

# RANGELANDS

## Securing pastoral women's land rights in Tanzania



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Research report no. 1

# RANGELANDS

## Securing pastoral women's land rights in Tanzania



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# Contents

Acknowledgements	v
Acronyms and abbreviations	vi
1. Introduction	6
1.1 Pastoralists and village land in Tanzania	6
1.2 Village land use planning	7
1.3 Women pastoralists in Tanzania	8
1.4 A study of pastoral women's land rights in relation to VLUP	9
2. Results of the study	10
2.1 Data from Chemba: Lahoda and Kisande villages	10
2.2 Data from Kiteto: Irng'abolo and Lerug villages	28
3. Conclusions	48
3.1 Challenges for women's land rights in pastoral communities	48
3.2 Future opportunities for pastoral women's land and natural resource rights	49
References	51
Annex 1: Research methodology	53
Annex 2: District and village stakeholder interviews	60

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# ACRONYMS

ADP	Agriculture Development Program
CCRO	Certificate of Customary Right of Occupancy
CORDS	Community Research and Development Services
CSO	Civil society organization
DONET	Dodoma Environmental Network
FGD	Focus group discussion
ILC	International Land Coalition
KINNAPA	KINNAPA Development Program
MWEDO	Maasai Women Development Organization
NGO	Non-governmental Organization
NLUPC	National Land Use Planning Commission
PLUM	Participatory land use management
PLUP	Participatory land use plan (or planning)
PWC	Pastoral Women's Council
TASAF	Tanzania Social Action Fund
TAWLA	Tanzania Women Lawyers Association
TNRF	Tanzania Natural Resource Forum
UCRT	Ujamaa Community Resource Team
VEO	Village Executive Officer
VLA	Village Land Act
VLUM	Village land use management
VLUP	Village land use plan (or planning)

# I. INTRODUCTION

## I.1 Pastoralists and village land in Tanzania

Pastoralists in general, according to Tanzania's National Land Use Planning Commission (NLUPC), 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 tended to deny the 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 further 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 mobilizing 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). 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 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".<sup>1</sup> Furthermore, the initial flexibility afforded by the VLA in how the boundaries of each village 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).

The VLA recognizes 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.

<sup>1</sup> 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.

Thus, although the VLA's provisions recognize 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 recognize customary pastoral titles to land but rather only recognize 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 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.

## 1.2 Village land use planning

Integrated participatory land use planning (PLUP) provides a mechanism and a process for local communities to play an integral part in making decisions pertaining to the use and management of their land. It requires the development of open and accountable processes and systems for involving local people in planning and decision-making.

The VLA and the Land Use Planning Act guide the development of participatory village land use plans (VLUPs) in Tanzania. The VLA (Sections 12 and 13) grants power to Village Councils and their institutions to prepare such plans. The Land Use Planning Act (under Sections 18, 22, 33, and 35) provides for the formation of planning authorities, functions, and procedures for developing VLUPs and approval processes. At the village level, the Village Land Use Management (VLUM) Committee is responsible for coordinating the development of a VLUP, with technical support from the district Participatory Land Use Management (PLUM) team. The VLUM will also resolve local land disputes



and advise on improved land use. All village members should be given the opportunity to contribute to the VLUP, including pastoralist men and women. The plan should not be finalized until it has been approved by the Village Assembly, i.e. all village members, and joint village plans should be produced where villages share resources such as grazing.

Guidelines for Village Land Use Planning, Administration and Management in Tanzania of 2013 (second edition) by the NLUPC detail six main steps to follow when developing participatory VLUPs, as follows:

1. Preparations at district level;
2. Participatory rural appraisal;
3. Mapping existing village land uses;
4. Participatory village land use planning;
5. Implementation of village land administration: enhancement of security of tenure;
6. Village land use management.

Limited resources mean that village land use planning rarely gets beyond Step 4; however, sustainability of access and management will only be ensured if the full process is carried out.

## 1.3 Women pastoralists in Tanzania

Pastoral communities vary widely in their specific customs around property rights, marriage, inheritance, and household decision-making about livestock, land use, and income generation and expenditure. Polygamy is common in Tanzania and many pastoral women depend on developing their own independent incomes to feed and educate their children – for example, if they can acquire an individual plot of land to farm or join a saving and loan group to support the development of a small business such as jewelry-making. The details of how they negotiate their access to resources are very context-specific, and hinge in particular on the support they receive for their resource claims from male relatives. Because of this, little is really known about the precise nature of women's property rights, and in particular their rights to land, among rangeland communities in Tanzania. More data are available on contemporary pastoral women's land rights in Ethiopia (Flintan et al. 2008; Flintan 2010) and Kenya (Archambault 2013; Archambault 2014), but in Tanzania the subject has been less well studied.

There are a number of non-governmental organizations (NGOs) and civil society organizations (CSOs) working with the pastoralists of northern Tanzania – such as the Ujamaa Community Resource Team (UCRT), Pastoral Women's Council (PWC), Dodoma Environmental Network (DONET), KINNAPA Development Program (KINNAPA), Maasai Women Development Organization (MWEDO), Community Research and Development Services (CORDS), CARE International, and World Vision – and field data about pastoral women's land rights have been gradually emerging from their work. However, there is still a lack of evidence on how and when pastoral women in Tanzania can best secure rights to land and natural resources through customary and/or statutory government arrangements in different socio-economic and political settings. The complexity of pastoral systems and societies is still not fully grasped by development actors in Tanzania – including those promoting gender equity – nor by Tanzanian decision-makers on land tenure, and a greater emphasis has been placed on technical solutions to land tenure insecurity rather than on understanding and supporting appropriate and context-specific empowerment that builds the capacity of local communities to lead their own processes of change.

## I.4 A study of pastoral women's land rights in relation to VLUP

In response to this situation, the International Land Coalition (ILC)'s Women and Land Program and Global Rangelands Initiative 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. It included participatory exercises and focus group discussions (FGDs) with disaggregated social groups as well as individual interviews with key village and district stakeholders and selected male and female pastoralists of different economic situations. Questions focused on understanding the detailed nature of existing customary and statutory land rights in the villages visited, the specific opportunities and challenges that women in those villages have faced, their awareness, and the impact, of recent land reform processes and women's empowerment initiatives in strengthening women's land rights, and the scope and desirability of further improvements to women's land rights. The fieldwork was carried out in November–December 2013. Further information on the research methodology is provided in Annex I.

This research report sets out new empirical data on pastoral women's land rights that emerged from the fieldwork. The full set of empirical data from each of the four villages has been reported separately in Kisambu (2014). The following sub-sections of the present report analyse that data from each district with regard to the key research questions on which evidence was sought. The main purpose of this research report is to feed into a forthcoming Rangelands Governance Initiative Issue Paper on pastoral women's land rights that will synthesize information collected through this and other studies.

## 2. RESULTS OF THE STUDY

### 2.1 Data from Chemba: Lahoda and Kisande villages

#### Introduction to Chemba district

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 villagization policy in 1974. Villagization sought to group scattered rural communities together into larger villages to facilitate improved provision of social services, such as primary schools and health clinics, and its implications for land management and land use arrangements across the country have been profound (Nyerere 1966; Nyerere 1968; Coulson 1982; Hydén 1980; Kitching 1989).

Land for farming and housing in Lahoda is privately owned, 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 TZS 1000 for a permit to cut down trees and the VLUM committee issues permits to clear new land 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, but 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).

There are gendered differences in the patterns of resource use in Lahoda too. Grazing areas are used on a daily basis by women and children and are about 60 minutes' walk away from the main settlement area. Other key resources for women are boreholes and cattle dips for livestock, and forests for firewood and building materials. Key resources on which men rely are forests for timber and wood, the dam for fishing and to fetch water for livestock, and land for farming. Water and firewood for family use are collected mainly by women in Lahoda. Water is collected daily and firewood every two days; both can be found within 30–60 minutes walk of most people's houses, but the boreholes are nearer to two hours' walk from pastoralists' houses.



Map 1: Resource map of Lahoda prepared by women and men farmers

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

People in Lahoda reported that there are more natural resources available in the village now than there were five years ago because better roads have improved access to them. There are also many more choices of crops to plant, and human labour burdens have eased since cattle have been allowed to graze on stubble on farms. Livestock routes have been established so that cattle no longer trespass on farms and trample crops. Farming methods and house construction in the village have both improved, and there are more ox ploughs than there were before. Boreholes have been dug and water tanks have been built to improve access to water. This has particularly helped women, who now spend less time fetching water and more time on other development activities.

## 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-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 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: sets out the understandings of seven FGD groups in Lahoda about the key institutions of relevance to land access and management in their village.<sup>2</sup> 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
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 preponderance of 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

<sup>2</sup> The data from the ordinary (mostly married) male farmers group were not clear and have therefore been excluded from this table.

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.

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 sensitization 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.

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 TZS 1000 a time, and there is a TZS 1000 fee for a permit to clear land for new farms.

Natural resources mostly used by women in Kisande include boreholes, forests, and grazing land. Women and men both use boreholes for domestic water and livestock, and these are located between 30 minutes and four hours walk

from the main settlement area. However, the forests where women go regularly to collect firewood are only about ten minutes walk away. Men also use forests to get building poles and timber for house construction and walking sticks, from a species of tree whose wood is very hard to break and which are also used to beat women with when domestic misunderstandings occur. These forests are about 30 minutes walk away. Herding cattle is mainly an activity for women, but men use grazing land too. The main grazing areas are about two hours walk from most people's houses, and Kisande has a seasonal river which everyone uses and which is about 30 minutes walk away.

Map 2: Resource map of Kisande prepared by widows and divorced women



Key:

- Red soil: village borders
- Green fleshy leaves: pasture land
- Sand: roads
- Black cotton soil: cattle routes
- Ash: seasonal river
- Blue plastic: boreholes
- Green bottle: school
- Cow dung: village centre
- Brick: mosque
- Maize cob: church
- Charcoal: posho (maize) mill
- Green withered leaves: open forest

Roads in Kisande have improved over the past five years, but they are used mostly in the dry season and transport is a serious problem in the wet season. There are also more cattle routes now than five years ago and these have been officially identified. There is more farm produce, as agriculture has expanded and people are increasingly growing crops such as sunflowers and onions for commercial purposes. Yields have improved with mechanization and improved farming methods, such as greater use of oxen and tractors for ploughing. This has boosted opportunities to sell farm produce and has led to more shops, greater development, and more people building better houses. Women's labour burdens have decreased due to these improvements in agriculture and the growth of posho (maize) mills (compared with laborious traditional methods of making maize flour), but this has been offset by increased labour burdens involved in taking care of growing numbers of livestock. Kisande's human population has also risen over the last five years, and with this has come an increase in farmer-livestock conflicts. However, designated grazing areas are now set aside to stop livestock from being grazed just anywhere and trespassing on crops, and the cattle are more organized on the new cattle routes. Access to water has become easier as there are more boreholes in Kisande than there were five years ago, but there is greater scarcity of firewood as forested areas have been cleared to meet demand for new farms and housing.



## The nature of rights to land and natural resources in Kisande

The key natural resources in Kisande – boreholes, grazing land, forests, cattle routes, and the seasonal river – were all described by male youth as being subject to open access arrangements. 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 utilize 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 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

## Land management institutions in Kisande

Table 2: 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 subdivides 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.

Concerning the specific role of civil society institutions, male pastoralists said that World Vision provides education on land rights and livestock and DONET provides education on VLUM, while female pastoralists and farmers explained that CARE International and DONET had enabled villagers to come up with a land use plan by providing education on land rights. 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.

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’.*

In sum, as in Lahoda, there was no doubt that local institutions have the most influence on people’s access to land and resource management in Kisande.

## Land disputes in Lahoda and Kisande

The procedures for resolving land disputes in both Lahoda and Kisande 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. For example, widows and divorced women in Lahoda explained that they would first go to a customary leader or village sub-committee member, then, if that failed, would appeal to the village chair through the Village Land Council, and ultimately to the ward land tribunal (the local land courts). In contrast, female youth in Lahoda said that they would normally always report a dispute straight away to the Village Chair, through the village Land committee and VLUM Committee, missing out the customary leaders. Male youth meanwhile said that they would always go first to the customary leaders and elders, because they know the people and the local land boundaries well. Most village elders in Lahoda are also men and this creates a bond between them and the male youth, whereas the female youth preferred to use the statutory system for resolving disputes because it provides greater gender equality and protects both women and men.

