



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



PASTORAL WOMEN'S LAND RIGHTS AND VILLAGE LAND USE PLANNING IN TANZANIA: EXPERIENCES FROM THE SUSTAINABLE RANGELAND MANAGEMENT PROJECT

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**Paper prepared for presentation at the
"2017 WORLD BANK CONFERENCE ON LAND AND POVERTY"
The World Bank - Washington DC, March 20-24, 2017**

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ABSTRACT

In pastoral societies women face many challenges. Some describe these as a ‘double burden’ – that is, as pastoralists and as women. However, pastoral women may obtain a significant degree of protection from customary law even if customary institutions are male-dominated. In periods of change (economic, social, political), this protection may be lost, and without protection from statutory laws, women are in danger of “falling between two stools” (Adoko and Levine 2009). A study carried out in four villages in Tanzania, supported by the International Land Coalition, sought to understand the challenges and opportunities facing pastoral women with respect to accessing land and resources, in the context of village land use planning. This research presents empirical data on pastoral women’s land rights, shedding light on some of the detail of these and their manifestation taking into account the differing contexts, land use patterns, and nature of rights to land. There are some common themes – particularly around the challenges facing women in pastoral communities including lack of space to make their views heard, lack of awareness of their rights, coupled with broader governance challenges. New processes underway such as a government-led review of Tanzania’s land policy provide opportunities to overcome these challenges.

Key words: land-reform, land-use-planning, pastoralists, Tanzania, women,



I. PASTORALISTS AND VILLAGE LAND IN TANZANIA

According to Tanzania's National Land Use Planning Commission (NLUPC), pastoralists are a highly vulnerable group, which should be carefully handled under the Village Land Act implementation due to threats from farmers who tend to disregard this mode of production (National Land Use Planning Commission Guidelines 2011). This vulnerability is entrenched in the lack of land tenure security that pastoralists experience. To date, the implementation of laws, policies and government initiatives has denied the full rights of pastoralists: they have been forcibly evicted from their traditional lands for the purposes of large-scale farming, the creation of game reserves and expansion of national parks, mining, construction of military barracks, and tourism and commercial game hunting (e.g. Daley and Scott, 2011; Barasa, 2014). This has been aggravated by the numerous land disputes that persist in Tanzania as a legacy of land grabbing and fraudulent title acquisitions for agriculture and tourism in the late 1980s and early 1990s (Nelson et al., 2012).

Pastoralist women and men in rural communities in Tanzania have been mobilising themselves against these continuing threats to their land tenure insecurity – with some recent and very public successes in areas such as Loliondo (Ngoitiko and Nelson, 2013; Smith, 2013).¹ Yet pastoralist women are likely to be affected in different ways from men by land grabbing and insecurity of land tenure, and are disproportionately more likely to be negatively affected than men because of their general vulnerability as a discriminated against group (Daley, 2011; Daley and Pallas, 2014) both within pastoral communities and outside.

Inconsistencies in the policy environment play a major role in pastoralists' land tenure insecurity in Tanzanian villages. The Village Land Act (1999 – the VLA) provides for the management and administration of land within village boundaries and permanent features of the land, but it also allows the country's president to transfer any area of village land in the “public interest”.² Furthermore, the initial flexibility afforded by the VLA in how the boundaries of each village

¹ Also see paper presented by Godfrey Massey – also presented at this Conference.

² Village land includes the following: 1) land within the boundaries of villages registered according to the Local Government Act, 1982 (Section 22 of Local Government Act No. 7/1982); 2) land demarcated as village land under any administrative procedure or in accord with any statutory or customary law; and 3) general land that villagers had been using for at least 12 years as village land before 1 May 2001 (the date on which the VLA came into operation). This includes land customarily used for grazing cattle or for the passage of cattle.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



land area are defined has been suppressed by the Land Use Planning Act (2007), which now requires this to be done by means of a formal survey, something few villages have the capacity to undertake or fund (Alden Wily, 2011). As such, though the principles are good, the implementation can be cumbersome and challenging.

The VLA recognises communal land and the sharing of land and resources within village boundaries for pastoralists, agriculturalists and hunter-gatherers. Land can also be occupied through a Certificate of Customary Right of Occupancy (CCRO). However, the recognition of customary rights is somewhat ambiguous for customarily-held pastoral land. Under the VLA, all rural land is officially under the auspices and singular control of Village Councils. However, in practice a large portion of rural land is still under the control of customary systems and institutions of pastoral land allocation and tenure and Village Council authority over this is weak. The VLA itself states that such lands should be administered in accordance with prevailing customary law (Tenga et al., 2008), which allows for this ambiguity to persist.

Thus, although the VLA's provisions recognise common property for pastoralists and enable land sharing arrangements, including across village boundaries and including the issuance of CCROs over land held under customary systems of pastoral land tenure (Section 29.2(iii)), a problem remains in defining current pastoral tenure and practice – how pastoralists acquire, hold and dispose of land. Official processes also do not appear to recognise customary pastoral titles to land but rather only recognise their usufruct rights (Tenga et al., 2008). A consequent danger from all this is that common grazing lands may be assumed to be “no man's land” (as not individually held under a CCRO) and as such may become subject to exclusive management by the statutory Village Council, thereby potentially dispossessing pastoralists of their grazing lands.

Solutions have included the blocking of areas of grazing land as a use class in the process of village land use planning (VLUP – see below) and protecting it from alienation through by-laws; or allocating such lands to pastoralist individuals or groups through the issuance of formal customary land titles (CCROs). In the first case, the security of demarcated common land then depends on the commitment and interests of the Village Council. If non-pastoralists dominate, grazing land could be reallocated or the permitted land use changed to the detriment of pastoralists. In the second case, the issuance of customary titles over the commons has weaknesses of its own. For example, it raises the issue of whether the holder(s) of the land should be an individual or a group and, if a group, how it should be defined and what legal form it must



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



adopt? In both cases, once grazing land is demarcated within a village, the question also arises as to how it should be accessed and managed – by individuals or by a group?

Other relevant aspects of the policy environment for pastoralists in Tanzanian villages address dispute settlement and women's rights. Local-level dispute settlement institutions – Village Land Councils and Ward Land Tribunals, mandated by the 2002 Courts (Land Dispute Settlement) Act – have been established in most parts of Tanzania, even if local court representatives are often untrained (Pedersen, 2010; Pedersen, 2014). On women's rights, the VLA breaks new ground, with Section 3(2) and Sections 3, 18, 22, and 20 (2) rendering invalid any customary practices that discriminate against women. It states (Section 3(2)): *“The right of every women to acquire, hold, use and deal with land shall be to the same extent and subject to the same restrictions treated as a right of any man.”*

There are also requirements within the policy environment for female representation in key decision-making bodies. In the Land Tribunal Act (2002) and its regulation (2004), Section 5 clearly states that at least three of the seven members of a Village Land Council should be women. In the Land Use Planning Act, the land adjudication committee is required to include at least four female members out of nine, and the Local Government Act (1982) stipulates that there should be at least 25% female representation on the Village Council. Putting these laws into practice is challenging, however, with numbers often below required levels and women's actual participation low.

