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### **Swaziland: Putting an end to gender and cultural discrimination for equal tenure rights for the poor**

The Kingdom of Swaziland is a mountainous, subtropical southern-African country incapacitated by decades of rural poverty, malnutrition and gender inequality. The kingdom is considered a lower middle-income country where earnings are unacceptably inequitable. Although 84 percent of the country's poor live in rural areas, capital income is four times less in rural areas of Swaziland than urban areas (IFAD: Rural Portal Poverty). Food consumption and productivity are lacking as well, reported to being two times lower than in urban areas. Rural households generally practice subsistence agriculture. Approximately, 66 percent of the population is unable to address their basic food needs, along with 43 percent who live in extreme poverty (IFAD). Bio food insecurity has been on a rampage in Swaziland for the last three years due to a tragic drought in 2007. According to the Food Agriculture Organization (FAO), the majority of Swazi inhabitants live in rural areas and struggle to survive on or below one US\$1 per day. Swaziland's wealthiest 10 percent of the total population represent nearly half the total consumption as the division between rural and urban development progressively continue (IFAD).

Poverty and unemployment rates are currently at its peak. Approximately 30 percent of the population is unemployed (FAO). Poverty, bio food insecurity, education and other countless issues are in constant peril in the lives of the Swazi's. There is a severe strangle-hold on gender equity in access to resources, services, goods and economic decision-makings. Gender inequity intensifies broader issues such as malnutrition, poverty, bio food insecurity and education. Two methods of approach for combating gender inequity and inequality as it relates to credit and securing property rights for the poor would be by reinforcing policies that embody people's access to essential survival resources, as well as the formation of new policies to educate the poor of their rights along with the enactment of new legislation.

Director of the Earth Institute at Columbia University, Jeffery Sachs shrewdly stated "...There are different definitions and different gradations of poverty.... The kind of people I am writing about in The End of Poverty: Economic Possibilities of our Time is people that are struggling, however, for survival every day." Nearly one out of six of Swaziland's population lives in abject poverty (Talk of the Nation, NPR). They suffer with a sense of indignity and take residual risks to stay alive from lack of basic survival resources. They are vulnerable to a wide range of diseases due to drinking unsafe water, pneumonia of a child caused by pollution from homes built by wood without chimneys, malaria which claims 3 million lives every year, recurring undernourishment and farm families who cannot produce sufficiently to feed themselves nor produce enough for market profit.

Many of Swaziland's poor lack the necessary access to various resources to improve their rights of property. The accessibility and administration of natural resources, primarily land, is a fundamental element to the survival of rural employment opportunity, business revenue, dominance and rank. Raising the security of land for the highly susceptible groups along with the acknowledgment of customary rights can reduce conflicts, vulnerability, bio food insecurity, and extreme poverty. Additionally, secure land will enable advancement for the poor and a chance to invest in the sustainable resource management to aid and minimize the effects of disease pandemics, climate change, droughts, conflicts and global market instability.

Swaziland's rural women rely greatly on the main sources of their income and livelihood to stem from their natural resources and their access to the bundle of rights to use and control land (FAO). The

deficiency of land rights by women and young girls define the victimizing existence of discrimination within the country. For Swazi women, land is their most basic resource and source of revenue, economic empowerment and to a large degree, their grounds for equity and equality within a predominately male ruled society (IIED: Land in Africa). Women who lack rights to land, physical and economic security are in danger of losing their identity within society, in addition to their livelihoods. Swazi women are underprivileged with an insecure source of food and furthermore are deprived of access to other crucial resources such as credit, which is vital to perform constructive activities in society. Women of Southern Africa predominantly account for more than 60 percent of small farmers and supply for more than 70 percent of the labor force in agricultural production (IFAD). Subsequently, women's access to tenure and bio food security directly influences her domestic standard of living and occupational status. At present, more and more households in Southern Africa are female headed due to the male link being destroyed by HIV/AIDS. So, the issue of lack of access to tenure is now more crucial to women's standing in society than ever before.