Likewise, in Kisande statutory dispute resolution processes generally prevailed. Female youth reported that they would go straight to the village chair to take an issue to the Village Land Committee, and if it was not resolved they would go to the VEO and then the ward executive officer to have it dealt with by the village land council and Ward Land Tribunal. As in Lahoda, female youth in Kisande said that the village council, village land committee, and VLUM committee were all important in statutory dispute resolution, while male youth added that sometimes an

agricultural extension officer would also get involved. However, male youth said that customary dispute resolution was still relevant if problems could be resolved before going to the village government. Pastoral men in Kisande also highlighted the still relevant role of customary dispute resolution processes to them. However, male and female farmers explained that, although land disputes are resolved by a mix of customary and statutory law, there are few conflicts between the two systems because the statutory institutions, which all uphold gender equality, are the ones that are mostly used.

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 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

The people, processes, and institutions that have assisted pastoral women in Lahoda to acquire, assert, and realize 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 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. 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, 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 sensitizing people about women's land rights under statutory law. However, female youth said that there is still a need for more sensitization 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 sensitization would be needed. For this reason, as the VLUM team emphasised, everyone needs to be sensitized about women's land rights, not just women.



FGD with female youth in Lahoda

Source: N. Kisambu

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; widows said 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.

Likewise, 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 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 of Lahoda, 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. 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 socialized 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 recognizes 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 marginalizes 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.

In addition, 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.

## Awareness and impact of national policies in Lahoda

Awareness of recent national land reform and gender equity policies and programs in Lahoda was mixed, but generally positive. Unsurprisingly, key village stakeholders 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 sensitized 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.

It is less clear whether there is yet any evidence of direct impacts of national land reform and gender equity policies on pastoral women's land and natural resource rights and their participation in decision-making in Lahoda. For

example, key village stakeholders claimed that women have become more empowered financially because of their gradually increasing access to resources. They said that a woman can obtain land now and then sell it to get money, which is a new development in the village. Further, Chemba district tries to ensure a 50:50 gender balance in all VLUM committees (as per policy and legislation guidance) and this in itself adds to wider awareness of the policies, because seeing women on a committee where this has not generally been the case in the past is something to be remarked on and discussed.

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 sum, in Lahoda, it seemed that national land reform and gender equity policies have not yet had any major impact. Although women can even obtain land titles through the government system if they wish to own land, decision-making is still carried out largely by men, including within families. Thus, unless a policy is supported by men on a day-to-day basis, it will not have an impact on women.



Pastoralists mapping resources in Lahoda.

Source: N. Kisambu

## Opportunities and challenges for pastoral women's land rights in Kisande

The people, processes, and institutions that have assisted pastoral women in Kisande to acquire, assert, and realize their rights to land in practice, under both customary and statutory arrangements, have included NGOs and CSOs in particular. The VLUM team mentioned the role of CARE International and DONET in education and training on gender equality, and said that statutory laws have more impact on the realization of women's land rights in Kisande, with most people opting to go the local government leaders for dispute resolution. Customary laws are still strong, but generally statutory laws are the most applied now. A customary leader interviewed in Kisande agreed that NGOs and village government institutions such as the VLUM committee have been most helpful for women. Widows said that government institutions such as the VLUM committee have assisted them in accessing land under statutory law, while divorced women said that they had gone to the village council to obtain land under statutory law.

Male and female youth in Kisande said that the VLUM committee has helped pastoral women to access land and to speak up for their rights, and that it emphasises equality and applies statutory law. 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.

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 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'.

Although women have no customary right to own or inherit land, the most frequently applied laws in Kisande are statutory laws, because they are more efficient – and this can help improve gender equality over time. However, it is a problem for both awareness-raising and participation in decision-making that women are generally not allowed by their husbands to attend meetings. The village chair explained that, as a result, women are not aware of what happens in meetings. He said that women in Kisande worry about land issues because of the importance of land to their livelihoods, but culturally they are treated like children, so they cannot be involved in decision-making or have a say in access to or management of land and natural resources.

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.

Male youth in Kisande said that pastoral women's land rights are violated because they are never given a chance to be heard, and their lives are at risk because men threaten them when they are out grazing livestock. Female youth felt that there could be opportunities for pastoral women if they could generate income through their livestock production activities. However, 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. In a similar vein, divorced women and widows said that water scarcity and loss of livestock through disease and widowhood or divorce were their gravest challenges. Widows saw opportunities for themselves in access to credit to start small businesses, while divorced women specifically wanted livestock rather than land. This would provide them with animal labour to help their farming and manure that they could sell to other farmers, as well as meat, milk, skins, and animal fat as products they could use for income generation. However, the challenges of drought mean that animal produce is often all consumed within the family, with insufficient left over for sale. In some households men have also begun to pay more attention to resources such as milk, meat, and animal fat – and the income raised from them – which used to be under women's control.

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. 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 Kisande

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 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.

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'*.

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.

Farmers observed that now people have to inform the village council to obtain permission before using any land or resources, which was not previously the case. Pastoralists observed that people can legally use Kisande's common pasture land for grazing, whereas five years ago they were only supposed to use their homesteads to herd livestock. Both these observations are indicative of improved land governance in Kisande, with access to resources now being less of a free-for-all than before.



Young people mapping natural resources in Kisande.

Source: N. Kisambu

## 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 realizing 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 sensitization. The Lahoda village chair emphasised:

'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.

The Lahoda village chair argued that, if all men and women were not educated about pastoral women's land rights, they would still be lacking on the issue of owning land for their pastoral activities. Other key village stakeholders felt that sensitization and education on land rights would be most effective when done through smaller groups, as the group members would be able to keep educating each other. The main challenge here was that because customarily women are not allowed to make decisions, especially on issues of land, they might not be able to attend education and sensitization meetings. Also, a fear was expressed by Lahoda village leaders that such education could lead to more divorce, as women who know their rights under statutory law might cease being submissive to their husbands.

As well as education and sensitization, 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.

Female pastoralists in Lahoda regarded public education on land rights as important to securing their rights, as well as the availability of water and grazing areas. The care and herding of household cattle are generally undertaken by pastoral women, and require women to have access to both land and water. Individual female pastoralists who were interviewed one-to-one said that education was needed, along with the scope for women to acquire individual and group land rights – they were unanimous in seeing women's land rights as a problem in Lahoda, which needed some measures to resolve. 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'.

However, pastoral women said that they did not personally expect these challenges if education was provided.

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 meetings, for example because of mistrust in their marriages and concerns that their wives might be unfaithful. VLUM team members said that individual

sensitization 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 organize 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.

Widows and divorced women in Kisande both wanted education and sensitization of the public on land rights, carried out by the Village Council. Widows did not foresee any problems but divorced women, like those in Lahoda, were worried about non-attendance. Female youth shared these views on the importance of education about statutory laws and the limitations on some women not being allowed to attend. Male youth and farmers said that education is important and should be delivered through seminars, religious meetings, and village ambassadors. Male youth also said that education should be for the institutions as well, so that they would have a good understanding of land rights. Individual male pastoralists interviewed one-to-one in Kisande said that women could access land in future if men were educated on women's rights, and especially pastoral women's rights. In Kisande, then, the consensus was that education was vital, it should consider men, and it should also take into account when being organized the logistical difficulties raised by the pastoral way of life.

With regard to the desirability of improving women's land rights in Kisande, 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.

Likewise, the women farmers in Kisande who, as mentioned earlier, seemed a little jealous of their pastoral counterparts' existing income generation opportunities, thought that the best way to improve pastoral women's access to resources would be through exotic cow breeds and better availability of water and pesticides. This may reflect their lack of enthusiasm for pastoral women's land rights, or it may simply suggest that land access is genuinely a less pressing need in Kisande. If so, it begs the question of whether the other FGD participants and stakeholders interviewed were privileging a demand for pastoral women's land rights in their responses during the fieldwork that

did not really exist, in order to meet their expectations of what the research team wanted. Alternatively, pastoral women in Kisande may think that achieving further improvements in their land rights is unrealistic, such that they prefer to focus on more urgent needs for resources such as water and technical support for livestock production that can help them better to survive.

## 2.2 Data from Kiteto: Irng'abolo and Lerug villages

### Introduction to Kiteto district

Kiteto district lies in the southernmost part of Manyara region. The district's northern part contains the southern portion of the vast Maasai Steppe – a 35,000 km<sup>2</sup> strip of land running down from the Kenyan border into central Tanzania. This area is dominated by pastoralism, while the rest of the district's topography is dominated primarily by agriculture. As Tanzania's human population has increased over time, this has put growing pressures on the relatively less densely populated rangelands of the Maasai Steppe. Farmers from different ethnic groups have migrated into the area in search of land, which has triggered farmer-pastoralist conflicts over allegations of encroachment on grazing land on the one side and, on the other, trespass of livestock on farms. These conflicts sometimes turn violent and over the past five years Kiteto district has become a 'touchstone of tensions over land use and land tenure' in Tanzania (Nelson et al. 2012; 17; Lyimo 2013; Barasa 2014). Maasai communities in the district are relatively remote, isolated, and economically poor, and Tanzania's endemic corruption at village and district levels is prevalent in local land transactions and resource allocation (Nelson et al. 2012; Lazaro 2014; Tanzania Daily News, 2014).

Irng'abolo and Lerug villages have both been affected by severe drought in recent years, making access to water a critical natural resource issue at the time of the fieldwork. In Irng'abolo, the water problem had become critical and there had been considerable dispersion of the population to other villages in search of water for their families and livestock. This meant that some key people could not be found for FGDs and interviews. It was also very difficult to find divorced women to speak with in Irng'abolo, as divorce is a particularly sensitive and uncommon issue there, with a very high degree of stigma attached.

### Land and natural resource use patterns in Irng'abolo

The present-day Irng'abolo village was established during villagization in 1974. The village's name originates from a Makame word and the original village had its headquarters at Nemukutani. At that time, customary rules were followed to divide and allocate land and determine how natural resources were used. The original village had two main areas that were used in different seasons. Ndedu – the ward headquarters – contained natural wells that were used during the dry season. Irng'abolo contained water points that were used during the rainy season, so as to save the natural wells for use in the dry season. In the dry season, people moved to two areas in Ndedu that were allocated for grazing calves and cows. Women were responsible for grazing calves and village elders were selected to supervise the different areas; anyone who broke community land use rules was fined, punished, or cursed by the community. The village has subsequently expanded since villagization as human and livestock populations have grown, and there were five sub-villages in Irng'abolo at the time of the fieldwork – Dukani, Maiten, Loongoswani, Lalubai, and Orkiu.

Irng'abolo faces critical water issues, which were said to have intensified three to years ago when the rains became shorter and fewer. Although people had recently dispersed because of the drought, Irng'abolo's population has nonetheless increased over time as people moved to the village from Ndedu to escape a disease that was killing livestock there. However, there is no functioning primary school in Irng'abolo as the former mission school moved to Ndedu because of a lack of water, forcing pupils to drop out of school. Irng'abolo does have a dispensary, but this lacks adequate staff and medicine and is used instead to store the village office files and to hold village meetings, as there is no village office.

Key natural resources in Irng'abolo, such as dams, springs, rivers, forests, and rangelands, are used by everyone and are not individually owned. Women are guided by the village elders on how to use and share the rangelands during the wet season, following customs passed down from the forefathers. Other important natural resources are farms, cattle routes, wells, boreholes, caves, and *Mbuyu* (baobab) trees. The *Mbuyu* tree is used for almost everything in this village: people eat its fruits, use its wood for homes and furniture, boil roots, twigs, and leaves to make a nutritional drink for breastfeeding mothers, and hang beehives in the trees; one ethnic group, the Akie, uses the hollow section of the stem, which resembles a small cave, for shelter. Outsiders need special permission to use this tree. Only land given by the village council can be individually owned, and thus there are some individually owned boreholes, wells, and farms in Irng'abolo.

Land for crop farming and housing is officially allocated by the village council and the VLUM Committee. The village council and the Village Assembly decide on some rules for natural resource use and the VLUM committee is responsible for guarding forests, grasslands, and water points to ensure proper use, which means there is a mixture of customary and statutory rules. No-one gives express permission for people to use most natural resources, such as firewood or water, and there are no fees, but it is seen as a communal responsibility to take care of such resources, so long as they are not individually owned. However, local government permits are needed, for a small fee, to chop or cut trees for wood. People are also not allowed to cut trees or farm on grazing areas, but otherwise they are free to use Irng'abolo's natural resources provided they are villagers. Outsiders need permission from the village to collect medicinal herbs; beehives can be hung anywhere but only with the tree owner's permission, because it is dangerous to have bees near farms in the planting season. Those who break the village's rules on natural resource use are either fined or punished through the statutory system or cursed by the community under the customary system.

