultivated 3,000 acres and then extended cultivation to another 9,000 acres in 2013 (ibid). Following the recent land acquisition by the company in 2013, farmers in the Akumeni district claimed that they faced long delays in compensation, and in some cases did not receive any payment at all (ibid). When the farmers presented their land valuations to investors, they expected to receive compensation immediately. However, this did not occur for unclear reasons. Some farmers claimed that they had to engage the services of a lawyer, which chipped away at their meager savings. They also sought assistance from the divisional chief but the chief appeared to be colluding with the investor in the acquisition process. Many community members saw the chief as the culprit in the payment delays.

The study by GII on the *Intersectionality of Gender Land and Corruption* notes that negative impact of this land acquisition is more severe on women, primarily due to structural disparities that leave women out of land-owning circles and due to lack of employment opportunities. The study notes that the tendency for women to have only usufruct access to land and not ownership rights means that women are less likely to benefit from direct compensation from foreign investors, since compensation is directly paid to those with customary ownership right. The study also notes that women in relocated families are required to devote time to finding new schools for their children, which reduces the amount of time they can spend on income-generating activity.



FINDINGS AND DISCUSSION

WOMEN, LAND OWNERSHIP, ACCESS AND CONTROL

There are uniformities in terms of women's access and control over land in both case studies. Generally, in both case studies men and women cannot legally own land but rather they can only access land. This is so because of the fact that in both case studies, women in question stay in communal land which falls under customary tenure. It is also important to note that in both cases, women can access land through the marriage system. The fact that women in both case studies cannot own land has exposed them to a number of corruption risks, chief among them being the fact that they were consulted about the land deals between the state and the investor. Lack of consultation of women in the land deals means that women are not compensated for their women related livelihood activities. The only difference in the two case studies is that in the case of Chisumbanje and Chinyamukwakwa, communities have not yet received any form of compensation. The study noted that women in particular are demanding for compensation for their crops that were ploughed down by Green Fuel Company. A case in point is that of a 60 year old widow approached the TI Z Advocacy and Legal Advice Center (ALAC) office in Mutare region seeking legal redress for her crops which were ploughed by Green Fuel in 2008 and 2009.

Besides the issue of compensation, the inability of women to access land outside the marriage arrangement expose them to damaging forms of corruption such as sex extortion. During a FGD in Chisumbanje it emerged that most women, married and unmarried had been forced to sleep with the village head to get the 0.5 hectares of land. Respondents told the research team that as a result of the land grabbing, most men had gone to South Africa and Mozambique to search for jobs, leaving their wives behind. So when the 0.5 hectares were being given to villagers, most women with husbands in South Africa and Mozambique had to negotiate directly with the village heads. It is at this point that most of them were forced to sleep with village heads in return for the 0.5 hectares of land.



LAND TENURE AND LAND RIGHTS

Land tenure refers to the rules invented by societies that define how access is granted to, rights to use, control, and transfer land, as well as associated responsibilities and restraints (FAO). In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (ibid). In both cases, the land in question falls predominantly under customary tenure. Customary tenure is a tenure regime under which land rights are acquired and held in terms of customary law (Matondi, 2011). Customary tenure guarantees each individual a usufruct (right of use) in respect of land for housing, pasture and agriculture, and other common resources such as wood and water (ibid). With customary land tenure, traditional leaders usually allocate land rights and this land cannot be sold, as it is state land vested in traditional leaders and local authorities. Traditional and local authorities hold customary land rights on behalf of the community, which includes individually or family owned lands for cultivation and living, as well as common, off-farm lands used for grazing. (German et al. 2013)⁴

Women in both case studies face the corruption risk that is associated with customary land tenure. In both cases, traditional leaders in particular chiefs are being alleged for corruption. In Chisumbanje and Chinyamukwakwa the community alleges the Chief got a bribe from Green Fuel and the village head are extorting sex and money in return for the 0.5 hectares of land. Chiweshe et al (2013) argue that the forms of tenure held by most rural farmers do not protect them from displacement. The idea of communal tenure in the context of a state with predatory tendencies leaves communities vulnerable to land loss.