The Auta family lives in Mankayane, a town located in the Manzini district of Swaziland. Lerato Auta is the widowed mother of two daughters Kagiso Auta, 4 years old and Mosa Auta, 13 years old as well as two sons, Josia Auta, 7 years old and Henrik Auta, 19 years old. The family lives on a subsistence farm and partakes in a subsistence agriculture farming business. More than half of Swaziland's population engages in subsistence farming (Swaziland). Producing major export commodities crops such as corn, sugar, pineapples and cotton have become increasingly difficult for the family due to a recent drought three years prior, climate changes and gender inequity rights. "Food production is a water intensive process...That is why temperatures are affecting food production because of the extreme droughts or floods," says Lester Brown, President and Founder of Earth Policy Institute. Continuing the family business has also become a struggle for the Auta families' survival, due to the deficit of the male linkage. According to the High Court of Swaziland, on February 23, 2010 it was issued that some women would be permitted to register property in their own name (Alert Net: IRIN). This ruling was enacted after Lerato's husband who passed away in 2007, left her with the property and family business to care for.

It is also devastating that these rural women land owners have very little access to education. Studies show that as much as 70 percent of adult females are illiterate, in comparison with the countries average illiteracy rate of 21 percent (IFAD). Lerato's two children, Kagiso and Josia both attend primary school in Big Bend, Swaziland nearly 127 km from where they live. It takes them almost two hours to travel every day. Priority for schooling is given to the males and the youngest female at the privately owned school they attend. Mosa does not attend school, proving the dropout rate at the age of thirteen to be true. More often than not, when work burdens escalate, girls are removed from school to assist with household and farming obligations. Henrick, the oldest son, had to drop out of school at 16 years of age when his father died of AIDS to maintain the wellness of the family business, his mother and siblings. Researchers note that the poor must know their rights to land and what natural resources they can claim and how they can claim them, moving forward

Men are less likely leading these families due to HIV/AIDS and unemployment, so women have taken on this responsibility. Women encounter struggles to meet their basic food needs as it relates to their families and households. Presently, women-headed households account for 20 percent; while an additional 20 percent of women single-handedly manage their households as adult males experience employment away from home (IFAD). Over time, Lerato has observed that her present annual salary was significantly lower than her previous salary by nearly 12 percent since the death of her husband. Female subsistence farmers or laborers' wages are lower than men's; however, her wages were compensated at the inception of her home garden in 2008, which generates money for household food and educational needs. Despite the fact that women contribute to the household and agricultural development, men are responsible for controlling the sale of animals, crops and income distribution. Meanwhile, the disregard for the value of what women

contribute in economic ties, the allotment of household resources and larger-scale decision making has reduced them to nonentity on the patriarchal and societal totem pole.

The system by which Swaziland's land tenure rights are carried out by reflects the structure and power and beliefs represented there. In traditional rural regions, typical agriculture is mainly a male role oriented field. The men prepare land for growing and irrigating crops; harvest and transport produce to markets. Often times, if the husband dies and there is no male offspring or if the young male is not of age to care for the family business, a matriarchal system is introduced. The formation of this system can be a positive or negative economic asset to the family based on what the matriarch inherits from her husband. Systematically, however, rural women endure discrimination in access to socio-economic expansion.

Aside from their primary role in agricultural production, Swaziland women continue to encounter discrimination in accessing and obtaining land. Mostly, the women in the sub-region have right of entry to farmland by means of either their husbands or fathers as they are only provided with usufructuary rights (the right to use and derive benefit or profit from land that belongs to another provided that there is no damage to the property) while land entitlement bypass through the male lineage. It is necessary to indicate that this characteristic is common for conventional land tenure systems, and has survived and is the ruling land tenure system in most Southern African countries (IIED: Land in Africa). The subject of women's limited access to land is combated by the HIV/AIDS pandemic, which affects women and men differently. Pervasiveness, influence and effects of HIV/AIDS are more prevalent amongst women and children mainly. By and large, widows and children recipients of HIV/AIDS for example, generally do not have the benefit to inherit their deceased husband or father's agricultural tenure and are consequently reduced to poverty and dependency.