Forests are used by women and girls to collect firewood, trees for building shelters and making furniture, and thorny branches for fencing homesteads. Women also collect medicinal herbs, seasonal fruits, and special twigs for washing calabashes and gourds from the forests. Grasslands provide grass for thatching houses and pasture for livestock; swamps also provide grass for thatching and are only used by women, as this is seen as a woman's task. Women and girls are responsible for fetching water for household and livestock use from wells, dams, springs, and ponds, and it is only during the dry season that men leave the homestead with all their livestock in search of water and pasture further afield. This is also the only time that men milk cows. Water, firewood, and grazing lands are used every day.

The main wet season grazing lands are about 30–60 minutes' walk from the main settlement area and forests are 1–2 hours' walk away. In the dry season it takes about six hours to reach the grazing areas, when grass near the homestead dries up, but in the wet season there is grass everywhere so it is much easier. Water points (such as springs and the river) are about 30–60 minutes' walk in the wet season, but it takes 12–14 hours (each way) to reach deep wells in the dry season. No-one pays to access water, but the men who dig the wells and waterholes are paid for their labour at the time, and at individually owned boreholes the livestock of the owner and his family get priority of use. However, farmers in Irng'abolo said that in the dry season they buy water for TZS 1000 a jerrycan (20 litres) so as to save time making the journey themselves, and both men and women pay. Farms are about one hour's walk from most people's houses and crops are planted only once a year, in the wet season.

Pastoralists explained that it is mostly young boys who graze livestock, but the roles shift from one age group to another. Women are more at risk when taking livestock to graze – from attacks by wild animals (lions and hyenas), from cattle rustlers, and from rapists and robbers. Women carry water in the wet season but in the dry season, when they have to walk much further, they use donkeys to carry the water home. Female youth said that time lost by women in fetching water shows how little time they have for activities such as organizing themselves, claiming their rights, or participating in meetings where important decisions affecting women are made. But widows claimed that everyone benefits from the gendered divisions of labour in Irng'abolo because cows provide meat and milk for the family and men and boys use water and eat food cooked on firewood fetched by women.

The main land use change in Irng'abolo over the past five years has been that the rainy season has changed and the village is suffering a drought. Land in the village is fertile, but shorter and fewer rains have affected crop production. The human population has also grown, including from both inwards migration as outsiders look for new land and

from improved availability of food and health care. This requires more land for settlement, and human and livestock diseases have increased too. Male farmers complained that migrants are contributing to land degradation in Irng'abolo, saying: *'They come into our forests and cut trees for wood without our consent or knowledge'*. The livestock movement accompanying migration has also destroyed local farms. Conflicts have arisen with the migrants, but some migrants leave the village each evening (without settling or sleeping in Irng'abolo) so it is hard to control them as they only come in from outside for the day.

Pastoralists are increasingly having to pay for and use commercial services for their livestock which were previously free, because livestock numbers have increased in proportion to the available amount of grazing land. At the same time, there is more farming (and more farms) in Irng'abolo now, despite the poor rains. In the past there was less farming because the Maasai pastoralists did not farm, but migrants such as the Chagga, Warangi, and Gogo peoples from Dodoma and Arusha regions have influenced them to start farming, while the government has been actively promoting farming and discouraging livestock-keeping in this area. Because the pastoralists are farming larger areas than they used to, they no longer sell livestock to buy maize or other farm produce. Instead, livestock are saved and sold only when the need arises; hunger among the Maasai in Irng'abolo was reported to have reduced.

## The nature of rights to land and natural resources in Irng'abolo

Access to land and natural resources in Irng'abolo is governed by customary, statutory government, and open access arrangements, depending on the type of resource and its use. In general, most FGD participants in Irng'abolo agreed that farming and housing are largely subject to statutory government arrangements, while access to the rangelands is largely governed by customary arrangements; natural resources such as trees and grass are largely open access. However, very few people thought that there was any open access to land in the village now.

Male farmers said that statutory law is the main tenure system when it comes to accessing land and natural resources, and this is institutionalized through the Village Council, Environment Committee, and VLUM Committee. But they also said that there is still some customary and open access to resources in the village, such as reserved forests, which are subject to open access arrangements. Female farmers in Irng'abolo reported that the statutory tenure system is represented by the Village Council, while the customary system is represented by the customary council of elders and the Laigwawani, individual customary leaders who are chosen by their age groups. Widows explained the difference between customary and statutory arrangements as *'the procedures one has to use or follow in order to access land and resources and even solve a dispute'*. They reported that open access arrangements are less common than they were ten years ago, and have become limited by the statutory system.

Male farmers reported that, within the household, they control the farms. Male and female farmers agreed that while they share responsibilities and make decisions about the farm together, in most marriages the husband's decision is final and men make decisions on what crops to farm. Men allocate a portion of their land for their wives but even then the men decide what to plant. Interestingly, male farmers in Irng'abolo were aware that the new land law says that no one can be allocated more than 50 acres of land, and because of this men with a lot of land are allocating some of it to women in order to avoid it being taken away. However, even when a wife obtains a certificate of occupancy for the land given to her, the male farmers said that the land remains under their control.

Widows explained further that land for farming in Irng'abolo is mostly given to women by their husbands if they are married, or their fathers if they are single. Although men are the main controllers of farms in families, widows hold land in trust for their children, unless there are no sons, in which case the in-laws take the land. This is in line with Maasai customs. As one widow said: *'As much as our men have full control over our land, most of the development on the land is done by women, such as building shelter for the family, and farming'*. Maasai women are the ones who build houses for their families and look for grass to thatch roofs and clay to make the walls. Women select certain types of tree species for house-building which are not commonly found and whose wood is hard to break. When they shift settlements, women have to dismantle their houses and load some of these poles onto donkeys ready to be taken to

the new settlement area. Yet still they do not own the matrimonial property and lose their rights to it if the marriage ends through widowhood (or divorce).

That marital status and customary norms still strongly influence pastoral women's land rights in Irng'abolo is seen most clearly in the following case, recounted by the head of the village's women's association:

'The Maasai community generally practice polygamy and in most cases this brings a lot of tension between the co-wives, each competing for the husband's affection and love. If a woman is barren, she is only at peace when the husband is still alive. As soon as her husband dies, the co-wives and the in-laws grab from her all her livestock and take full control of her property, stating that she is not worthy to have the property as she has no children. I recently had to act as mediator in one case between two co-wives on this issue... Two women who were co-wives were fighting over property. One of the women was barren and the other one had two sons. The second woman agreed to give the first woman her son in accordance with the Maasai customs. The barren woman, who was the first wife, raised the son as her own and gave him her property. When he was mature, she helped him pick a wife and pay bride price. The son and the wife were blessed with children and acquired property. With time the second wife demanded to have her son back, in the hope of getting all the acquired property for herself. I had to intervene and stop this, as it would have rendered the first wife childless and make her lose all her property. With help from other elders, I stopped the second wife from doing this. Though the second wife took back her son, she did not take the son's wife (her daughter-in-law) and the children. They remained living with the first wife... Maasai customary laws do not recognize women's rights to own land and livestock. No woman can own land or have a say in the use of the land. For example, in my family no woman owns land except me. I was lucky to receive four acres of land as inheritance from one of my in-laws who had to clearly state that the land must remain in my possession even after his death. If it wasn't for this, I am sure my family would have taken the land from me, as I was a woman and not allowed to own land'.

Widows in Irng'abolo observed that there is a challenge for women in accessing water during the dry season because priority is given to livestock and men. One said: *'Whenever we go to fetch water and find men at the water points, they make you wait for hours while they fetch water for their livestock'*. The widows went on to explain:

'In the statutory system, the government, through its elected leaders and laid down laws, are responsible for decision-making in most matters concerning land and natural resources. On the other hand, customary laws give men a higher hand in decision-making processes as compared to women. Men are favoured and take priority in all spheres of life such as social, political, and economic'.

The customary belief that 'women are to be seen and not heard' is still prevalent in Irng'abolo, so women's participation in decision-making is limited to visibility (formal representation), without any qualitative impact, and they do not have equal status with men in decision-making. As a result, widows see statutory land tenure as being most important to them because it is fair, just, and non-discriminatory, whereas the customary system is less procedural and respects discriminatory customs. Female youth and pastoral women agreed with the widows that statutory tenure is excellent and important, while customary tenure still discriminates against women. Male youth said that the statutory system is also the most important in accessing land, and they and male pastoralists said that it is now most common.

## Land management institutions in Irng'abolo

A wide range of institutions were cited by participants in Irng'abolo's seven FGDs as being relevant to land access and management in the village, as Table 3 shows.



Table 3: Institutions of relevance to land access and management in Irng'abolo

Institution of relevance to land access and management	Cited by
Village Council	All except female youth
District Council	All except male farmers
KINNAPA	All except male farmers
TASAF	All except widows and male farmers
CARE International	Female youth, female and male pastoralists, women farmers
MWEDO	Widows, female youth, female pastoralists
CORDS	Widows, pastoralist men, women farmers
VLUM Committee	Widows, female pastoralists
Village Land Committee	Male youth, male pastoralists
Wildlife Management Authority	Male youth, female pastoralists
Water Committee	Male youth
District PLUM team	Widows
Health centre	Female pastoralists
King of Kings Tabernacle Church	Female pastoralists
Customary leaders	Male pastoralists
Land dispute settlement institutions	Male pastoralists
Morani traditional dance group	Male youth

The strong role of NGOs in land access and management in Irng'abolo is very noticeable from Table 3, with such organizations being cited more frequently than many of the village's key sub-committees. However, the central role of the Village Council, the main village governing body, is also clear. The institutional structure in Irng'abolo starts with the person of the Village Chair. He works with the VEO to ensure that there is no discrimination between farmers and pastoralists and to supervise natural resource use and management of land and by-laws. However, although he has a crucial role, in practice the Irng'abolo village chair reported that very often pastoralist matters, such as the use of rangelands, are left to be handled by customary leaders, who are mostly men and do not enforce gender equality.

The chair of the VLUM committee is personally responsible for monitoring land use in Irng'abolo, and for ensuring that agreed village land use objectives and policies, such as planting trees and controlling soil erosion, are implemented and achieved. He said that women are invited to VLUM committee meetings to ensure gender equality and to build their capacity on land and environmental issues, and that this participation has helped women to change how they use land and increase its productivity. The VLUM committee as a whole is concerned about discriminatory inheritance practices in Irng'abolo, but has never registered any land under a woman's name; it restricts its role instead to ensuring that women are recognised in land use management in the village.

Pastoralist women said that the VLUM committee and the village council have the greatest influence in helping them to access land and natural resources, and pastoralist men agreed. Female youth said that statutory government institutions in Irng'abolo support women and do not discriminate against them like customary ones, under which women are seen as inferior and having no rights to land. But despite this, there are still few women leaders of statutory institutions. For the first time, there is a woman acting as district executive director in Kiteto, but there are no women leaders on the Irng'abolo Village Council. Female youth said that the Maasai community does not believe in this and it is taboo for women to lead men – this is a reality that both women and men in Maasai societies know. The lack of women on the village council suggests that women lack proper representation.

Nevertheless, despite the lack of women leaders, female youth said that statutory institutions have a great influence on their access to land and natural resources. The government builds schools and educates women, and although they have not yet got land from the government, there is a higher chance of getting land that way and they are in the process of trying. Male youth said that the village council has the biggest influence over land access at the village level. It represents the statutory system, but the customary leaders come in to advise the village council when there are outsiders seeking land in the village.

The situation for farmers in Irng'abolo is complicated because most farmers are migrants and not natives of the village or Maasai tribesmen. Male farmers said that this has made it hard for the villagers to willingly invite them to village meetings or call them to attend trainings offered to the village by NGOs or other institutions; they added that only the village council helps farmers get land. However, female farmers said that NGOs such as TASAF, KINNAPA, CARE, and CORDS have played a big role in helping them to access land, as well as the village and district councils. Male farmers said that NGOs helped them once they had got land: KINNAPA had trained them on proper land use and current laws and policies, and CORDS helps them to survey land and has given them funds to process CCROs.