In Akumeni district, the GII report notes that respondents felt that the chief appeared to be colluding with the investor in the acquisition process and in delaying compensation payment. Corruption involving traditional leaders impacts more on women, who in the case of Chisumbanje and Chinyamukwakwa are extorting sex. Women usually lack access to capital and when land authorities demand bribes, they are left with fewer options but to trade sex for land. It is important to note that this form of corruption is subtle as victims hardly report such cases because of fear of being labeled a prostitute, lack of material evidence to use and more importantly in some cases it might ruin their

⁴ Cited in Owen et al (2015)



relations with the entire community. The fact that women in both cases do not have any land rights except use right means women can never negotiate for their land based livelihood activities.

LIVELIHOODS AND PRODUCTIVITY

While both men and women depend on land, Mutopo (2012, 2015) suggest that land loss has a huge impact on women. Mutopo (2015) argues that rural women are the tillers of the land and losing land can mean destruction for them and reinforces their lack of empowerment in terms of defending their rights to the land. The land acquisitions by large conglomerates led to further disempowerment of the women as they have to focus more on food security, water and childcare burdens affecting their capability for achieving independence and assertiveness (ibid).

In the case of Chisumbanje and Chinyamukwakwa, the grabbing of land has impacted women negatively but in different ways. An interesting case is that of Mr Mashava from Chinyamukwakwa and his 18 wives. Before losing out his 150 hectares of land to Green Fuel, Mr Mashava was a successful farmer owning four UD trucks, two tractors, and cotton planters inter alia. Mr Mashava employed more than 70 farm labourers and he had capacity to produce 600 to 1000 bales of cotton. Mr Mashava disclosed that he relied on farm labour support from his 18 wives and his more than 70 children. Each of his wives has access to 4 hectares of land where they would grow maize usually and cotton. A FGD with the 18 wives disclosed that these women have been forced to find other livelihood alternatives after the land loss to sustain the family. Each of the 18 wives has an average of four children and they all complained that ever since they lost their land, the husband cannot pay fees for the more than fifty children. This means the mothers are now forced to find money to pay fees and feed the big family. A majority of these women now rely on selling firewood and fetching water⁵ (for the pregnant women at a local clinic). The Chisumbanje and Chinyamukwakwa case study shows how land corruption related land grabs has a huge negative impact on the livelihoods of women.

⁵ these women fetch water from Save river which is 20 kilometers away)



The GII study does not provide much evidence showing how the large scale land acquisition impacted on women, however an article by Mutopo (2015)⁶ notes that in Ghana and Tanzania where women complained that large-scale foreign investments led to a loss of their *shambas* (women's fields) and therefore compromised their capacity to maintain a decent standard of living. They had enjoyed the use of these *shambas* before and now all they have is small patches of land around their homesteads, which is insufficient to sustain them (ibid).

DIFFERED IMPACTS ON WOMEN

Generally, women are not a homogenous group and how they are impacted by land corruption is also different. It differs by age, marital status and other social differentiation factors. Both case studies indicate that how women are impacted by land corruption in large scale land acquisition is different. In the Akumeni case it shows that while married women are less likely to get compensation as individuals but as a household, unmarried women and widows will hardly get any compensation. In the Akumeni case it emerges that it is usually the responsibility⁷ of males to negotiate for compensation with chiefs and investors. In cases where the man is late or the women is single, negotiating for compensation will be difficult.

In the case of Chisumbanje, and Chinyamukwakwa, the opaque land deal between Green Fuel and ARDA has differed impacts across women in the two villages. In Ndau culture, polygamy is a common feature. If a husband dies, the wife is allowed to access the land that she got from her husband until her son is grown to take care of the family. A case in point is that of Memory a 60-year widow who lost her husband in 2000. When the husband died, Memory had been given access to 10 hectares that she used ever since then to 2008 to grow maize and cotton. During an interview with Memory, she disclosed that after her husband passed on she was able to build a 3 bedroomed house

⁶ <http://www.osisa.org/buwa/economic-justice/zimbabwe/impacts-large-scale-land-deals-rural-women-farmers-africa>

⁷ This responsibility arises from the gender roles in a society.