Moreover, pastoral women's land tenure security in Tanzania is complicated by the differences, and often inconsistencies – alluded to above – between accessing land and natural resources as a group (i.e. as pastoralists) and accessing land and natural resources as an individual (i.e. as a woman). Not enough has been done to consider these issues or to help women and pastoralists reconcile the two.

II. THIS PAPER

In response to this situation, the International Land Coalition (ILC)'s Women and Land Programme and Rangelands Initiative global programme supported a study led by the Tanzania Women Lawyers Association (TAWLA), a national NGO that promotes better access to land for women. The study sought to improve the understanding of development actors and land tenure decision-makers about how best pastoral women's land rights can be secured.



Fieldwork was carried out in four villages in two districts of northern Tanzania, Lahoda and Kisande villages in Chemba district (Dodoma region) and Irng'abolo and Lerug villages in Kiteto district (Manyara region), in collaboration with two local CSO partners, DONET in Chemba and KINNAPA in Kiteto. DONET is a local advocacy group that educates women about their land rights and helps them to resolve land disputes; KINNAPA is a local advocacy group that supports communal ownership of rangelands and helps build the capacity of women and communities to better secure women's land rights.

The study was designed to shed light on the nature of pastoral women's rights and the specific constraints and opportunities that they face with respect to access to land and natural resources in their everyday lives. Fieldwork followed the same process in each of the four villages and was specifically designed to be participatory and to facilitate learning about land rights by all the women and men taking part. This paper describes the experience from two villages only (Lahoda and Kisande) – found in Chemba District. The full research methodology and results are available in a Rangelands Initiative Research Paper No. 1 *Securing Pastoral Women's Land Rights in Tanzania*.

III. Case study from Chemba district: Lahoda and Kisande villages

Chemba district was created in 2012; previously it was part of Kondoa district. At this time it had a population of 235,711 people.

Land and natural resource use patterns in Lahoda

Lahoda village was formed through the merger of several sub-villages during the widespread implementation of Tanzania's villagisation policy in 1974. Land for farming and housing in Lahoda is privately 'owned'³, but open areas of land in the pastoral areas of the village are held in customary communal/collective ownership. Land management falls largely under the purview of statutory local government institutions. For example, permits are needed from the village government for some types of resource use: the Village Environment Committee charges TSh 1,000 for a permit to cut down trees and the VLUM Committee issues permits to clear new land

³ Recognising that all land in Tanzania is held in trust by the Government on behalf of its citizens who in reality have usufruct rights to land rather than complete 'ownership.'



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



for farming or grazing. Villagers also have to pay to use services such as cattle dips and for permits to fish at Lahoda's dam, though permits are not needed to collect water or firewood.

The majority of natural resources in Lahoda are vital to most people's livelihoods irrespective of gender, but the role of women in public decision-making on resource management and use is nominal because the village's key institutions are dominated by men. Further, while formal resource management rules are applied by local government, resource access and use decisions within households are made by men, who dominate decision-making and have power in practice to give female members of the household permission to access and use resources (or not).

Figure 1 Resource map of Lahoda prepared by women and men community members



Key:

Fine sand: marked the village boundaries
 White concrete: marked the village main road
 Charcoal: marked the main village bridge
 Blue bottle: mosque
 Clear plastic bottle: dispensary
 Stone: school
 Twigs forming a cross: dam
 Clear green bottle: village well
 Black cotton soil: dam
 Brown manure: seasonal river
 Green leaves: open forest
 Small bricks: boundary for grazing
 Dried grass: grazing area

Metal tin: cattle dip
 Calabash: village centre
 Green plastic: village boreholes
 Clear plastic bag: seasonal market
 Green fleshy leaves: forest reserve
 Red soil: cattle routes
 Big brick: village office
 Cow dung: village hills
 Black shoe: village sports stadium
 Aloe vera stem: village assembly point



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017





Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



The nature of rights to land and natural resources in Lahoda

Rights to land and natural resources in Lahoda are governed by both customary arrangements and statutory law. Customary arrangements are currently stronger, and some families also manage their own land and property in accordance with Islamic law. According to custom in Lahoda, pastoral women cannot inherit land directly but can only use it. However, their children can inherit, and men can inherit land from their families and be given it to use by clan elders. Men are more likely to control income from livestock, even though women are usually the sole providers for their children, and they and their children face risks of violence every day while they are out herding. Even after cultivating family land, women have little role in deciding what it is used for.

FGD participants indicated that there was broad understanding that land for farming crops in Lahoda is largely accessed under customary arrangements, and to a lesser extent under statutory government arrangements. The village government appeared to be the only source of access to land for female youth, and was relatively more important as a source of access to land for farming crops for women than for men. Wet season rangeland grazing areas were broadly open access, although most people seemed to be aware of the VLUP in Lahoda that “governs” that open access. Dry season grazing areas were more clearly understood to be accessed under statutory arrangements and more tightly controlled by the village government. As well as the main grazing areas, female youth reported having a communal group area for keeping calves under open access arrangements. Other groups reported that some individual women (but no men) had their own privately owned areas for keeping calves. Concerning access to trees for hanging beehives, most people reported that this had usually been managed through customary arrangements but was now increasingly being managed through statutory government arrangements. However, there was a general consensus that there was still completely open access for the collection of gums and resins by men and for the collection of grass for thatching houses by women.

Population increases over the past five years have led to increasing land scarcity in Lahoda, especially of land needed for grazing as more people seek land for housing and farms. This has put growing pressure on customary resource management arrangements, and as a result new land allocation is now carried out by statutory local government institutions. Male farmers said that customary land tenure arrangements are still important in Lahoda, but acknowledged that customary rules are now less effective than they were, as there have been campaigns by NGOs to fight customary rules that discriminate against women. Female farmers confirmed that statutory laws have become more applicable recently and are more gender-



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



sensitive. They did not see any conflict between statutory and customary arrangements, arguing that the customary system was slowly being overtaken by events such as these campaigns, even though some customs were still being maintained strongly within pastoral society. For example, they said that a pastoral woman in Lahoda has to ask permission of her husband if she wanted to sell any property (including land and livestock), whereas a pastoral man can sell property without having to seek the permission of his wife. Moreover, even if he involves his wife in the sale decision, he does not have to involve her in decisions about what to spend the income on.

In general in Lahoda, it is also still very unusual for pastoral women to have any land of their own. An important exception, and perhaps a precedent, is the head of the village women's association, who also chairs a women's savings and loan group. This lady had managed to obtain land of her own through the access to village leaders that her position gave her. She said that it was becoming increasingly well known in the village that: *"Women can own land individually through application to the Village Council."* In addition, her women's group, consisting of ten members, has started an agricultural business, requested land from the Village Chair for their group, and has been granted around 3.5–4 hectares of land, where they have since been cultivating sunflowers for sale.