The role of NGOs is central to women's access to land in Irng'abolo. Male youth said that NGOs are good because, unlike customary institutions, they do not discriminate against women, and they advise young men to change their attitudes to women by respecting them and granting them equal opportunities economically, politically, and socially. Widows described how the NGOs that visit the village train them on their rights and on current laws and policies, as well as on micro-finance, agriculture, and land management. Men and women also work together with the NGOs, for example in building water tanks. Widows also claimed that national government has a great influence in Irng'abolo, as all regional, district, and village authorities must adhere to national policy. Local authorities have the power to introduce by-laws and policies that are practical to the needs of local people, provided they do not contravene national law.

## Land and natural resource use patterns in Lerug

Lerug village got its name from Lerug Hill, which in turn got its name from its shape: 'Lerug' in Maasai means 'animal hump' and the hill is shaped like a hump. The centre of present-day Lerug is the original part of the village, but it has expanded in terms of settlement area as its human population has grown, including to an offshoot called Engapapa. As with Irng'abolo, the population would be even bigger but for considerable out-migration of people due to recent water shortages in the area.

Farms in Lerug are individually owned. Planting takes place once a year in the wet season and the main crops grown are maize, beans, and sunflowers. The distance to people's farms depends on their location. This land falls under the administration of the village council and people in Lerug do not yet have any individual title deeds. Some wells are also individually owned, but no-one owns the village's rangelands and grazing areas, which are 1–2 hours' walk from the main settlement areas. These areas are held in common and all the villagers are allowed to use them for free. The land used by the local primary school is also common land of the village. All land and natural resources in Lerug are protected by the village council and the VLUM Committee. The village council decides the rules and regulations on how to use natural resources with the consent of the villagers, including the common grazing lands, and they follow a combination of statutory and customary laws. Anyone who breaches the rules is fined or punished. There are rules for putting up settlements and for taking care of the forest – for example, there are fines for lighting fires or burning charcoal in the forest. There are no fees to use forest resources, and this applies to newcomers too, provided they are approved by the customary leaders. This is important because Lerug's customary leaders know which areas and tree species are for rituals and cannot be cut. Both villagers and newcomers (migrants) have to seek permission from the village council to build a house, but newcomers also have to be approved by the customary leaders. Newcomers also need permission from the village council to clear new land for farming, and from customary leaders to use grazing land in both wet and dry seasons.

Key water sources in Lerug include ponds that are used for livestock and household water in the wet season, but which dry up in the dry season. They are about an hour's walk from the main settlement area. Water is also available, in both wet and dry seasons, from rocks and springs in the hills that are 3–4 hours' walk away. This water is limited, so it is only for calves and household use and not for the main livestock herds. Water is used daily. Women and girls fetch household water, while men and boys take livestock to drink water at different water points using the village cattle routes. Wells are only a seasonal source of water. Water from natural resources is open access, but water points that are individually owned, such as wells, require permission to use to be sought from the owner. In general, it takes one hour to reach water points in Lerug in the wet season and over 14 hours in the dry season.

Forests and grasslands provide grass for thatching houses, and pasture and salt licks for livestock. Firewood comes from the forests too, as well as from the hills, grasslands, and homestead areas. Villagers get building stones from the hills and hunt game animals for meat there. Villagers do not need express permission to use these natural resources on the hills.

Major changes in Lerug over the past five years include an increased preference for farming over livestock-keeping amongst some women. As in Irng'abolo, there are now more farms in the village and more people are farming; villagers who were once full-time pastoralists have now become farmers. At the same time, livestock and crop diseases have increased and in recent years there has been less rain and a shorter rainy season. This has resulted in lower crop yields, and widows commented that most of their harvest is now sold to buy water for household use and for livestock that are too weak to reach water points. Ponds, dams, springs, and wells have less water in them now than five years ago and, as noted, water shortages have caused many people to move out of Lerug. However, young people argued that a growing population and high demand were also causes of the water shortage in Lerug, not just the changing weather.

Furthermore, there was greater freedom to use natural resources in Lerug five years ago, and many resources were still subject to open access arrangements. Land use management patterns have changed because of population growth and the implementation of statutory laws. Five years ago, people did not need permission from the village government to build houses or clear land for farming, but now they have to obtain permission from the village council to do this. Young people said that laws are needed to control and preserve Lerug's natural resources because *'the villagers have become tricky and have started misusing the resources'*. Pastoralists explained that they were *'trying to come up with a policy where migrants must pay a fee to be given land in the village'*. Pastoralists felt that they had become marginalized in Lerug, saying: *'The government does not cater for us any more'*. They claimed further: *'There are increased boundary disputes between villages. The government has not come up with a clear map of the boundaries of the villages. The government has no interest in some villages and favours others'*.

## The nature of rights to land and natural resources in Lerug

Compared with Irng'abolo, statutory arrangements for access to land for farming in Lerug are more entrenched and the statutory system is unanimously seen as being the only means of access to farmland for women. As in Irng'abolo, however, natural resources such as trees, forests, and water are still largely open access. In this, both villages in Kiteto district differ from the villages in Chemba district, where open access arrangements were less commonly reported. However, there is a question to be raised here, as in all the villages, as to whether FGD participants really understood the distinction that the fieldwork team were making between open access and customary management arrangements. These sit on a spectrum of possible tenure arrangements, and what was described as open access in Irng'abolo seems to be 'governed', at least informally, by local understandings of what was appropriate land and resource use and what was inappropriate. The clearest distinction to emerge from the fieldwork appeared to be that customary arrangements were those where a person actually needed specific permission to use a resource, such as with rangelands in Irng'abolo, where customary leaders indicated which areas to use each season, and in Lerug, where newcomers needed specific permission from customary leaders to use grazing areas, while open access meant that any part of the resource could be used at any time, such as certain water points. But even here, local understandings of what resources they could use and how they could be used informally 'govern' its use, such as with newcomers in Lerug needing to be informed which forest areas not to use, or springs in the hills that are not used to water the main livestock herds. The comments of the different groups that took part in the FGDs were particularly instructive here as they illustrated different nuances and perspectives on this matter.

Pastoral men in Lerug said that the main difference between customary and statutory tenure systems lies in their procedures and the authority that each has to help people access land and natural resources. Statutory tenure is more important in Lerug when accessing land for farming or putting up houses. Customary tenure is more important for accessing other natural resources such as grazing land. Pastoral men explained that the open access system works hand in hand with customary tenure: it is like a part of it, and applies to water points, firewood, etc. Pastoral women said that the main difference between the various tenure systems for them is that they use the statutory system more

than any other system to access land, as this grants more rights to women. However, as revealed by one pastoral man, there are tensions within the social aspects of property rights in Lerug: *'As much as statutory systems control the village in terms of authority, most social life of the village is controlled by customary laws'*.

The main statutory institution in Lerug is the Village Council, while the main customary institutions are the council of elders and the village's customary leaders, the Laigwawani. Male and female youth in Lerug said that the statutory system is stronger and has more force now than the customary system – currently it is the most commonly used system in the village for access to land and other matters. The village chair makes laws under the statutory system, but the customary system is used to solve disputes. Customary leaders make decisions in the customary system, the village chair in the statutory system. However, while the statutory system is most important in land matters, male youth said that the customary system is used in matrimonial disputes. For youth, as pastoralists also said, the main differences between customary and statutory law is the procedures of each.

Male and female farmers in Lerug said that farms are allocated by the village council and regulated by the VLUM Committee, and both men and women farmers use this system. They said that the customary leadership in Lerug comes second to that of the village council and Village Chair. Another difference mentioned by female farmers was that, in the case of any transgression, in the customary system you can ask to be forgiven and you are forgiven, but in the statutory system you must pay a fine; there is nothing about forgiveness, so this makes it harder to breach the statutory laws, as the punishments are greater. However, women farmers said that the statutory system works hand in hand with the customary, even though the former is the most important.

Widows and divorced women in Lerug said that customary and statutory arrangements to access land and natural resources are both now more common than open access; men and women use both systems, but these women preferred to follow statutory arrangements. For divorced women, the key difference between them is that only under statutory tenure can divorced women access land. As one woman said: *'When divorce arises in a family, it is blamed on the woman. Division of matrimonial property under customary laws is not allowed'*. The lack of influence with respect to natural resources in general of these vulnerable women is shown also by widows' comments about the water problems in Lerug. Widows said that the statutory system is more powerful, *'but they do not use their power to help us'*. They indicated that they have complained several times about water issues, but in vain – the only village institution that helps them is the Village Council, and specifically the Village Chair.

## Land management institutions in Lerug

In Lerug, far fewer institutions were cited by participants in the eight FGDs as being relevant to land access and management than in Irng'abolo or either village in Chemba district, as Table 4 shows.

Table 4: Institutions of relevance to land access and management in Lerug

Institution of relevance to land access and management	Cited by
KINNAPA	All
CARE International	All
Village Council	All except divorced women
CORDS	All except male farmers, female youth, and female pastoralists
District Council	Male youth, pastoral men, and women
Village Chair	Female and male youth
TASAF	Men and women farmers
NAADUTARO	Men farmers

As in Irng'abolo, the village chair in Lerug has a key role in land management and, although not cited very often in the FGDs, his role is especially important for pastoral women's land rights in this village. The Lerug village chair claimed to have allocated land to pastoral women and to have educated customary leaders and elders and other pastoral men on the use of land, and also to have trained villagers on provisions of the laws and gender equity. While the village chair is supposed to ensure that no land conflicts remain unresolved, a Lerug male customary leader said that he also helps

to solve disputes and mediates between disputants in matrimonial and land issues. This leader spearheads the village's dispute resolution committee, and when they do not reach agreement or find a solution, they go to the village chair for further consultation. Widows in Lerug said that the village council has been key in helping allocate land to women, solving land disputes and creating village by-laws to ensure peaceful co-existence between villagers. Farmers and young people said that the village council allocates land, including to women, and helps solve land disputes.

One of the religious leaders in Lerug is a member of the VLUM Committee. His role is to sensitize men and women about social activities and the importance of land use planning matters in the village. He said that he helps to raise awareness about land and natural resource rights with people through the church. He also tells villagers how to access land, what land to use for agriculture, and about the proper utilization of natural resources during Village Assembly meetings. The VLUM committee Chair trains and provides guidelines to farmers on proper land use, supervises land use to ensure that village land is not degraded, and helps to solve land disputes.

As well as these key individuals, Table 4 shows that NGOs clearly also have a very important role in Lerug, working hand in hand with local village and district government. For example, farmers said that KINNAPA has trained people on how to use their land well and on land rights and the importance of giving women land. NAADUTURO has taught them about global warming and land use. Female youth said that KINNAPA had also helped Lerug to draw a village map.

Divorced women argued that CORDS and KINNAPA have the greatest influence in the village on women's access to land, as they have managed to negotiate with the village government for the purpose of supporting divorced women to access land, and currently one divorced woman is in the process of obtaining a right of occupancy. Female pastoralists explained that the village council has the greatest influence on land access: *'If it wasn't for the Village Council, especially the Village Chair, women in this village would not own land. It would have taken a while before women could actually own land... KINNAPA has also played a big role in training our men on the importance of allowing their wives to own land'*. For example, a poor male pastoralist in Lerug said that he had personally divided his land and given 50 acres to his wife. As noted above, pastoralist men in Lerug felt marginalized by the government and they said that members of the district council only come at election times to ask them to vote for them and teach them about electoral procedures. In Lerug it is the village government that has played the key role, hand in hand with the NGOs, and their combined efforts have produced some very interesting outcomes for pastoral women's land rights in this village.

## Land disputes in Irng'abolo and Lerug

As in Lahoda and Kisande in Chemba district, disputes in Irng'abolo and Lerug are resolved under both customary and statutory systems. The process starts at the grassroots level with customary leaders. If no agreement is reached, people consult the Village Chair, then they move to the district level. However, most disputes are resolved at village level and only rarely reach district level. Most customary leaders hearing disputes are men. As a result, widows in Irng'abolo saw conflicts between the different institutions, because statutory law provides for gender equality while customary law does not. The conflict between the two types of law arises mostly in respect of disputes about women's land ownership: statute gives women the right to own property, yet also provides for recognition of customary law and practice, while Maasai custom does not let women own land.

Female youth in Irng'abolo said that disputes are resolved by the Village Land Council. The first step is to resolve disputes at the customary level, but if they are not resolved they move to this government body. Female youth in Lerug said that sometimes customary systems are used to resolve disputes, but when there is a land dispute the village council helps them, through the Environment Committee. Male youth in both villages said that most land disputes are resolved within the village. They start with the family, then the customary leaders, then if they do not get a resolution, they approach the village council and Village Chair, but rarely do matters proceed to the district level.