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and sent her 2 sons to secondary school. When her land was taken away Memory could not pay fees for her last daughter who has since been impregnated. When the husband died Memory was left with 16 cattle but ever since the land grab she has sold more than 10 to pay fees and food for her children.

Besides Memory, some young women have been forced to venture into cross-border trader or selling vegetables so that they can earn an extra dollar. It also emerged that in some families, young girls have dropped out of school and some got married at young ages as parents could not take care of them. The study noted that teenage pregnancies and dropping out of school is now common feature especially after the grabbing of land in 2008 by Green Fuel. Some women at the same time are taking care of children while their husbands have crossed over to South Africa in search of jobs. All these challenges are a result of land corruption which has huge and far reaching impacts on women than men.

INSTITUTIONAL GAPS

Zimmerman (2006) argues that many problems related to weak governance and corruption in the land sector are rooted in insufficient or incoherent and improperly enforced legal provisions, such as the lack of a comprehensive and unambiguous regulatory framework governing security of land tenure, access to and use of land (in particular in national contexts where statutory and customary laws co-exist), confusion over existing rules (in particular in transition economies where laws are subject to frequent change) and failure to enact those rules and regulations whose presence is likely to reduce corrupt opportunities. Where chiefs and local councils have discretion over customary land rights, they often abused their power for private (Owen et al, 2015)

In both cases studies, it is notable that women are the most affected by land corruption because of the gaps in the institutional framework, in particular the conflict between customary and statutory institutions of land governance. The study by GII notes that relationship between customary and statutory authorities may be collusive, cooperative, or competitive, but in all cases, the interaction of



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these two models results in the disenfranchisement of women. A study report by Owen, Duale and Vanmulken (2015) in Ghana, Kenya and Zambia also argues that in Ghana, the dominance and recognition of customary land has allowed legal manipulation to occur at a local level amongst chiefs. Owen et al (2015) argue that the 1992 Constitution for example does not oblige customary authorities to share and/or reveal revenues they receive with community members. This provision is a crucial factor in opening up space for corruption, and has resulted in exploitation of power (ibid). While the Land Commission does exist in Ghana, they seem ineffective in regulating and monitoring some of these bogus land deals between traditional leaders and investors. German et al. (2011) (as cited in Owen et al, 2015) argues that the Lands Commission is supposed to acquire consent before an allocation of stool land, however this is never sought.

In the Zimbabwean case study traditional leaders are also implicated in corruption scandals. A study by Mandihlare in Chisumbanje (2013) revealed that Green Fuel company gave Chief Garahwa a vehicle and monthly fuel allocation, electrified his homestead so as to gain support from him as he is the most influential and powerful traditional leader in the community. In the Chisumbanje and Chinyamukwakwa case study village heads are accused demanding bribes from community members in return for the 0.5 hectares of land. In some instances, village heads are reported to be demanding sex from women in return for land as well. The new Constitution of Zimbabwe (Chapter 15) gives traditional leaders authority, jurisdiction and control over communal land. On the basis of this authority, traditional leaders are demanding bribes. Just like in the Ghanaian case study traditional leaders abuse their power and authority because of absence of effective accountability mechanisms. Corruption in the land sector therefore takes places because of gaps in the legal and institutional framework governing land in Ghana. Such frameworks give unfettered discretion to individuals (chiefs in this regard) and there are no systems in place to ensure that they account. Klitgaard (2008) argues that corruption is likely in an environment where individuals have monopoly plus discretion minus accountability. As a result the discretionary power their have and the absence of effective accountability mechanisms; traditional leaders in both case studies have been abusing their power and authority in land governance. Resultantly, some women have been displaced, abused sexually, denied access to land and compensation.