Nevertheless, customary beliefs present an ongoing challenge to pastoral women's land rights in Lahoda. Widows are generally not allowed to inherit in pastoral society and, if they divorce, women are likely to be sent back to their parents without even the crops they have cultivated. Girls are not allowed to inherit as they are expected to marry and become entitled to obtain land for their use from their husbands. Unsurprisingly, therefore, divorced women and widows in Lahoda said that the statutory system is most important to them in accessing land because it is fair to everyone: everyone has equal rights, as compared with the customary system, which is biased against women. Divorced women have observed an increase in positive changes as land in the village has come more and more to be governed by statutory law and institutions, and they said that women now have more access to land than they did five years ago. Widows explained the increase in influence of statutory arrangements as being a result of increasing awareness by women of the weaknesses of customary law and practice in protecting their rights, and of campaigns by NGOs demanding the use of statutory rules to manage resources and govern access to land.

Female and male youth also clearly understood the equal land rights held by everyone under statutory law to mean that statutory resource management and tenure arrangements provide a more solid base for safeguarding women's rights. This was supported by religious beliefs of equality for those who were Christians. All the young people in the Lahoda FGDs reported that the statutory system was their most



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



important source of access to land. In contrast, while pastoral women expressed a preference for the gender equality of statutory law to support their rights, pastoral men claimed that customary and statutory systems both ensure access to land for all. Pastoral women reported that there has been more education in the past five years and women have become more aware of their rights. Pastoral men agreed with this observation and said that women were now more empowered about their rights, the number of land disputes has reduced, accessing land has become easier, and customary laws are slowly fading away. However, some male pastoralists believed that equality between women and men in Lahoda would never be attained.

Land management institutions in Lahoda

With respect to the roles and relative importance of the different land management institutions in Lahoda, local government institutions such as the Village Council, the Village Assembly, and the Chemba District Council were reported by key village stakeholders as all playing an important role in supporting people's access to land. However, the data from the FGDs were more nuanced and diverse. Table 1 (below) sets out the understandings of seven FGD groups in Lahoda about the key institutions of relevance to land access and management in their village.⁴ This table reflects the expectations of FGD participants with regard to where they would go in future to look for land, as well as where they had already got some of the land they currently use, and where they would go for support in land disputes or for advice on land use. They were not asked the source of all their existing land, nor was there time to take a detailed land transaction history for each FGD participant during the fieldwork.

Table 1 Institutions of relevance to land access and management in Lahoda

| Institution of relevance to land access and management | Cited by |
|---------------------------------------------------------------|------------------------------------------------------------------|
| CARE International | All except female pastoralists |
| VLUM Committee | All except female pastoralists and female farmers |
| Village Council | All except male pastoralists and female farmers |
| World Vision | All except female and male youth |
| Village Land Committee | All except divorced women, male pastoralists, and female farmers |
| DONET | All except male pastoralists and male and female farmers |
| Tanzania Social Action Fund (TASAF) | All except male and female pastoralists and female farmers |
| CHF | Divorced women, widows, and female youth |

⁴ The data from the ordinary (mostly married) male farmers group were not clear and have therefore been excluded from this table.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



| | |
|------------------------------------------------|--------------------------------------|
| UMAKWA | Male pastoralists and female farmers |
| Water Committee | Widows |
| Local primary school | Widows |
| Agriculture Development Programme (ADP) | Widows |
| Customary leaders/village elders | Female pastoralists |
| Village tribunals | Male pastoralists |
| World Food Programme | Female youth |

What is interesting from the data in Table 1 is the high preponderance of both government and civil society institutions featuring in the responses. While statutory institutions such as the Village Council and VLUM Committee are of course very important overall, NGOs and CSOs are also clearly important in land access and management in Lahoda, particularly for the various different groups of women. Of note is the different groups of women citing less commonly mentioned institutions, and also the fact that it was more likely to be pastoralists who did not mention some of the more commonly cited institutions. It seems unlikely that this was due to any lack of awareness about the role of particular institutions with respect to land and natural resources in Lahoda, and more likely to be due to people mainly mentioning the institutions that they considered would be most relevant to them personally in gaining access to land. For example, divorced women reported that they generally went to the Village Council, NGOs, and women's groups when seeking land, while pastoral women in the FGDs had little connection with CARE International or with statutory institutions involved in PLUP processes in the village. Widows had fewer links with NGOs but more with the Village Council and the statutory institutions involved in PLUP.

Two local government councillors interviewed in Lahoda claimed that women participated in meetings of all local government land management institutions, although the councillors did not take any active personal roles in defending pastoral women's land rights themselves. The Lahoda Village Chair acknowledged the male dominance of village government institutions and said that patriarchal practices led to discrimination in women's access to land, with men playing a much bigger role in village land management. This was confirmed by the comments of a Muslim religious leader in Lahoda, who said: *"Women are identified through their husbands and their main role is limited to kitchen matters only."* Male youth in Lahoda also acknowledged the limited role played by women in decision-making, whereby they may participate numerically in institutions but have no real effective role. They said that some women participants do not even represent women's issues in the institutions.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Male and female youth generally saw the VLUM Committee, the Village Council, and the Village Land Committee as the most important institutions for access to land in Lahoda. Pastoral men saw the VLUM Committee as having the most influence on access to land and natural resources, along with the Village Council, but pastoral women saw the Village Council as being more important. Divorced women in Lahoda explained that institutions involved in village land management, such as the VLUM Committee, Village Council, and NGOs like DONET, have the most influence over access to land because of their strong management role. DONET has helped people in Lahoda to learn how to manage their land through land use planning and management, involving both men and women in decision-making, and DONET and CARE International have both trained women in this area. Female and male youth in Lahoda said that CARE and DONET also provided education and sensitisation on land use to the whole community, while the Village Land Committee secures and protects village land and the Village Council enforces the laws governing people's use of the land. In sum, there was no doubt that internal institutions are most relevant to land and natural resource management in Lahoda, albeit with important outside support from NGOs and CSOs.

Land and natural resource use patterns in Kisande

Kisande means “*the land of the Wasandawe people*” in their local language. This village has grown particularly rapidly over the past five years. Most villagers do not know the early origins of the village, but farmers report that it was previously called Njenjelu. Common land in Kisande, which has been set aside by the Village Council for everyone to use, includes grazing land, cattle routes and roads, the village centre and local primary school, and some boreholes. Management of these common areas has been flexible in the past, with no strictly enforced rules. For example, pastoralists said that typically they would decide how to use grazing land, as they were the ones using it. Everyone is allowed to use boreholes for free, even though some are individually owned, and land for farming and housing in Kisande is also individually owned.