Male youth in Irng'abolo said that the starting point for resolving disputes customarily is the problem in most pastoral families, as the evidence from male witnesses is given more weight than that from female witnesses, so it is likely

that the outcome will not be fair. Female youth in Irng'abolo said that the statutory system awards more rights to women on land issues than the customary laws. However, in accordance with Maasai custom, all matrimonial disputes, whether involving land or not, are solved in a customary manner that is mostly discriminatory against women. This tallies with what the Irng'abolo widows said – that sometimes both laws work together and women's rights are limited, as the statutory system recognises customs.

Pastoralists in Irng'abolo said that the greatest difference between customary and statutory law is that the Constitution allows women to own land but Maasai custom does not. This creates a tension that in practice hinders pastoral women from going to the statutory village institutions for help as much as they would like to. Most matrimonial cases are therefore solved customarily and are rarely taken to the village council or a statutory local court, which makes it very difficult for pastoral women to claim and realize their property rights. However, according to pastoral women in Irng'abolo, the village council helps them resolve land disputes when they do approach it for help.

Women farmers in Irng'abolo said that there are not many disputes in their village. When there are disputes, women farmers said that the statutory system helps resolve them more quickly and it is then easier to go to court to seek higher justice if that is needed. They viewed statutory law as friendlier, saying that it tends to solve disputes in a more permanent manner, it is more evidence-based and procedural, and the judgements are seen as fairer. Male farmers added that the church also plays a role in mediating disputes in Irng'abolo. For example, a religious leader in the village said that he has mediated on many cases where women have come to him and said that their husbands had sold family property without their consent.

Pastoral men in Lerug explained that, in their village, the village council and the committee of customary elders (the Laigwawani) help to solve disputes, whether social or land-related. Pastoral women in Lerug explained that if no solution or agreement is reached at the grassroots level with the customary leaders, then the village council is called for further consultation. Pastoral women also said that statutory laws are more authoritative and powerful compared with customary laws. Customary laws tend to favour men more than women and are often used to mediate or reconcile disputing parties, rather than find a remedy or compensate the aggrieved party. However, they concurred that, as in Irng'abolo, customary laws are still used to solve matrimonial disputes. Male farmers elaborated that it is the Village Land Committee, under the Village Council, that helps resolve disputes in Lerug, with recourse to either customary or statutory law. Farmers explained that the customary system deals more with mediation, while the statutory system is more procedural and moves from one step to the next more fairly. Under custom, when someone is warned a number of times and then repeats the mistake, they are cursed by the leaders. In sum, it was clear in both villages that most people had a shared understanding of the main dispute resolution processes and their advantages and disadvantages.

With regard to types of dispute, Lerug has had a particular problem of land disputes with other villages, including a boundary dispute with the neighbouring village, Olkitikiti. One male pastoralist explained: *'We have participated in placing of village beacons as boundary points but I still haven't seen the certified village map from the lands office'*. With regard to disputes between individuals in Lerug, a wealthy male pastoralist said that he had problems here and there on his land, including a boundary dispute with his neighbour, but that it was not a big dispute and he hoped that the village council would be able to solve it. This is because there is enough land within Lerug so that most individual disputes can still be resolved fairly easily, as another male pastoralist explained:

*'Whenever anyone wants land, as long as he or she is a villager, we give land to him or her... Whenever we have a land dispute, we stop the disputant using the land in dispute until the dispute is resolved by the Chair of the VLUM Committee. For disputants who cannot completely come to an agreement, we separate them by moving one to a different part of the village and giving him or her land'*

## Opportunities and challenges for pastoral women's land rights in Irng'abolo

'A Maasai woman works ten times harder than a Maasai man, but she does not have any rights to the profits realized or property acquired because this is not acceptable by our customary laws'. – Women's association head, Irng'abolo

'Men do not respect women or look at them as people of equal importance in society. If truth be told, because women are the majority in church, men tend not to come to church, stating that the church belongs to women'. – Male religious leader, Irng'abolo

As these two quotes show, gender stereotypes among both men and women remain critical challenges for pastoral women's land rights in Irng'abolo. As the religious leader elaborated, the few women who turn up in leadership positions face two big challenges: 'First they have to fight against men's beliefs about women and at the same time they have to convince their fellow women that they can perform'. He said that another major challenge for women in getting their land rights is education: 'Because of the pastoralists' way of life of moving from one area to another in search of water and pasture for their livestock, it is hard for their children to have an education'.

The VLUM committee Chair agreed that education has been a challenge for pastoral women. They have limited understanding of Kiswahili and this limits their ability to argue for their rights, as Kiswahili is the official language used in all public places and public meetings. He revealed that even if a woman went to the VLUM committee to ask to buy land, the committee would not sell it to her because of the provisions of custom, which state that women cannot own land. But if a woman came to buy land with her husband or brother-in-law, she could buy it and have it registered in the man's name. This illustrates how hard it is for women to fight for their rights when even statutory institutions continue to support local customs, and it is even more of a problem when customary leaders take up statutory leadership roles. However, a female VLUM leader in Irng'abolo revealed an exception: she had helped four widows to register land in their own name. The land was given to them by the Village Council, since they were landless and their families were not helping them. So in this case the statutory law was applied, but when the customary law is applied, women lose out.

The VLUM committee Chair elaborated at length on the challenges for pastoral women's land rights in Irng'abolo:

'One of the biggest challenges we face is the fact that we have not distributed, given, or registered any land in a woman's name. This is now becoming a major concern and it's a gap we intend to fill by changing the perception of the community. All the land within the village is registered in men's names. This implies that men have a mandate over land and women's access to land is limited... Another challenge is the polygamous nature of the Maasai community. The family property is registered in the man's name and he has the freedom to sell the property whenever he pleases, without consulting his wives and having their consent. This implies that all properties, including land, belong to a man and he can spend the income obtained from the sale without the women's knowledge... According to our traditions, a woman is awarded one cow by her family during her marriage ceremony. As much as the woman owns this cow and any other property, it all belongs to her husband as soon as she is married. This implies that in pastoral societies a married woman is also a man's property. Therefore a married woman cannot have something of her own'.

The village chair of Irng'abolo said that the main challenge for pastoral women gaining access to land and natural resources is the community's perception of women: 'Men see women as weaklings, hence they cannot have control over land use'. A second challenge is that customary laws do not allow women to own land. Third, women are slow in fighting for their rights. Women are hard workers, they volunteer for village development activities, and do not complain, but male dominance is ingrained in the system.

Nonetheless, the village chair saw opportunities for women. New land reform policies are being implemented at the district level and will soon be implemented at the village level – these provide equal opportunities for women and men

to own land. Also, women leaders are being posted into the district, including the district executive director, and he thinks that she will be able to fight for women's rights.

Likewise, a male customary leader in Irng'abolo saw challenges for pastoral women's land rights in the perceptions of Maasai men towards their women. Custom forbids women from owning land and Maasai women are raised with this perception, so, he said: *'They do not take into account that it's their right to own land. It will take them a while to change this custom and start fighting for their land rights'*. This means that women believe the gender stereotypes of custom: they are raised to believe that they have no land rights. However, awareness-raising is making a difference, as the customary leader continued: *'Nonetheless we now have more women owning land and the village is awakening from these discriminatory customs and accepting women as leaders and property owners'*. He also noted that agriculture has currently been given priority by the village for development for a majority of villagers. Pastoral women have the opportunity to engage in agriculture as a form of livelihood, and this can be implemented by allocating them land, so they have their own land to farm.

Different groups in the FGDs in Irng'abolo expressed opinions along similar lines to these. For widows, the main challenge lies in the conflicting provisions of statutory and customary law on the issue of women's inheritance and land ownership. The other main challenge is that women bear the burden of developing family property (e.g. house-building), but the decision-making powers and ownership of the property are granted to men. In Maasai custom, only the first son is entitled to inherit from the father when he dies, regardless of the presence and/or contributions of other children. This is a challenge to widows and their children because it also discriminates against the other children. Every child is given one cow when they are born and all calves from this cow belong to the child, but that is the only property that any of the children get.

Female youth were equally concerned about the challenges posed by marriage, because in Maasai custom there is no division of matrimonial property after divorce. A woman cannot own land and her livestock belongs to her husband. Even though she has built the family house, it still belongs to the husband. However, the female youth in Irng'abolo said that women partly accept men's control of land as they only realize the challenges of the current customary system after separation or divorce. Young men said that polygamy is a challenge to women with respect to land access, as land is shared by all members of the family and none of the wives controls it. When a man loves one wife more than the others, she becomes the lucky one and gets a bigger share of his property. The other wives do not get enough land to farm because of the gender discrimination of the polygamy system.

Female youth suggested that women would have greater opportunities once they were empowered financially and had land registered in their own names. Land is a great asset and is the one thing that women are fighting for, along with recognition of women's rights by the village and the government. If they get village leaders who fight for women, this would also be a great opportunity – and they were hopeful about the new acting district executive director in Kiteto district. Male youth said that there are good laws, and if they are implemented this will offer opportunities for pastoral women to get statutory access to land and natural resources in future; however, they contradicted themselves by saying that these should still be read together with customary laws.

Female youth in Irng'abolo also observed that it is easier for pastoral women to get land as a group than as individuals. With a group, the village or district council does not ask many questions or require the consent of spouses: they just need to see that the group is registered and recognized. But male youth had a different view that women can best access land as individuals, because the procedures to obtain land are lengthier for groups, as the group must first be registered and recognized. Also, as an individual a woman can develop the land as she sees fit, without the approval of the group, so she can maximize her profits to increase land productivity and raise the status of her family. However, they acknowledged that it is a challenge for women to access land as individuals, for fear that they will face challenges such as being beaten by their husbands or other men.

Male and female youth both said that NGOs have played a big role in assisting women to access land by sensitizing them on their rights and how to access them. Under statutory law, the village council has also played a big role in allocating land to both women and men. For pastoralists in Irng'abolo, challenges around access to water points during



the dry season were more important than the right to own land. Pastoral women complained that they expended so much time and effort moving around looking for water that would otherwise be used to develop their village and their families. However, pastoral women saw many opportunities for them in future if they can get an education, because primary education is compulsory and free. They felt that this would empower them to become economically stable and independent. They also have the opportunity to farm as well as keeping livestock, as there is a vast area of land available for farming, which they can ask for from the village government, and this will top up their livelihoods. However, pastoral women acknowledged that they cannot freely make use of either of these opportunities of attending school or obtaining land, as they have to consult their parents or husbands. So their choices are constrained, and boys are favoured in attending school.

Pastoral men said that opportunities for women can only arise if statutory laws are well implemented at the village level and the perceptions of the Maasai change. This is because both men and women perceive women as not having their own thoughts or ideas, unless they come through men. Pastoral women said that in Irng'abolo it is currently easier for pastoral women to gain access to land as a group rather than as individuals, but they felt that in principle it should be just as easy to do either.

One wealthy pastoral woman in Irng'abolo said that she had not owned land herself, but had talked to her husband and convinced him to give her land. However, even if she bought land it would still be registered in her husband's name. She now has about five acres and she farms it in the wet season. She learned about women's land rights and how to access those rights from KINNAPA trainings and seminars, and now she helps women to resolve land disputes and teaches other women about their rights. However, a poorer pastoral woman said:

*'It has been a challenge for me to own land. It has also been hard for me, being a woman, to fight or argue with pastoral men whenever they let their livestock trespass onto our land and destroy our crops'.*

A further challenge for pastoral women is that they cannot even sell livestock without the consent of a husband or father. Even the cow that a woman is given as a present by her father on her wedding day becomes the property of her husband, while the husband can sell any livestock without the wife's consent.

As already noted above, NGOs such as KINNAPA and MWEDO have assisted women to acquire land rights under statutory law, and the village council has also helped. A poor pastoral woman said that the most helpful institution has been the VLUM Committee: *'They have helped us plan our land and taught us about better land use policies to increase our land productivity at low cost'.* Female farmers in Irng'abolo reported that the village council allocates farmland to them, and the district council helps them to register this land in their own names. However, the village council is slow to allocate land to women: *'They always seek consent of the woman's husband, father, or brother before giving land to women'.* This suggests that the statutory authorities are afraid of coming into conflict with Maasai customary leaders.