POLICY RECOMMENDATIONS

SDGs AN OPPORTUNITY TO ADDRESS GENDERED LAND CORRUPTION

An opportunity to address the gendered land corruption does exist through the new Sustainable Development Goals (SDGs). In view of the obligations imposed on all nations through the SDGs by goal 5 on achieving gender equality and empowering women and girls particularly at 5.a) that emphasizes the responsibility to nations to provide “equal rights to economic resources as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources in accordance with national laws”. Linked to 5.c) which calls on states to adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels”, there is now a starting point for promoting as well as protecting women’s land rights of access and secure tenure from corruption. Furthermore by relying on Goal 16.5 calling on states to “substantially reduce corruption”, governments, women’s right protection groups and land management entities, both public and private can now start to actively track, monitor and evaluate how far corruption affects women’s capacity to own and use land for social and economic purposes. This is something which without goal 16 under the SDGs especially without target 16.5 stakeholders could not enforce to monitor and evaluate in an effective way for the prevention and prosecution of those who corruptly deny women access to land as a social and economic right.



PROMOTING TRANSPARENCY AND ACCOUNTABILITY IN LAND GOVERNANCE

While in both case studies there are ongoing anti-corruption efforts, such efforts tends to concentrate on other key public institutions such as revenue collection and public finance sidelining land governance. Corruption in the land sector is often hidden and subtle such that most governments do not put much resource in investigating and curbing land corruption. In both countries, the media has a lot of work to do in exposing this type of corruption and its gendered impacts.

ENCOURAGING FREE PRIOR INFORMED CONSENT

It remains the responsibility of the national government to uphold the principles of free prior informed consent. While the state has monopoly over land, the state also has a responsibility to safe guarding the interest of communities. In that regard, land corruption can be tackled if national governments uphold the principles of free prior informed consent. It remains the responsibility of Land Commissions and Members of Parliament to ensure that the interests of communities are taken care of especially in light of the large scale land acquisition.

WOMEN'S INCLUSION IN LAND GOVERNANCE ISSUES

The authors of this paper recommend that there is need to include women in land governance institutions at local and national levels. Women are most affected by land displacements because they are rarely consulted in issues that affect their well-being. There is need for Civil Society and other pressure groups to continue advocating for improved land tenure in Africa as well as improved. Under customary tenure, communities and women in particular should be accorded some land rights which protect them from vulnerabilities and being exposed to land corruption. Such rights including enforcement right, where women can take traditional leaders to court should be displaced from their land without due procedure. More so it is equally important to introduce traditional leaders to gender training. This comes against a background where most traditional leaders govern using more masculine tendencies that are grounded in culture and customs.



CAPACITATING LAND COMMISSIONS

The two case studies presented in this study shows that corruption in the land sector is also as a result of lack weak accountability mechanism in place. Ghana and Zimbabwe can take advantage of some of the institutions in place to fight land corruption. For instance Ghana has both a Land Commission and an Anti-corruption agency. Such institutions can be used to bring sanity to land sector governance. In Zimbabwe, the Land Commission is yet to be constituted but the Anti-corruption commission is already in place

RESEARCH LINKING GENDER AND LAND CORRUPTION

The study noted that there is a lacuna on research knowledge linking gender inequalities in land rights to land corruption. While this paper highlights the worrying consequences of land corruption on women in Ghana and Zimbabwe, a number of aspects need further investigation to find comprehensive solutions. This includes for instance the need to do a cross country analysis targeting best learning practices from countries which have managed to enhance women 'standing in tenure rights. Such an opportunity can be exploited by civil society, women representative groups, and community-based organizations and anti-corruption institutions. It is also key for big international organizations and regional bodies such as the World Bank, FAO, and SADC inter alia to devote attention to this worrying reality.



CONCLUSION

This paper has made an attempt to show the impact of land corruption on women using case studies from Ghana and Zimbabwe. The paper highlights that land corruption is a relative new term in both policy and academic literature but its gendered impact has been hardly documented. From the two case studies highlighted in this paper, it emerges that as a result of land corruption involving powerful actors, women suffer the most as they are denied access to land and their land based livelihoods. Also as result of land corruption which often results in land grabbing and displacements, women are rarely compensated and in their attempt to access land they are exposed to sex extortion and other forms of corruption. The study recommends that the new SDGs in particular Goal 5 and 16 provides a platform for encouraging local, regional and international discourse on gendered land corruption with a view of combating this form of corruption and encouraging gender equality in the land sector. The study also recommends the need to improve land governance in line with the principles of transparency and accountability.



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