Figure 2 Resource map of Kisande prepared by widows and divorced women



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Key:

Red soil: village borders

Green fleshy leaves: pasture land

Black cotton soil: cattle routes

Blue plastic: boreholes

Cow dung: village centre

Maize cob: church

Green withered leaves: open forest

Sand: roads

Ash: seasonal river

Green bottle: school

Brick: mosque

Charcoal: posho (maize) mill

Today most land and natural resources in Kisande are managed under the statutory institutions of local government. Land allocation is carried out by the Village Council, while the Village Land Committee decides what areas of grazing land to set aside for pastoral use. Resource use is managed by the village government according to by-laws decided by the Village Council and passed by all adult villagers in the Village Assembly. Women are represented in these institutions but female representatives do not push women's concerns, especially those of pastoral women; the Village Chair said that women only participate in decision-making in Kisande with men's permission. The Village Executive Officer (VEO) is responsible for day-to-day resource management in the village and issues permits for selling livestock, digging boreholes, and cutting down trees for timber. The latter incurs a fee of TSh 1,000 a time, and there is a TSh 1,000 fee for a permit to clear land for new farms.



The nature of rights to land and natural resources in Kisande

Widows, divorced women, male and female farmers, and most female youth reported that Kisande's water resources – boreholes and the river – were open access because water was considered to be a need for everyone, for which there was no alternative. However, some female youth thought that boreholes and the river were subject to access through statutory government arrangements, while female pastoralists thought that boreholes came under statutory government arrangements but the river was open access. Widows, divorced women, male and female farmers, female youth, and female pastoralists all agreed that access to grazing land, forests, and cattle routes followed the statutory system. The farmers said that agricultural land was managed under statutory arrangements too, but some male farmers reported that access to forests and agricultural land was also possible under the customary system, and some female youth also thought that farms could be accessed under customary arrangements. Male pastoralists said that only forests and cattle routes were subject to statutory arrangements but there was open access to boreholes, the river, and grazing land. Overall, the picture is one of differing perceptions among the different groups, with a mixture of open access and statutory arrangements governing the key natural resources in Kisande and a more limited role for customary resource management and tenure arrangements than in Lahoda.

The different perspectives on means of access to land of some of the individual groups in Kisande were particularly instructive. For example, widows said that they utilise customary, statutory, and religious institutions to access land and natural resources and also have access to open areas of land that they can use. Most widows in the FGD in Kisande had actually inherited land, but they acknowledged that men are the main decision-makers about land and that women are involved in only a minimal way. Widows also said that people in Kisande did not own land in groups, but that it was possible to acquire individual land through village government institutions. These latter are the main means of access to land for most divorced women. Divorced women agreed that men are still the main decision-makers about land in Kisande and that decisions about land and resources favour men and are biased against women. For this reason, widows and divorced women agreed that the statutory system is more important in Kisande, because it is less biased against women than the customary system.

Female youth in Kisande said: *“In our society we are told that women have no rights.”* They said that women are not allowed to inherit by custom and could only access land through village government channels, as individuals or in a group. They did not see the statutory system as being discriminatory because both men and women make decisions about land within it, unlike the customary system, and it



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



gives all people opportunities to access land. Young men agreed with the young women on decision-making, but said that in practice men dominate decision-making as they are numerically superior and hardly any men support women's concerns unless they have a personal interest in them. This indicates the continuing importance of women's ties to male relatives for their land rights. Male youth also acknowledged that they had greater choices and more means of access to land open to them than their sisters, as they could inherit land from their parents in accordance with custom but could also apply to the Village Council to be allocated land under the statutory system.

Yet while most groups, including female pastoralists, agreed that women could acquire land in Kisande under statutory arrangements, male pastoralists observed that normally in practice women do not actually apply to be allocated land. Male pastoralists also said that it was easier for women to acquire land under the statutory system as a group than as an individual, and felt that group tenure was better as groups are stronger than individuals; female pastoralists, however, indicated that being able to access land as individuals was more important to them. In contrast to the pastoralists, female farmers said that land was best accessed as a group, while male farmers preferred to access land as individuals. Male pastoralists reported that customary practices are not as dominant in Kisande as they used to be. Female pastoralists concurred, reporting that five years ago there was more double allocation of land and there were more disputes, as the customary leadership was discriminating against women. Now statutory laws have become more applicable and both men and women can access land. It is believed that NGOs working on VLUP have played a role in this through action such as raising awareness on land rights.



Village meeting in Kisande. Source: N. Kisambu



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Land management institutions in Kisande

Table 2 (below) sets out the understandings of all eight FGD groups in Kisande about the key institutions of relevance to land access and management in their village.

Table 2 Institutions of relevance to land access and management in Kisande

| Institution of relevance to land access and management | Cited by |
|---------------------------------------------------------------|------------------------------------------------------------|
| VLUM Committee | All |
| Village Council | All |
| CARE International | All except divorced women |
| DONET | All except divorced women and male farmers |
| World Vision | All except female pastoralists and male and female farmers |
| Water Committee | Widows, divorced women, and female farmers |
| Village Land Committee | Female youth and male pastoralists |
| Ward Land Tribunal | Female pastoralists and female farmers |
| CHF | Divorced women and widows |
| ADP | Widows and female youth |
| Village tribunals | Widows and female pastoralists |
| Local primary school | Widows |
| Customary leaders/village elders | Male pastoralists |
| TAWLA | Male farmers |
| TASAF | Widows |

As in Lahoda, the various institutions of relevance to land access and management in Kisande have different roles, but most groups had a clear and shared understanding of these roles. Male and female youth described how the key statutory institutions and NGOs educated people about land rights and land use management, helped allocate suitable areas for grazing and farming, and helped resolve disputes. Male youth said that the Village Council allocates and sub-divides land, makes decisions on land use and management, issues permits, and has a role in law enforcement. Most FGD participants were aware that village tribunals and customary leaders and elders mediate in land disputes between pastoralists and farmers at the grassroots level, customarily, while the VLUM Committee manages and plans land use and helps resolve disputes between pastoralists and farmers following statutory law. Male farmers said that the VLUM Committee is a new institution and is not yet fully functional. They reported that the work of the Village Land Committee is not yet satisfactory and so CARE brought about the idea of the VLUM Committee, in which decision-making is shared by men and women.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



The Village Council is seen by widows, divorced women, and male farmers as having the greatest influence on decision-making about land and natural resources in Kisande. Male and female youth reported that men and women have an equal role in decision-making about land in these institutions, but widows and divorced women said that ordinary villagers hardly participate because they are never present at the meetings. The limited presence of women in particular means that important resource management decisions are often made without their participation, and this perpetuates male dominance of decision-making. Female youth and female farmers said that the VLUM Committee is the most important institution in the village with respect to land, despite its newness, while male youth said that the Village Council is the most important. However, none of them reported having much interaction with either institution – confirming what the widows and divorced women had said about limited participation.