However, female farmers said that the main challenge facing them is that they are not given as much land as the Maasai, as they are migrants. Another problem is the disrespect that pastoralists have for farmers, especially the Waswahili. As one explained:

*'During the rainy season, the pastoralists create a lot of confusion. They do not take consideration of our rights. They graze their cattle on our farmland and threaten us. The pastoralists take advantage of the fact that the Village Chair and customary leaders are Maasai. As much as the village council assists us, the Maasai pastoralists are arrogant and quarrel with the village chair for assisting us'.*

Women farmers also said that some members of the village council are corrupt by nature: *'Disputes and land allocations are awarded in accordance with who has money and is ready to bribe'.* Male farmers agreed that there is discrimination against them by pastoralists and reluctance by the village to allocate them land, stating that they are migrants.

## Awareness and impact of national policies in Irng'abolo

Overall awareness of national land reform and gender equality policies in Irng'abolo seemed quite high among the FGD participants and village leaders. As the women's association head put it:

'I am not literate, but I have knowledge about the new policies from the trainings I have received from different organizations. I also know that Tanzania is undergoing constitutional change, as leaders from Kibaya have informed us of this'.

She had not seen so many changes as a result of the new policies, but she said that many women now know their rights regarding land and property and now have a voice in society, although it is still very weak.

'Another thing is that in the past we had a high number of cases of wife inheritance. Widows were forced to be inherited as a way of safeguarding their families' property. Those who refused to be inherited often lost their property to the family of their deceased husbands. This practice has now reduced'.

But the women's association head said that women are still a long way from having equal rights with men with regards to land and property rights: 'We are taking baby steps towards this and I hope that within the next five years we shall be able to accomplish this'. The new policies have helped women to realize and fight for their rights.

The Irng'abolo religious leader said that he heard it stated that farmers and pastoralists should live together in harmony, respecting each other's rights, and added:

'We need to teach the pastoralists to change their ways of life when it comes to land use. Whenever the pastoralists move from their homes, other persons trespass onto their land and take over their property. This subsequently leads to disputes and/or making the pastoralists landless. We need to encourage pastoralists to leave someone behind whenever they are moving away, so as to safeguard their property and land'.

He also said:

'There is still a lack of gender equity. Maasai men do not appreciate women as equals and they do not respect them... We still need a lot of training on women's rights and on land use. We also need the whole community to be educated and trained on land use, gender equity, and general education'.

The Irng'abolo village chair explained:

'In our village it took a while for the pastoralist women to realize their land rights and to access land, due to Maasai customary laws. Gender equity has been implemented well and the village men are taking it positively, a step at a time'.

But the changes are gradual, and gender equality has not yet reached the point that pastoral women can have land titles, so much more needs to be done. On implementation, the village chair said that women, both farmers and pastoralists, now understand the importance of having land of their own, but they need more advocacy and sensitization forums on their land rights to help them gain access to land. They also need more training on current policies, because they are slow and hesitate to access land and take control over it. Special and deliberate efforts are needed to support women in pastoral societies. Yet, he said, at the same time national policies have had a positive impact on pastoral women's control and access to land. In the past, pastoral women did not care about owning land and using it for activities other than temporary settlement and livestock grazing, but now: 'They are settling down, building more permanent houses, and practising agriculture as a second source of livelihood'.

Individual pastoralists in Irng'abolo said that the Maasai are accustomed to following customary laws, but they are aware that some things have changed: 'Now statutory laws have been implemented in the village that prohibit free use of land, unlike the last ten years when land use was open'. Awareness was higher among those who had participated in trainings with NGOs.

Female youth commented on changes in village natural resource management with the implementation of statutory measures, policies, and laws regarding the trees in the forests. For example, they no longer cut trees for free as they used to, but now have to seek permission from forest department officials. Five years ago, widows in Irng'abolo said that statutory governance and management of land were much less in evidence in the village. It was not common and most resources were accessed customarily. This has now changed as the statutory system has taken the lead. One young woman said: *'More laws and policies are being implemented and we now have government officials posted in the village to lead and guide us in accordance with the regional and national law'*. However, widows said that the implementation of the system has had some weaknesses, as it allows some customary norms to operate in parallel with the statutory laws, and this can keep women at an disadvantage when it comes to decision-making. Widows noted that there have been changes in decision-making on land use. In the past, the open access system worked. Now there are statutory land laws in place, and they have been implemented to restrict bad land use practices. But they said that women have not yet had the chance to own land or register it in their names.

Female farmers observed that there is now a clearer process to obtain farmland. Before, a person could allocate themselves as much land as they wanted provided as no-one else was using it; now they have to get permission from the Village Council. They also commented that there has been more insistence on application of the laws in the past five years.

The women's association head in Irng'abolo also said that, since learning about their rights, a number of women have come to demand them and have filed complaints if husbands sell family land without consent. For example, KINNAPA ran some trainings on the new policies and women's associations then came together and requested land from the VLUM committee in their own names. They were granted it, but later discovered that the land they had been given was a forest reserve. The VLUM committee Chair in Irng'abolo said that trainings on gender equality have opened women's eyes, and there are now a great many women requesting to have land registered in their individual names.

## Opportunities and challenges for pastoral women's land rights in Lerug

The situation in Lerug is similar to that in Irng'abolo, although Lerug is much more of a special case. The village chair said that the biggest challenge for pastoral women's land rights is the patriarchal system that is still in existence:

*'Men view themselves as leaders and women as subjects. Men have refused to change this perception and accept women as leaders. In Maasai customs, women cannot own land. It is a challenge for men to change this perception and to allocate land to women'*.

The Lerug women's association head said: *'In our village, we are lucky that all women have land. This is through the efforts of the Village Council'*. But her challenge lies in organizing meetings, due to the lack of water: most women are busy searching for and fetching water and rarely have time to attend meetings to plan village development. As a male customary leader echoed, women in Lerug are all given land without discrimination, so they have no problem in accessing land – the problem is water. Further challenges highlighted by the VLUM committee Chair include controlling the village population – as lots of migrants are moving in and they have been a source of many land disputes in Lerug – and the ongoing disputes with neighbouring villages because there are no permanent village boundaries.

Concerning opportunities for pastoral women in the future, the village chair noted that Lerug now has women leaders, including the chair and secretary of the Village Land Committee, which comprises 13 women and 12 men. He thinks that these women can push for women's rights. Other opportunities are the support of NGOs like KINNAPA and CARE for women's land access and the efforts of the village Land committee to allocate land to women. Other village leaders were unanimous that NGOs and the Village Council, especially the Village Chair, have been of great assistance in helping pastoral women get land in Lerug. Pastoral women in the village are now aware of their rights and many are fighting to acquire them. Widows said that the village council has allocated them land and encouraged them to farm. They do not have title deeds yet, but KINNAPA and the V

village council are helping them to get these. Divorced women said that the village council has also assisted them to acquire rights to land, and statutory law helps them: *'There is fairness, and those who dare to apply, they get it'*.

The customary leader in Lerug was asked why his village had decided to go against Maasai tradition and give women land. He said:

*'We had a discussion with all the villagers and thought it a wise thing to do, as women are equally responsible for village development. Although they are yet to get title deeds for the parcels of land allocated to them, these lands are recognized by the village council and by all the villagers'*.

The village chair added that under statutory law, all women – married, divorced, single, or widows – are to be given land. Male youth will also be given land, so that they can advance themselves instead of depending on employment alone. The Chair said: *'This land allocation secures land for future years'*.

When asked what had made the village change its perception about the Maasai tradition that women cannot own land, male pastoralists said that there were three reasons why they had decided to let women have land. First, the leaders saw the importance of giving land to women because some men have land but do not cater for their families, leaving women to take all the responsibilities. Second, *'We also gave them land to safeguard our land from migrants'*. Third, KINNAPA has trained them on the importance of giving women land.

Unsurprisingly, widows said that the main challenge in Lerug is water. There is no problem over land – women in the village have been given and own land for farms. Even divorced women have the opportunity to be given land like the rest of the villagers, so they can control it for production and operate businesses to earn money to purchase goats. Widows said that women need land as individuals and in groups, but at present there are no women's groups in the village, not even savings and loan groups. Divorced women said that women need land as individuals, as this can help them to assist their children; group land cannot be inherited by children.

Female youth said that there are no challenges in Lerug for pastoral women's access to land, as they have all been given land by the Village Council. What remains for the women is to obtain land titles. The village has a lot of land but the key issue is a lack of water. There are also a lot of opportunities for them, but again the key issue is availability of water e.g. to farm and to free up time so they do not have to drop out of school. On factors that have helped them, both youth groups, male and female, agreed that the village council and especially the Chair had been a great help to pastoral women.

One pastoral man said: *'Men give them land in their own names'*. But some men maintained the customary norms that women have no power to own or control land. Pastoral women said that they had many opportunities: *'For one, women in our village have been given land, something that is different in other Maasai villages'*.

According to pastoralist men, the main challenge for pastoralist women is water. The second is the lack of financially empowering projects and activities for women, which makes them financially dependent on their spouses. A poor male pastoralist said that the main challenge is basically matrimonial problems: *'When men are irresponsible and dispose of the family property, especially agricultural produce, without considering the welfare of the family, the women suffer a lot, especially the pastoralists'*.

A wealthy male pastoralist said that the greatest opportunity for pastoral women in Lerug is that women as individuals now own land: *'It is now up to them to work hard and empower themselves financially and help in the development of the village'*. Unity among women is a further opportunity in Lerug: the village women have come together and have saved some money that they use in farming to buy seeds, fertilizers, etc.

One male pastoralist was of the view that the main factor that contributes to women pastoralists being given land is the influx of migrants into the village. *'The villagers saw it wise to give our women land so as to safeguard it from outsiders. It was better for our women to get land than for the outsiders to get in'*.

Male farmers said: 'All our women have been given land'. However, the fact that men say 'our women' has meaning behind it. Men have a tendency to see women as their possessions and all that women have as their property. In this regard, although women have been allocated land, they cannot freely use it or sell it.

Women farmers said that their main challenge is financial ability. They have a big area of land, but cannot farm it all because they require money to buy seeds and fertilizers. The second challenge for women farmers is trespass on their land by pastoralists: 'They graze their livestock on our land and it becomes a challenge to remove them, because most of the time the pastoralists are armed'. Another challenge is their menfolk's reluctance to help them financially so that they can improve their farming: this is at the heart of local women's struggle for development in Lerug, as elsewhere in Tanzania.

## Awareness and impact of national policies in Lerug

As expected, the village chair in Lerug was very aware of national land and gender policies. The religious leader was also aware: he had previously been a village chair and a VEO, and he said that Maasai are farming more now on their land, which they previously used only for pasturing. He himself has 100 hectares and has allocated half to his wife for farming. However, the head of the women's association (a customary women's leader) was not aware, and neither was the male customary leader (although he mentioned awareness of new laws to divide land to all villagers who do not have land). The head of the women's association said:

'I decided to get my own land because at times my husband makes irresponsible decisions about our farmland and produce without my consent and, at times, knowledge. At times when I want to get food from our farm, my husband becomes angry and states that he has not permitted me to do so. I am a mother and I have to feed my family. I was given land by my son-in-law'.

The Lerug village chair explained that national policies have been implemented, but these have shortcomings and some elements are still discriminatory. They have helped women to control land, as they can now own land in their own names. The religious leader also said that the policies have had an impact, as pastoral women are now farming and fighting to access their land rights.

Better-off male pastoralists were more aware of new national land and gender equity policies. One had attended KINNAPA trainings about giving land to his wife and daughters, and he has now done this. He said that these new policies had helped women to get land. He also said that the villagers' perceptions towards women have changed: 'We now respect women and allow them to own land'. He added that women now attend village meetings in large numbers: 'Though they are not very active in decision-making, we hope in years to come they will be active'. This confirmed the view of the Village Chair, who noted that women are now playing a strong role in decision-making on the Village Land Committee.

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

The scope for and desirability of improvements in pastoral women's land rights was smaller in Lerug than in Irng'abolo, because the situation for women was already better in Lerug. In both villages access to land was less of a pressing issue than access to water, and less pressing than access to land in either Lahoda or Kisande in Chemba district. Nonetheless, in Irng'abolo the village chair said that there was a need to make further improvements in women's land and natural resource rights in this village and in other villages too. Pastoral women need to be sensitized about their rights and how to claim them. Women need to be educated and trained in order to understand the processes of acquiring and controlling land. He said: 'This will open their minds and get rid of the presumption that they have that it is only men who are supposed to own land'. The Irng'abolo village chair highlighted that prohibiting discriminatory customary laws is one of the things that needs to be improved – but that fair and just customary laws should be maintained. He said that it is necessary to define the limits and jurisdiction of customary laws and statutory laws so as not to confuse the villages on which laws to follow in the case of a dispute. Key remaining issues for him include the need for a village map that identifies areas for grazing livestock and reduces conflicts between farmers and pastoralists,

as well as conflict over boundaries with other villages. Sensitization and training is needed for both pastoral women and men, and by-laws should be introduced to protect women. He also said:

*'There should be a clear definition of who has the authority to control allocation and use of the village land. We have high levels of corruption at the district level and this is affecting the village, as outsiders are coming into the village to take land'*.