This new form of social system is affecting the young people of Swaziland at large. There is an unforeseen probability of becoming poor or remaining poor where these conditions exist. Half of the country's population is under 15 years of age and the next decade will increase in unemployment rates if young people are without work (IFAD). Unemployment is a major issue amid the Swazis and the availability for employment is both scarce and crucial. Most of the young people come from poor means of employment. Disease such as HIV/AIDS is threatening families so many young people are becoming the leaders of their households.

For centuries, Swaziland's women were referred to and treated as minors until the new Constitution of 2005 established women as having equal ranks with men. Many gender activists welcomed the new jurisdiction as a small victory over the lives of the women. Conversely, despite the changes that this new law brought to the second-class status of women, the former classification of woman's rightful position in society was defined by sub-Sahara's last absolute monarch King Mswati III, and still remains embedded in the heart of the social order of Swaziland. This is evident through the refusal of giving women their due inheritance rights and stunting their advancement as entrepreneurs and traders (IRIN).

One Swazi woman explained the discrepancy with societal matters in the country this way, "I went to apply for a bank loan, and I was shocked to find that nothing has changed for women in this country. The loan was approved for my business, the bank was in support of my project, but the bank manager asked me, 'Where is your husband? He must sign the loan forms,'" Thabsile Masuku told the IRIN. Women in Swaziland are still considered dependent on their husbands, though they are independent beings. The husband is still the legal administrator of the marital property, to use as he sees fit, with or without his wife's permission or awareness. In rural areas, women are prone to poverty. Hypothetically, women can control and own land and manage their finances. This reality conflicts, however, with conventional social systems considerably since society discriminates and attempts to hinder the women from owning and controlling land.

Old laws still direct the general order of business or socio-economic activities that occur in the Swaziland society, though women have been liberated by the Constitution and sanctioned as having equal rights with men. Some say that it is the absence of political will for the strenuous extent of abiding by former, restricting laws and not replacing those laws. One example of new legislation that should be established in Swaziland's government to circumvent gender inequality is a new law that defines modern marriages. Consistent with "The Marriage Act No. 47 of 1964" (wrought during the colonial era prior to Swaziland's independence in 1968 and with Europeans in thought); the law alludes to the conjecture that all Swazi women are married using the customary system, which are arranged marriages that merge two families. In light of this, marriage is not any longer viewed as a private affair between two partners; rather it is a public affair and social bond between two diverse families. In the past, marriages were polygamous and the man had total administrative control. Men carried this role as administrators because women legally adjoined with other women to one husband. It was thought to be easier and wiser to relinquish this task to the man than several women (IRIN). In the case of Lerato, she was wedded to one man and the land was overseen by her husband and the chief of Mankayane.

As the number of widowed women increase on account of HIV/AIDS, so does the demand for domestic property to foster family businesses, livelihood and a place to raise their children. For this matter, an AIDS activist who lives 5 miles north from the Auta family, demurs the Swazi custom and law that ends in the family of the deceased husband inheriting all marital property. Lerato, akin to other Swazi widows was left nearly impoverished, due to their culture which teaches that a widow must mourn for at least six months, whilst being forbidden to leave her home, leaving her devoid of time to work and sustain her family and contest against the susceptibility to poverty for her family. "A new Marriage Act is essential," according to Lomcebo Dlamini (IRIN). In conjunction with Swazi women populace opinion, not as many women are marrying the traditional way anymore. It is inapt for the law to address the subject of marriage and life for 21 century Swazi women as they did during colonial times of marriage and life long ago.

Reinforcing policies that exemplify gender equity and social order for Swazi's rural women to which govern their lives is critical to the development and productivity in agricultural sectors as well as securing their property rights and access to credit. By Swaziland forming a partnership with the Convention on the Elimination of all Discrimination Against Women (CEDAW), implementations of home based courses amid the rural poor would be designed to provide the necessary apparatus to educate women in general about their rights under the Section 20 of Swaziland's Constitution which asserts that everyone is equal by the law (GloLex). Along with Section 28 of the Constitution that declares women to have equal rights to men on the grounds of sex and gender, amongst other grounds in the political, economic, and social spheres and economic proceedings (GloLex). The rules of the Constitution and the CEDAW laws (which represents a classic exemplar for the women's bill of rights) are however being deserted by Swaziland's monarchy due to the absence of gender representation. Therefore, it is necessary to have women international ambassadors represented in the country on behalf of the rural women whose primary focus would be ensuring that women are benefiteres of their human rights and elementary freedoms.