Young people described key individual decision-makers on resource use in Kisande as being the Village Chair, the VEO, and various sub-chairs, as well as the individual owners of resources such as boreholes. They described how those people with money were privileged in gaining access to land, with greater development leading to more double allocation of land as more people have the money available for bribing decision-makers. Male pastoralists said that only men make decisions under the customary system but that it is more transparent, while both male and female pastoralists said that there is equality in decision-making under statutory arrangements. However, the female pastoralists debated this for a while before one said:

“The whole issue of gender equality and equality in decision-making is mainly male-centred – women are often the recipient of men’s decisions and in most cases participate in terms of numbers only.”

Land disputes in Lahoda and Kisande

The procedures for resolving land disputes in both Kisande and Lahoda are very similar, and all FGD participants were aware of them. In general, dispute resolution starts at the grassroots level with customary leaders and village elders and then proceeds up the formal legal system until a satisfactory outcome is achieved. However, there is flexibility over the initial approach, according to the preferences of the disputing parties.

Most land disputes in Lahoda seemed to be between farmers and pastoralists, although divorced women said that the VLUM Committee had specifically helped reduce these since it was set up. However, it appeared that limited numbers of land disputes actually reached the VLUM Committee in Lahoda. Instead, in taking their disputes to the local customary leaders and (mostly male) village elders, mediation



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



in disputes between a man and a woman would tend to favour the man. The Chemba District PLUM team confirmed that the government land management institutions at village level were supposed to provide advice on land use. However, key village stakeholders who were interviewed in Lahoda claimed that the government was constrained when trying to help women assert their individual rights, as women preferred to turn to the customary system of group rights even though they were aware of the possibilities of accessing individual rights through the statutory system.

According to pastoralists in Kisande, some land disputes in their village had arisen because of problems with double land allocations under statutory arrangements. One sub-village chair was specifically accused of double allocation, and village leaders in Kisande in general were accused by pastoralists of poor communication, which had caused conflict over land allocation. As noted above, the pastoralists said that land allocation and management were more transparent in Kisande – if less gender-equitable – under customary arrangements.

Both farmers and pastoralists in Kisande agreed that there are more land disputes in the village now than there were five years ago because the growing human population had made access to resources more challenging. As in Lahoda, the majority of disputes appeared to be between farmers and pastoralists. On one hand, land was needed to accommodate newcomers, especially in-migrating farmers, and disputes at this level were resolved by the Ward Land Committee, which had to make sure that land was available to be allocated to newcomers. On the other hand, disputes caused by pastoralists' livestock trespassing on farms in areas previously used for grazing but now allocated to newcomers have been resolved by customary leaders and the Village Council. Pastoralists in Kisande hoped that, once enough grazing land is designated by the VLUM Committee for pastoral land use, there will be no more conflicts of this kind.

Opportunities and challenges for pastoral women's land rights in Lahoda and Kisanda

The people, processes, and institutions that have assisted pastoral women in Lahoda and Kisande to acquire, assert, and realise their rights to land in practice, under both customary and statutory arrangements, have varied for different women according to their circumstances and to overall changes in land governance and resource management in the village. As a male village councillor from Lahoda explained, traditionally, when women could not own or inherit land, they could not even “*stand and speak in front of people*”. He added that “*now under statutory law any woman who applies for land can be given it*”; but so far no women has applied for it. The Village Chair added that anyone who meets the criteria can apply for land and there are no restrictions on either men or women being provided with land.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



These comments beg the question of just how much, and how quickly, customs can change – despite new opportunities opening up for women.

According to a female local government councillor in Lahoda, the major challenge for women's land rights is posed by the gender stereotypes that *“disregard women as incapable and weak creatures”*. This councillor has specifically advocated for women's land rights but found herself rebuked by men, who claimed that *“women who stand and advocate for women's rights are misfits in society”*. This has been particularly the case among pastoral men, who consider a woman to be the property of a man. The degree to which these perceptions of women as property and of men and women as unequal are socially embedded makes it extremely challenging for pastoral women to claim to have their own property rights, and for pastoral men to be convinced that women have rights equal to theirs. This cut across different ethnic groups, being the case among Maasai, Barabaig and Mbulu people in Lahoda. As the Lahoda Village Chair explained:

“When you talk about gender equality, this is rarely applicable in our area. Men are arrogant and they don't want to hear about equality between men and women. This is a big challenge we have, because men and sometimes women themselves agree that they are weaker than men.”

A religious leader added tellingly that *“women have no voice when it comes to property ownership”*. Furthermore, women's own lack of confidence is a major problem for them in securing access to their land rights in Lahoda.

NGOs in Lahoda and Kisande, such as DONET, CARE International, UMAKWA, UMWE, and especially World Vision from the late 1980s, have helped to encourage change in these traditional perceptions by sensitising people about women's land rights under statutory law. However, female youth said that there is still a need for more sensitisation on women's rights and for the focus to be on strengthening the statutory system against the customary system. Male youth added that a big challenge lies in the community's refusal even to accept that improving women's land rights is a desirable goal: customary norms are very entrenched and it would be hard to change them, and much education and sensitisation would be needed. For this reason, as the VLUM team emphasised, everyone needs to be sensitised about women's land rights, not just women.

Male and female pastoralists, as well as widows and divorced women, stressed the important role of statutory institutions like the Village Council, Village Land Committee, and VLUM Committee in helping pastoral women to gain their land rights and acquire land in Lahoda and Kisande; widows said



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



that some customary leaders had also helped them. Divorced women saw more challenges to acquiring land rights in Lahoda than widows did, because of the stigma attached to divorce in pastoral society. Divorced women could get rights to use family land but not inherit it, and although they had statutory rights to land via government institutions in Lahoda, they said that these rights were not always implemented or enforced. Acquiring their own land, using money they had earned to buy it, seemed a more reliable possibility for these women. Unsurprisingly, both widows and divorced women therefore felt that raising livestock such as cows to sell milk and meat could produce opportunities for women to gain access to land and natural resources in the future.

Some people in Kisande have also helped on an individual basis, but those who help women to speak up for their rights risk challenges from men, who may not view their support for women's rights very positively if they feel themselves to be threatened by it. Male youth also said that meetings with the Village Council help women to speak up for their rights – but in practice many women feared speaking in front of men in public and making an argument against them.

As in Lahoda, key village stakeholders in Kisande felt that opportunities for improving pastoral women's access to land revolve around the continuing education of everyone on the issue of land rights, not just women. As women know more about their rights they will fight for them, and as everyone learns about women's rights this will make it easier for pastoral women to successfully claim their rights. The VLUM team said that this process would bring opportunities for women to own land and to become involved in making decisions about land and natural resources. However, while all village stakeholders interviewed stressed education as an opportunity, they also acknowledged the cultural and practical limitations that make it difficult for women to get educated in general, including the fact that they spend a lot of time at home on domestic chores and are kept busy herding cattle.