A customary leader in Irng'abolo said:

*'We have women who have come together to form women's groups and who have requested the village council for land. The groups have engaged in agricultural activities such as cash crop farming and livestock rearing. One group which was lucky to be allocated land has been able to get money from their agricultural produce and have now bought livestock from their profit'*.

But he agreed with the village chair that the main thing needed to secure improvements for pastoral women was *'abolishing discriminatory customary laws'*. The law stating that women cannot own land is discriminatory: *'It does not grant women the opportunity to improve themselves economically'*. But he said that abolishing customary law would not solve the problem if the *'whole perception that women and men have about women has not been addressed'*.

Male youth said that the VLUM committee in Irng'abolo should be strengthened to allocate land specifically for pastoral women, and that this can be done through government initiatives to allocate sufficient funds for village land surveying, adjudication, and apportioning. The VLUM committee should get support from government and NGOs to help pastoral women, but young men kept insisting that statutory rights should be focused in connection with customary laws and they did not seem to see a need to abandon all customary laws. Pastoral men, however, said that men need to be sensitized on allocating land to women and on the importance of including them in decision-making about land.

One male pastoralist said: *'As much as I have personally given my wife part of my land to farm, more Maasai men need to do so. We not only need to give them land as users but also as owners'*. A poor male pastoralist said:

*'Women need to have the right to own their own land and participate in the development of their family and the village as a whole. By denying women land, we are denying them the opportunity to be economically independent. Improvements need to be made to current laws and implementation of these laws. I am a casual labourer and earn very little money. My wife plays a big role in our family by supplementing my earnings with her farm produce. This has kept us going this far'*.

Speaking for themselves, pastoral women in Irng'abolo said that the first thing they need is education about their rights and about how to access their rights. They said that there are good statutory gender-equal laws, but they need to be implemented. Another thing that needs to be done is building more water tanks, digging wells, and constructing dams, so that women can have full access to water throughout the year. The need for water forces women to move from place to place. If they have better access to water, they can be taught better farming methods, including irrigation methods, and grow more crops – so farming could be a way out for these women. It seemed that pastoral women are ready for change but are trapped by circumstances of drought and limited education, so land is a lesser concern for them.

Scope for improvements, according to individual pastoralists, included that good laws need to be implemented and discriminatory customs need to be abolished, but good parts of custom that *'help us develop as a whole'* need to be kept. Another concern was that procedures for obtaining title deeds under statutory law should not be too lengthy, so that women are able to obtain them. Poor women wanted more women's groups to do business together, and also wanted government help to improve access to water and to schools. One man emphasized that the most important issue was water, and that when pastoralists move from place to place, people trespass on their land and take over their property.

In general, pastoralist men in Irng'abolo thought: *'It's time women also own land, but they must put effort into doing so and not sit back and wait for things to change for the better without working hard to get this'*. Thus it seemed in this village that

women, if they are determined, can access land and own it, because statutory laws provide for this and support it. However, in most cases fear of the unknown and a lack of courage to dare are the main things holding women back. As one poor female pastoralist in Irng'abolo said: *'There will be opportunities if men support pastoral women to get land and change the perception of the village'*. However, the continuing strength of customary land management arrangements in Irng'abolo demonstrates that norms and traditions are not easily changed.

As already discussed, the situation for pastoral women in Lerug is much better than in other villages, and there is therefore less scope for further improvement in their land rights. The village chair said that some improvements are needed to the 1999 land laws as some provisions are still gender-insensitive, especially to pastoral women. Improvements are also needed to customary laws: those that are gender-discriminatory should be abolished by passing a law against their practice. A Lerug customary male leader said that, first and foremost, Lerug needs government help to secure more diverse water supplies. The religious leader said that the village needs its own land registry office; it has received CCROs but it needs a registry office. He said that individual rights for women are good to help them own and control land and to grow their own crops for their own benefit, but group ownership could also be good if it helps women do business. He said it would be easier for villagers to process land documents and be granted rights of occupancy more quickly if the village had a land registry office. In addition, the VLUM committee needs increased financial support from the government. The VLUM committee Chair in Lerug said that there are good laws but they still need implementing, and women need to be sensitized on their rights. He commented: *'Women are still shy when it comes to speaking their mind and accessing justice'*.

The main concern all around in Lerug was water. A male pastoralist of average income said: *'We still need help empowering women financially and supporting their land access so they can cater for their families and help village development'*. But a poorer man said that there are no improvements to be made:

*'We already have good laws and we need to implement better what we have rather than make new laws... Women need to be encouraged to participate in village developments and decision-making processes. They need to be active at all times'*.

Ongoing needs expressed by all the individual pastoralists interviewed in Lerug were water, so that they do not need to move from homesteads and give others scope to trespass on their land; a clear definition of the village boundaries and help to secure their lands through implementing statutory law; and an easing of the process for accessing land for those who have no land or have difficulties getting it.

When asked what strategies they could use to safeguard their land and natural resources, pastoral men in Lerug suggested that they could advise villagers to take individual responsibility to safeguard land. The village council has reported land grabbers and trespassers, but on most occasions no action has been taken. Education is the key to success: *'If our children go to school, they will understand the importance of safeguarding their land and natural resources'*. There are still challenges, however, of misunderstandings between migrants and original villagers. Water is a great challenge, which is not helped by the uncooperative nature of the district council, which includes the existence of a grudge between the village chair and the district council chair: *'This has made it hard for development because whenever we ask for assistance, the district council chair ignores and rejects our requests/pleas'*.

## Perspectives from district stakeholders in Kiteto

A number of NGOs are working in Kiteto district. For example, CORDS said that NGOs have been doing a great job with a positive impact on society and, in comparison with the government, NGOs have had a greater impact in the community regarding land rights and access to justice. However, sometimes the government considers NGOs to be a substitute for itself in the provision of services, which is not supposed to be the case. CORDS would like to see women obtaining land as individuals rather than being mandated by the district council to be in a group in order to get land. It is also important to follow the correct procedures, to prevent any future problems regarding the ownership of land. It is vital to provide frequent trainings and research to improve the level of understanding of pastoral women,

but this should also consider the cultural environment in which women live, as well as their interests. For example, training on livestock will attract more women to attend, and then NGOs can incorporate land rights information into that the training. It is vital to educate men too, as this will encourage them to allow women to attend training sessions in the first place.

The Kiteto PLUM team also works to organize and implement the proper use of land at district and village levels. For example, village by-laws are passed by villagers and PLUM lawyers then check that they do not contravene national law; these village by-laws arise from demand by villagers. There are no female staff at present on the Kiteto PLUM team, and there is a problem of a lack of interest by women, even at university level, to undertake land courses. VLUM committees include women in their meetings but they are not as active as men. The PLUM team in Kiteto acknowledges that it will also take a while for community perceptions of women to change in the villages. There is a need to educate women because they still do not know their rights and how to access them, and women still have the perception of being dependent on men.

The PLUM team sees implementation challenges due to *'conflict of interest of the implementers and the community members. This makes it hard for us to implement a number of policies on gender equity'*. When members of the team go to a village and there is a conflict between customary and statutory law, they use statutory land laws to resolve land disputes, and this allows women to own land. In two villages in Kiteto district there is already co-ownership by husbands and wives, though the PLUM team is still training villagers on the importance of this. Another challenge for women is their financial dependency on men. If they can become economically empowered, it will be easier for them to access land. The corrupt nature of some village councilmembers is another big challenge to women's land rights: *'There is so much bribery at the village level'*. Sometimes Village Councils give land to outsiders or to those who have not requested it, and it can be hard for villagers to know all their resources and land boundaries when villages are big.

According to the PLUM team, no single factor can stand alone to best explain women's challenges: the challenges depend on the context and different women face different challenges, some financial, some cultural. If women are educated this will give them opportunities, but men also need to be included in trainings so they can change their perceptions on women's rights. Village governments and VLUM committees also need to be educated to help women, and finance is needed for training. Resources from the ministry of land are not sufficient, and the PLUM team is constrained in the work it can do. Much effort is currently expended on registration and processing of title deeds: registration, survey, and adjudication of a village can take up to three months when there is no village title deed. When a village has a title deed, it only takes one month for individuals to get title deeds to their land. Villagers could be persuaded to contribute to the cost in order to speed things up, but these are all technical solutions to land rights that by definition can only help a few people at a time.



## 3. CONCLUSIONS

The fieldwork described in this paper has shed light on some of the detail of pastoral women's land rights in four villages in two different districts of Tanzania. The context, land use patterns, and nature of rights to land in each of the four villages all 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 all four villages (although less so in Lerug and, to a lesser extent, Irng'abolo) 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 – largely in Kiteto – it is still a big challenge in others.

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 all four 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, particularly in Kiteto district, 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.

Finally, it needs to be emphasized 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. This was particularly the case in the Kiteto villages, where pastoral women already had more access to land than in the Chemba villages, and where the lack of adequate water was a particularly key issue at the time of the fieldwork. 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 recognizes equality between men and women in access to, use of, and control and ownership of land. This was recognized 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 harmonize 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 four 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 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.

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# ANNEX I: RESEARCH METHODOLOGY

A comprehensive field pack and work plan was prepared for an initial ILC-led two-day meeting of all the research partners in Dar-es-Salaam in September 2013. Fieldwork subsequently took place over a period of five weeks in November–December 2013, and data were written up and analysed by the field teams between December 2013 and February 2014 (Kisambu 2014).

The two main research methods used in the study were FGDs and semi-structured interviews with key district and village stakeholders and selected individual pastoralists. In total, the field teams carried out 31 FGDs, eight in three of the villages – with widowed and divorced women, young men and young women, ordinary (mostly married) men and women farmers, and ordinary (mostly married) men and women pastoralists – and seven in one of the villages (all the same groups except for divorced women). The FGDs in each village took place over four days. They were structured around three different group-based participatory exercises – a rangeland resource mapping exercise, an exercise involving the proportional piling of different land tenure types, and an institution mapping exercise – and they followed pre-prepared checklists of questions to guide the discussions.

Rangeland resource mapping involved sketching out a map of the village on the ground, using locally available materials to indicate the approximate location of the different resources in the village. This participatory exercise acted as an introduction to the FGDs which each of the four main groups took part in together in the morning, before splitting in two (so as to disaggregate for gender and/or marital status) for the second and third participatory exercises the same afternoon. The proportional piling of land tenure types exercise was designed to show how participants understood access to be managed for different types of land and natural resources. Each participant within the disaggregated groups was asked to place a stone in the column for the type of tenure arrangement he or she thought of as the main means of access to each of the resource types being discussed (see tables below). In the institution mapping exercise, participants in the disaggregated FGDs were asked to name all institutions in their village that had anything to do with access to land. The group then discussed the roles of the different institutions and the linkages and relationships between them.

Data from the FGDs were triangulated with data from 49 individual interviews in the villages – 12 in Kisande, 16 in Lahoda, 10 in Irng'abolo, and 11 in Lerug. The aim was to carry out five interviews in each village with official stakeholders such as the Village Chair, leader of the VLUM Committee, a customary leader, a religious leader, and a women's association head, and six interviews in each village with selected individual pastoralists – women and men who were wealthier, of average income, and poorer. A small number of interviews were also carried out with relevant stakeholders at the district level in both districts – six in Chemba and four in Kiteto. All interviews were conducted using pre-prepared checklists of questions for each different type of interviewee. See Annex 2 for a full list of all those interviewed.