Still, an approach that could be used to potentially eradicate the impending spread of HIV/AIDS betwixt Swazi's young people mainly is by Swaziland forming alliances with the United Nations International Children's Fund (UNICEF). Birth out of this joint venture can be the formation of health groups and community outreach programs led by young people and activists for educating the women on treatments for HIV/AIDS and how to prevent the spread of HIV/AIDS. This initiative will in due course reduce the pervasiveness of the disease affecting the Swazi men, women and children. By UNICEF's mediatory actions by way of a global and international intervention practices, the Swazi's will have the support, care and education for HIV/AIDS to reverse the prefigured numbers of young people and male linkages whose lives being destroyed. UNICEF's staff and program interventions will supply the best kinds of modern technologies, science and medicines to accommodate the needs of the rural Swazi's primarily.

To put this in perspective, by reinforcing new legislation and directives, as it relates to marriage, cultural and gender discriminatory rights and equal access to resources, control over land, credit, education and healthcare for Swaziland's rural poor women, they will rise to their rightful place and obtain due equal status with men. Therefore, gender activists and political systems will have to address the needs that have been identified amongst the rural poor and place their energies on the agricultural sector. Financial decision-making skills has to be strengthened on a public scale amongst the Swazi women to achieve socio-economic fairness. Additionally, by educating and further instituting property rights to the Swazi women, they will develop an astute mind for managing land and property. This will play a fundamental role in the reduction of rural poverty at large.

## Works Cited

- Dube, Buhle., and Alfred Magagula. The Law and Legal Research in Swaziland. Hauser Global Law School Program, New York University School of Law. New York. September, October. 2007. <[http://www.nyulawglobal.org/globalex/Swaziland.htm#\\_The\\_Justice\\_System](http://www.nyulawglobal.org/globalex/Swaziland.htm#_The_Justice_System)>
- Herbert, K. Robert. "Swaziland." Culture of Swaziland. 2010. <http://www.everyculture.com/Sa-Th/Swaziland.html>
- Liversage, Harold. Managing the biofuel boom, local income generation and small holders access' to land. 9-10 February. 2009. <[http://www.un.org/esa/dsd/susdevtopics/sdt\\_pdfs/meetings/hml0209/session22\\_HLiversage.pdf](http://www.un.org/esa/dsd/susdevtopics/sdt_pdfs/meetings/hml0209/session22_HLiversage.pdf)>
- Mbabane. "SWAZILAND: Some women can now own property." International Regional Information Networks (IRIN). 25 February. 2010. <http://www.alertnet.org/thenews/newsdesk/IRIN/77cfec21dd2ba06ac11e0b4a1712876>
- Mutangadura, Gladys. Women and Land Tenure Rights in Southern Africa: A human rights based-approach. 8-9 November. 2004. <<http://www.iiied.org/pubs/pdfs/G00173.pdf>>
- Nathan, Dev., and Niaz Ahmed Apu. Securing Women's Property Rights: Problems of Good Governance and Establishing Norms of Economic Functioning. March. 2002. <p://www.ifad.org/english/operations/pi/bgd/documents/women.pdf>
- Nicholas, Susan, David Palmer, and Paul- Munro Faure. "Improving Gender Inequity in Access to Land." FAO Land Tenure Notes. Rome. 2006. <ftp://ftp.fao.org/docrep/fao/010/a0664e/a0664e.pdf>
- Gender Inequity in Agriculture and Rural Development. "A quick guide to gender mainstreaming in FAO's new strategic framework." <[www.fao.org/docrep/012/i1240e/i1240e00.htm](http://www.fao.org/docrep/012/i1240e/i1240e00.htm)>
- "Rural Poverty in the Kingdom of Swaziland." Rural Poverty Portal. <<http://www.ruralpovertyportal.org/web/guest/country/home/tags/swaziland> fff >
- Sachs, Jeffery D. *The end of Poverty: Economic Possibilities for Our Time*. New York: Penguin, 2005.