Opportunities for pastoral women to acquire land in Lahoda were reported by key village stakeholders to be mainly contingent on them forming savings and loan groups. Local government leaders said that they were trying to encourage women to form groups, as that would make it easier for them to apply for loans than as individuals. There are opportunities for them to purchase land as a group and/or to request land to be allocated by the village government and to develop it for their own income generation. It was reported that women's groups had previously been formed in Lahoda but they had collapsed through poor governance; however, keenness was expressed for this to be tried again. For example, divorced women said that it would help them to apply for loans to start businesses if they could access land as a group rather than as individuals. However, there is a paradox here because, according to customary norms and



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



values in pastoral society, women do not even have the right to form groups and make these kinds of requests to the local government without first seeking permission from their spouses.

In addition to the overall pressures on access to grazing land from the steadily growing population in the villages, female youth reported a major challenge in their access to grazing land being that they could not go far to seek pastures because they have been raped or had their cattle stolen when they have done so – raised as an issues in Lahoda. Rape is not often reported because of the perception in pastoral communities of women being men’s property, giving men a right to use them as property, and many women do not consider that they have the right to complain even about physical violations and assaults on their person. Another challenge cited by female youth is that they are socialised to accept a low position, which includes not owning their own resources or having their own property rights. Nevertheless, female youth saw the rise of the statutory system as leading to greater opportunities for them to access land in future. According to these young women, this is because the statutory system recognises equality between women and men, which will be strengthened as it overtakes the customary system over time. However, for the time being the customary system is still prevalent, and it marginalises women’s rights.

Male pastoralists in Lahoda thought that there were opportunities for women to be educated on their land rights and on how to access land and natural resources in the future, as well as to become self-employed and become involved in local leadership. Male pastoralists said that women could access land in groups and as individuals, but female pastoralists indicated that they could access land in groups only. This is because it is much easier for women to be defeated in claiming their land rights as individuals, due to the strength of customary beliefs, than as part of a group. Female pastoralists also saw the opportunity for education as being very important. Public education on land rights through groups had already helped to make people aware of their rights and to empower women to identify and fight for their rights. The women specifically praised local NGOs such as TASAF and UMAKWA for educating them on statutory land rights.

An interestingly divergent view came from a women’s association head, who said that there are no efforts at all to advocate for pastoral women’s land rights in Kisande. The Village Chair said that all village government institutions include female representation and are responsible for ensuring gender equality, but the main barrier to pastoral women’s access to land is men – so focusing on women alone will not work and educating men is also critical. The VLUM team added that most men are still not aware of women’s rights, hence they continue to violate these by not allowing women to speak in front of people, not involving them in decision-making, and not allowing them to own or inherit land. Other challenges



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



for pastoral women in Kisande include the fact that they are not aware of their own rights and are not ready to embrace those rights anyway, due to the strength of cultural norms and practices. As one religious leader put it: *“Women have the mentality that land rights belong to men.”* In addition, though income-generation activities can be taken up by women, the issue remains that women are not free to use the income they might generate from those activities without permission from men in their households.

Among the female pastoralists who were interviewed one-to-one in Lahoda, it was only the wealthiest individual who said that accessing land was easy for her, indicating again that money facilitates access to land for those who have it. Yet most pastoral women in Lahoda do not have a lot of money and struggle to purchase even basic necessities to support their livelihoods. However, male pastoralists saw in pastoralism itself the opportunity for women to generate income, particularly if they formed groups, had access to grazing land, and were educated on appropriate pastoral farming.

The deeply embedded nature of discrimination against pastoral women in Kisande comes out most clearly in comments made by the pastoralists themselves. For example, pastoral men said that women cannot make decisions or manage pastoralism on their own. This goes to the heart of the pastoralist patriarchal system and the gender beliefs that pastoral men have about women, that they are *“weak creatures”*. Women, however, did not see patriarchy as a problem to them, being more concerned by practical challenges such as scarcity of grazing land and water, prevalence of livestock diseases, etc. Pastoral men saw no opportunities for women’s land rights because women cannot own land under customary law, while pastoral women saw their main development opportunities in increasing their income through livestock. Neither group of pastoralists, men or women, saw potential access to land as an opportunity for women. A few pastoral women said that they wanted land as individuals (not as a group), but men said that, due to customs, women could not access land anyway.

Pastoral men said further that no efforts have been made in Kisande to enable pastoral women to attain their rights: no institutions are helping them and they have seen no-one doing this. In contrast, pastoral women were aware that the Village Council has made efforts to ensure that women attain their rights by applying statutory law and that NGOs have helped to enable pastoral women to speak up for their land rights. Pastoral men did suggest that education should be provided to the public on land rights to help improve the rights of pastoral women, but women wanted more practical support such as improved water sources, cattle dips, and technical support for livestock keeping, with no mention made of a desire for education on land rights. One male pastoralist who was interviewed one-to-one said that education for men and women should be done through seminars and trainings and by issuing pamphlets on land rights.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



But he added that, although this is an opportunity for women, men might not cooperate and let their wives attend. Another male pastoralist said that some men would not cooperate with awareness-raising exercises at all.

The views of women farmers in Kisande were particularly interesting. They said that pastoral women already have opportunities to sell their livestock to earn money, while the livestock themselves provide animal labour to give pastoral women the opportunity to increase their crop production. It thus seemed that the female farmers were a little jealous of what they thought the pastoral women already had.

Awareness and impact of national policies in Lahoda and Kisande

Awareness of recent national land reform and gender equity policies and programmes in Lahoda and Kisande was mixed, but generally positive. Unsurprisingly, key village stakeholders (in Lahoda) indicated that they were aware of the relevant policies. One said: *“I know each person, whether man or woman, has a right to own land.”* However, another said: *“What I know is that every person has the right to own land, but we have not received it yet.”* There was a general consensus among all the village stakeholders consulted in Lahoda, and those in Chemba district, that people are generally aware of national policies and that the recent past has seen some improvements in pastoral women’s land rights from the initial implementation and awareness-raising about these policies in the village. For example, even some divorced women in Lahoda have now been allocated land by the village government. Male pastoralists interviewed one-to-one were all aware of recent policies and said that these had been implemented by civil society institutions through the VLUM planning process. However, female pastoralists interviewed one-to-one had a much lower awareness of national legislation on land and gender. Only the poorest had been sensitised about this through a village committee, while the wealthiest claimed to be aware of national policies but said that they had not yet been implemented.

In Kisande, awareness of national land reform and gender equity policies was more widespread than in Lahoda, and their direct impact seemed clearer too. Most key village stakeholders in Kisande said that recent policies are not being implemented, due to lack of education of the public. However, the VLUM team insisted that education on land rights was ongoing at the time of the fieldwork. A customary leader pointed out that the new VLUP was in itself a means of implementing the new policies because it included gender equality in access to land and the issuance of titles. The Kisande Village Chair explained further that the village had already set aside areas for pastoral and agricultural use for both women and men, and they were ready to allocate land but (as in Lahoda) no woman had yet applied. His feeling was



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



that women do not apply for land because of a lack of awareness that they can. Most pastoral women live in remote parts of the village and have limited access to information, thus making them unaware of their basic rights. If they become aware of their new rights and begin to claim them, then the land reform and gender equity policies would have more impact.

Among the individual pastoralists interviewed one-to-one in Kisande, all three men said that they had heard of national land reform and gender equality policies (including through the radio), but these had not yet been implemented and were not having any impact. Among the women, the wealthiest lady was aware of policies and that they were beginning to be implemented, such as through the VLUP, with women now participating in decision-making and grazing land being set aside which had not previously been available. But the other two women said that they were not involved in decision-making and that women's rights were still being violated under custom.

The full extent to which policies are understood and implemented, however, is a different matter. Women (including pastoral women) increasingly take part in decision-making on land at village and district levels, but this is still dominated by men, and in Lahoda pastoral women in particular do not actively participate even if they are appointed to committees. According to the Lahoda Village Chair, while pastoral women are more aware of their rights now, particularly through their participation in village meetings, implementation of policies to enable women to gain access to land has been limited by the strong gender stereotypes in pastoral society. In contrast, a religious leader in Lahoda maintained that women as a group have been succeeding in strengthening their land rights, but that pastoral women face a peculiar context in that: *"Their life experience is embedded with cultural values that disregard women's rights to resources."*

In contrast, the Kisande VLUM team argued that national land and gender policies have already impacted women's role in resource decision-making over land, because now the parties involved are making decisions equally and the family is appropriately involved. This is a change since the establishment of the VLUP process. According to one customary leader, existing power relations still provide men with more power to make decisions than women and women's rights are still being violated as far as land rights are concerned, as *"decision-making is still done by men."* However, the head of the Kisande women's association was optimistic that there would be more changes in future as education and awareness-raising progress. She said that real changes in women's participation in decision-making are yet to occur because pastoral men are worried that empowering women will *"overthrow men's traditional leadership and rule"*.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Other groups in Kisande commented more extensively on some of the changes that have already taken place as statutory land access and resource management arrangements have been strengthened and national land reform and gender equity policies have gradually been implemented. Female youth argued that, as statutory arrangements for accessing land have become more common in Kisande over the past five years, gradual changes have taken place, with women more involved in decision-making and customary access to land becoming less important. However, male youth could not see that these changes had taken place and said that attitudes to gender equality and women's rights were still strongly influenced by culture and custom. For example, most people in Kisande felt that the key post of Village Chair should rightly be held by a man.

Scope and demand for improvements in pastoral women's land rights

As already discussed, statutory resource management and land tenure arrangements are generally stronger in Kisande than in Lahoda: even though both villages have a VLUP already in place, Lahoda's is more recent. Local government and civil society institutions have had important roles in facilitating changes in both villages, but in general customary arrangements and practices are still stronger in Lahoda. Moreover, there is scope to improve pastoral women's land rights in both villages, although this was more a demand in Lahoda, where women were further behind, than in Kisande, where more gains in respect of land rights have been made and thus other livelihood and resource issues have come to seem more pressing.

Pastoral women in Lahoda specifically wanted to see improvements to their land rights, particularly for their statutory rights to be strengthened and for them to be supported in asserting and realising their rights. Education was seen as the primary means of improving things. People in Kisande also saw education as being vitally important to improving pastoral women's land rights, but pastoral women themselves seemed less concerned about land than about related resource issues such as access to water and technical services to support livestock production.

In general in Lahoda, key village stakeholders perceived a great deal of scope for improvements in pastoral women's land rights, and a general preference was expressed for promoting statutory law as the means of strengthening them. However, the preference for statutory law needs to be offset against the discriminatory effects of existing social norms and values that still exert a strong influence in pastoral communities, and this means that education must also address cultural issues. These issues are what hinder women and girls from obtaining education, at school as well as about land rights, and this is what needs to be addressed through sensitisation. The Lahoda Village Chair emphasised:



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



“People, particularly women, need to be educated on land rights. Women must be made aware that they have a right to land through seminars and meetings, and men should also be involved in them in order for them to understand the importance of women being part of the decision-making process.”

The consensus among all village stakeholders and participants in the FGDs in Lahoda was that enabling women to claim their land rights would lead to better development in the village and the nation at large, as women play a major role in development through their land use. Village stakeholders all agreed that the most effective way to empower women was through continuous education on good land use as well as on land rights, especially as the VLUP has already allocated land for pastoralists, including for pastoralist women.

As well as education and sensitisation, the actual involvement of pastoral women in decision-making on land is also important to improving their rights. Divorced women and widows in Lahoda said that they would be able to fight for their rights if they understood them, and would be able to defend them in the appropriate decision-making institutions if they were included in these. However, divorced women too were concerned about the challenges remaining. For example, it is not easy for women to attend seminars due to the effects of time pressures and cultural norms, as women are often occupied with domestic activities and are unable to attend meetings.

Individual male pastoralists said that everyone should be educated on land rights, including women. These men agreed that there was a need for improvement, but they saw a potential challenge in that women might not be allowed to participate in education efforts, especially if this was done through the Village Assembly, in which most women did not participate. Instead, women might have to be targeted directly. Male youth in Lahoda also commented that women would face challenges in getting permission to attend meetings and seminars. One said:

“Women are not easily allowed to attend meetings because men fear that they will have contacts with other men and misbehave by having sexual affairs with other men.”

In Kisande, key village stakeholders were unanimous that there was a need for further improvements in pastoral women’s land rights. Education of all people, not just women, was repeatedly mentioned as a means to that end, so that everyone would know their rights. But, as in Lahoda, concerns were expressed that some men may not cooperate with the process and may not allow their wives to attend seminars or



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



meetings, for example because of mistrust in their marriages and concerns that their wives might be unfaithful. VLUM team members said that individual sensitisation of women on their rights was most vital, and then once they know their rights they could form groups to access land more effectively if they wanted. In contrast, the Kisande religious leader felt that it would be easier to provide women's land rights through groups from the start. Likewise, the customary leader said that women should form development groups of ten women or more and apply together for land to be allocated, along with funding to start new livelihood activities on the land. However, a male pastoralist said that women already have these opportunities.

The head of the Kisande women's association also wanted funding to help women's groups who were getting land. Male farmers said that women can best access land in groups because *"as a group they can join forces and demand their rights more easily. It is easier to speak as a group than as an individual."* But women farmers said:

"Land is best accessed individually, as when an individual gets her own land she is free to use it or not to use it or sometimes to sell it. This is not the case when land is accessed as a group because every decision must be agreed by all group members."

Formation of women's groups for development has been a longstanding strategy in Tanzania, especially among non-pastoral women. But for pastoral women, a difficulty is that they live in scattered areas and this can make it hard for them to organise themselves for collective activities such as seminars or group meetings. Yet on balance in Kisande, the feeling was that group rights were better – perhaps because women's voices will be heard more as they will be louder and stronger in numbers, or perhaps because women can appear less threatening to individual men when they are not demanding their rights as individuals.

The Kisande Village Chair said that at present there was no scope for improvement as people did not know their rights, but once they were educated, he expected improvements to naturally follow. The challenge is the overall lack of good land and resource governance in the village, as also mentioned in Lahoda. Interviewees considered that a VLUP was required to secure people's rights to land in the village, and Kisande was clearly ahead in having one in place for longer.

In Kisande, the consensus was that education was vital, it should consider men, and it should also take into account when being organised the logistical difficulties raised by the pastoral way of life. With regard to the desirability of improving women's land rights in Kisande however, the views of pastoral



women themselves were more nuanced and less urgently in favour than in Lahoda. For example, all three individual women pastoralists interviewed one-to-one said they had opportunities to benefit from animal produce and income generation through selling livestock, and this seemed more important to them as a path to economic empowerment than access to land, as long as they have access to grazing land. The wealthiest lady said that grazing areas have to be expanded in Kisande due to the increasing animal population so that animal produce can increase, but the expected challenge is that settlers already living in the grazing areas will have to be relocated. As well as more land, pastoral women were also (and perhaps more) concerned about improving access to water and securing a livestock specialist for the village.

IV. CONCLUSIONS

The fieldwork described in this paper has shed light on some of the detail of pastoral women's land rights in two villages in Chemba district of Tanzania. The context, land use patterns, and nature of rights to land in each of the two villages vary, although there are some common themes – particularly around the challenges facing women in pastoral communities and the opportunities for them to improve the security of their land rights in the future.

Challenges for women's land rights in pastoral communities

Despite variations in levels of awareness of national land reform and gender equality policies and laws, usually linked to the extent to which people have taken part in trainings and awareness-raising sessions by NGOs, there is a clear knowledge gap among women in pastoral communities. High rates of illiteracy and low education levels among pastoral women make this knowledge gap a big challenge. Many women appear to be aware of their rights but are not ready to embrace them, due to cultural practices. They are generally not involved in decision-making and think that land “belongs” to men. In addition, in both villages there are men who are not ready to transform patriarchal systems to allow women to own land. Most men are not aware of women's rights and hence continue to violate them. For example, pastoral women are not allowed to speak in public, they are not involved in decision-making, they are not allowed to own or inherit land, and they are not allowed to attend meetings or women's forums in their villages. The upshot of this is that negative attitudes and perceptions of community members towards women's rights are still a big challenge. Women are generally not viewed as having equal importance with men to the development of the village. Changing the attitudes of community members takes time, and while it has worked in some areas it is still a big challenge in others.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Broader governance issues present a further challenge to pastoral women's land rights. Who is who in the political sphere, who supports who to be able to get what – these contextual relationships are all highly relevant to securing land rights for women, making it easier in some villages than in others. Some village (and district) leaders are corrupt, while others are uncooperative. Some are only willing to assist those with money, which is something that many pastoral women lack, while others, including some customary leaders, may have more entrenched discriminatory attitudes towards women and feel more attached to continuing discriminatory customs and practices.

The continuing conflicts between policies, legislation, customary laws, and practice potentially leave pastoral women and their rights to land caught between the protection that could be provided by customary arrangements and that which could be provided by statutory law and institutions. This is all the more so because the development and implementation of land policies and legislation and of interventions on gender equity are often carried out without a clear understanding of their implications for pastoral women's (and men's) rights to land and resources in either the short or the long term, thus missing an opportunity to secure rights and running the risk of causing more harm than good.

For example, in both villages, women can in theory access land under statutory law, and sometimes do, but customary rules around inheritance still apply, preventing women from inheriting land themselves or passing their own land on to their children. Widow inheritance is a further challenge that has not yet been eliminated in all areas. When a marriage breaks down, women also lose out because there is no division of matrimonial property in Maasai custom, even though women do the lion's share of work in building up and developing the family property. Decision-making powers and ownership of family property (including livestock) are granted to men, and only the first son is entitled to inherit a father's property when he dies, regardless of the presence or contributions of other children, let alone wives. The widespread practice of polygamy is a further and related challenge, especially when it comes to accessing land, since land is shared by all members of the family and none of the wives controls the land they farm. When a man loves one of his wives more than the rest, she becomes the lucky one and gets a bigger share of his property.

All the villages covered by the study have experienced growing populations, largely due to in-migration by people from other communities. This has contributed to land disputes and tensions between farmers and pastoralists, and this has made good land management a pressing issue. The lack of permanent boundaries has also contributed to disputes in some of the villages visited, with the high cost of demarcation and surveying a challenge to securing land rights in most villages in Tanzania.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



Finally, it needs to be emphasised that many of the pastoral women in the villages studied stressed that access to water was a greater challenge for them than access to land. Water shortages during the dry season cause pastoralists, both women and men, to move from one place to another in search of water for their livestock and for domestic use. This uses up time, energy, and resources that would otherwise be used to develop their village and their families – and which for women could also go towards engagement in empowerment and education initiatives.

Future opportunities for pastoral women's land and natural resource rights

Despite all these challenges, the picture to emerge from this study is not all bleak and there are many opportunities, which suggests that there is scope for further improvements in pastoral women's land rights in northern Tanzania. For a start, statutory law in Tanzania recognises equality between men and women in access to, use of, and control and ownership of land. This was recognised by almost everyone taking part in the study. Further, the country's Constitution prohibits all discriminatory practices and promotes gender equality. The remaining challenge is to harmonise the various laws relating to pastoralists and ensure the full implementation of gender equality.

A further opportunity lies in the strong presence of local and international NGOs working with pastoral communities in northern Tanzania, who actively promote women's land rights at the grassroots level. These NGOs provide education to women, men, village leaders, and customary leaders to help them understand land rights and specifically women's rights. Likewise, there are government institutions, such as the District PLUM teams and gender office, and VLUM committees at the village level, which support and include women in their work and aim to empower pastoral women and build their capacity in village land management. Women's associations provide further opportunities for pastoral women to discuss their land issues, rights, and challenges from the grassroots up, and sometimes to access land as a group.

Last, as implementation of Tanzania's national land laws continues to be rolled out, progress continues to be made in establishing key institutions, processes, and procedures. This can be seen in the present study through the testimony of various FGD participants across all villages, who noted the changes in land management and institutional roles in land allocation that have occurred over the past five or so years. Mechanisms for land dispute resolution have already been set up, VLUM committees are being rolled out in the villages, village land use plans and by-laws are being drafted, and land registries are being



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



established everywhere – which in due course will make it easier for individual women to follow up on the issue of registering their land.

Thus, while much remains to be done, the signs seem to indicate that in northern Tanzania things are changing gradually in favour of pastoral women's land rights.



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017



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Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 20-24, 2017