## Table A: Means of access to different natural resources in Lahoda

Type of resource, for what use, and by whom	Customary arrangements	Statutory government arrangements	Open access	Comments
Land for growing crops by men	<p>ooooo</p> <p>oooo</p> <p>oooo</p> <p>o</p> <p>ooooo</p> <p>ooooo</p> <p>ooo</p> <p>o</p>	<p>o</p> <p>oo</p> <p>o</p> <p>o</p> <p>oooo</p>	<p>o</p> <p>o</p>	
Land for growing crops by women	<p>ooooo</p> <p>oooo</p> <p>ooooo</p> <p>oooo</p> <p>oo</p> <p>o</p>	<p>o</p> <p>ooooo</p> <p>o</p> <p>oo</p> <p>ooo</p> <p>oooo</p>	<p>o</p>	Necessary to go through the Village Land Committee.
Rangeland for dry season grazing by men		<p>oooo</p> <p>ooooo</p> <p>ooooo</p> <p>ooo</p>	<p>o</p> <p>oooo</p>	From March.
Rangeland for wet season grazing by men	<p>o</p> <p>ooo</p>	<p>o</p> <p>o</p>	<p>ooooo</p> <p>oooo</p> <p>ooooo</p> <p>ooooo</p> <p>o</p> <p>oooo</p>	VLUP in place.
Trees for hanging beehives by men	<p>ooooo</p> <p>oooo</p> <p>o</p> <p>ooooo</p> <p>oo</p> <p>oo</p>	<p>ooooo</p> <p>ooooo</p> <p>ooooo</p> <p>ooooo</p>	<p>oo</p> <p>oo</p>	<p>Before it was under customary law, but now it is guided by statutory law.</p> <p>No special area set aside for this.</p>
Trees for collecting gums and resins by men	<p>oo</p> <p>oo</p> <p>oo</p>		<p>ooooo</p> <p>ooo</p> <p>ooooo</p> <p>o</p> <p>ooooo</p> <p>oo</p> <p>oo</p> <p>ooooo</p>	No special area set aside for this.

Grass for collecting by women to thatch houses	<p>oooo</p> <p>o</p>		<p>oooooo</p> <p>oooooo</p> <p>o</p> <p>oooooo</p> <p>oo</p> <p>oo</p> <p>oooooo</p>	<p>No special area set aside for this.</p>
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Key:

- oo Divorced women
- oo Widows
- oo Female youth
- oo Male youth
- oo Pastoral men
- oo Pastoral women
- oo Women farmers
- oo Male farmers

**Table B: Means of access to different natural resources in Irng'abolo**

Type of resource, for what use, and by whom	Customary arrangements	Statutory government arrangements	Open access	Comments
Land for growing crops by men	<p>oooo</p> <p>oooo</p> <p>oooo</p> <p>oooo</p>	<p>oooooooo</p> <p>oooooooo</p> <p>oooooo</p> <p>oooooooooooo</p> <p>oooo</p>		<p>Previously no statutory laws and only customary laws; statutory laws began to be applied six years ago.</p> <p>Some men inherit land from their fathers.</p> <p>Before 2011 open access system was used.</p> <p>Allocated land by the village council for agricultural activities.</p> <p>Ten years ago it was all open access.</p>
Land for growing crops by women	<p>oo</p> <p>oo</p> <p>o</p> <p>oooo</p>	<p>oooooooo</p> <p>oooooooooooo</p> <p>oooooooooooo</p> <p>oooooooo</p> <p>oooooooooooo</p> <p>oooo</p>		<p>Women do not own land.</p> <p>Women were allocated land but after introduction of a land use plan, the lands allocated to women were changed to reserved areas, so currently women don't have land.</p> <p>Women get a smaller portion of land in customary land compared with statutory allocation of land.</p> <p>One in ten women get land from their husbands</p> <p>Women don't own land – they only use their husband's.</p>
Rangeland for dry season grazing by men	<p>oo</p> <p>oooooooooooo</p> <p>oooooooooooo</p> <p>oooooooooooo</p> <p>oooooooooooo</p> <p>oooo</p>	<p>oooooooo</p> <p>oooooooooooo</p> <p>oooo</p>		<p>Five years ago customary system prevailed.</p> <p>It is decided by village elders.</p> <p>In June–July we are permitted to return livestock near our homesteads and the owners select where to build their cattle sheds.</p> <p>Decided by customary leaders.</p> <p>Decided by customary leaders.</p> <p>Local authorities set the rules on where to graze.</p>
Rangeland for wet season grazing by men	<p>oo</p> <p>oooooooooooo</p> <p>oooo</p> <p>oooooooooooo</p> <p>oooooooooooo</p>	<p>oooooooo</p> <p>oooo</p> <p>oooooooooooo</p> <p>oooo</p>	<p>oooo</p>	<p>We are guided by our customary leaders.</p> <p>Only dairy cows remain at homesteads.</p> <p>Decided by customary leaders.</p> <p>Decided by customary leaders.</p> <p>Local authorities set the rules on where to graze.</p>



Trees for hanging beehives	oo ooooo ooooo oo  ooooo	oo ooooo ooooo   ooooo	oooooo  oooooo oooooo oooooo ooooo	Beehives are hung near houses. This is as long as you own the tree.
Trees for collecting fruits and medicines	oooo  oo o  oooo	     oooooo	oooooo oooooo oooooo oooooo oooooo	These are for everyone. No-one needs to give permission. It's open access only in the forests, where there is no individual land ownership.
Human settlements	oo  oo  oooo	oooooo oooooo ooooo oooooo oooooo oooooo oooooo	   ooooo  oo	Permission from village government. Customary surveys and statutory law guide land use planning. You can build a house anywhere as long as it's within your village. You have to seek permission if it's not your village.
Grass for collecting to thatch houses	oo  o o  ooo	     ooo	oooooo oooooo oooooo oooooo oooooo ooooo	We ask permission of the owner in the dry season. At times we borrow from individuals who have grass available.
Access to water points	ooooo		oooooo ooooo	

Key:

- oo Widows
- oo Female youth
- oo Male youth
- oo Pastoral men
- oo Pastoral women
- oo Women farmers
- oo Male farmers

## Table C: Means of access to different natural resources in Lerug

Type of resource, for what use, and by whom	Customary arrangements	Statutory government arrangements	Open access	Comments
Land for growing crops by men		<p>oooooooo</p> <p>oooooooo</p> <p>oooo</p> <p>oooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p>	<p>oooo</p> <p>oooo</p> <p>oo</p> <p>oo</p>	
Land for growing crops by women		<p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p>		<p>Village chairman gives land to women.</p> <p>Five years ago the open access system was used.</p>
Grazing land	<p>oooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>ooo</p> <p>oooooooo</p>	<p>oooo</p> <p>ooo</p> <p>oooooooo</p>	<p>oooooooo</p> <p>oooooooo</p> <p>ooo</p>	
Land for human settlement	<p>oooooooo</p> <p>oooooooo</p>	<p>oooooooo</p> <p>oo</p>	<p>oooooooo</p> <p>oooooooo</p>	
Trees for hanging beehives	<p>oooooooo</p>	<p>oooooooo</p>	<p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p>	<p>We seek permission because the trees are used by livestock and other individuals for their fruits.</p> <p>In the hills.</p>
Forest trees for wood and herbs	<p>oo</p>	<p>oo</p>	<p>oooooooo</p> <p>oooooooo</p> <p>oooooooo</p> <p>oooo</p> <p>oooooooo</p> <p>oooo</p> <p>oooooooo</p>	<p>For wood it is statutory.</p>

<p>Water points used by women and men (wells, ponds, springs)</p>	<p>oooooooo oooooooo</p> <p>oooo oooooooo</p> <p>oooo oooooooo oooooooo</p>	<p>oo</p>	<p>oooooooo oooo</p> <p>oooo oo oo</p>	<p>Open access only applies to water bodies that are owned by no-one and are natural.</p> <p>Natural ponds are free but some wells are not. Natural ponds are free but some wells are not.</p>
<p>Grass for collecting by women to thatch houses</p>	<p>oooo</p>		<p>oooooooo oooooooo oooooooo oooooooo oooo oooooooo</p>	

Key:

- oo Divorced women
- oo Widows
- oo Female youth
- oo Male youth
- oo Pastoral men
- oo Pastoral women
- oo Women farmers
- oo Male farmers

# ANNEX 2: DISTRICT AND VILLAGE STAKEHOLDER INTERVIEWS

Chemba district

18 November 2013:

Dativa Kimolo, DONET

Zena Shomari, PLUM Team

Sebastian Shilangalila, Livestock Officer

Emmanuel Jackson, Livestock Officer

Mohamedi Kimolo, National Park Conservator

Mselem Aziz, Social Welfare Officer

Lahoda village

12 November 2013:

Saidi Kipendi, Village Chair

Melkioli Alfa Ismail, Local Councilor, Larta Ward

Johana Leba, Local Councilor, Special Seat

Augustino Bartholomew Monko, Customary Leader

Ustadhi Ally Yusef, Religious Leader, Muslim

Amina Juma, Women's Association Head

14 November 2013:

Mwanahamisi Juma, female farmer, pastoralist and small-scale businesswoman, better off

Asmin Ismail, female farmer, average income

Fatma Shabaan, female farmer and pastoralist, low income

Lucas Dagat, male pastoralist, farmer and businessman, better off

Hussein Babii, male farmer, pastoralist and small-scale businessman, average income

John Barteloma, male farmer and pastoralist, low income

Amisi Omari, Member, VLUM Committee

Ramadhan Iddi, Member, VLUM Committee

Josephine Pesambili, Member, VLUM Committee

Arafa Mustafili, Member, VLUM Committee

Kisande village

18 November 2013:

Shabani Athumani, VEO (courtesy call)

Sulemani Mohamedi Kessey, Village Chair

Paulo Ally Chori, Customary Leader

Sheikh Hamisi Athumani, Religious Leader, Muslim

Salima Rashid Ramadhan, Women's Association Head

Hamisi Hussein Maloda, Chair, VLUM Committee

21 November 2013:

Ali Sefu Kendu, male farmer and pastoralist, better off

Michael Ibrahim Senge, male pastoralist and small-scale farmer, average income

Elsifa Mbaki, male farmer and evangelist, low income

Magdalena Daudi, female farmer and pastoralist, better off

Mwajuma Mtinda Mgengi, female pastoralist, average income

Amina Athumani, female farmer and pastoralist, low income

Kiteto district

18 November 2013: Paulina P. Olengurumwa, Project Coordinator, KINNAPA

20 November 2013: Paulo Tunyoni, Programme Officer, MWEDO

21 November 2013: John Orc, Coordinator, CORDS

22 November 2013: Simon Mapunda, PLUM Team

Irng'abolo village

18 November 2013:

Lelya Ngalama, Village Chair

Alais Gipapa, Customary Leader

Paulo Melita, Customary Leader and Priest of ACK Church

Nakwetikia Alaiting'idak, Women's Association Head

21 November 2013:

Kiambua Maasai, male pastoralist, average income

Kapuruwa Melta, male casual labourer, low income

Paulina Daniel, female pastoralist, better off

Paulina Kipondo, female pastoralist, low income

22 November 2013:

Ndulugo Kambaine, VEO (courtesy call)

Massonia Tunyoon, Chair, VLUM Committee

Lerug village

25 November 2013:

Semanga Meele Lerucu, Village Chair

Mwanga Maiba, Customary Leader

Daniel Lesasi, Religious Leader, Lutheran

Teiyo Sunyare, Women's Association Head

Kosyando Meeli, male pastoralist, better off

Kigisi Mainge, male pastoralist and farmer, average income

Seperwa Wanga, male pastoralist, low income

Maiyaso Lasambain, female pastoralist, better off

Koiyanet Alaiharwa, female pastoralist, low income

26 November 2013:

Nakwetyaki Parisalo, VEO (courtesy call)

Kilembu Kiseru, Chair, VLUM Committee



The Rangelands Initiative of the International Land Coalition (ILC) is a global programme facilitating learning between and providing technical support to different actors who are working to make rangelands more tenure secure. The programme works through ILC members and partners, and ILC commitment-based initiatives in Africa coordinated by RECONCILE (Resource Conflict Institute) Kenya, in Latin America coordinated by FUNDAPAZ (Foundation for Development in Justice and Peace) Argentina, and in Asia coordinated by JASIL Mongolia and MARAG (Maldahari Rural Action Group) India. The global component is lead by a group of core partners - ILRI, UNEP, IFAD, FAO-Pastoralist Knowledge Hub and the US-based Rangelands Partnership, and coordinated by ILRI. The Rangelands Initiative supports ILC members and partners to develop or influence enabling policy and legislation, and to improve the implementation of policy and legislation in a manner that protects rangelands resources and supports productive and sustainable rangeland use. A key input to this is the joint identification of solutions based on innovation and good practice, through research, knowledge generation, and experience sharing. This series of Issue Papers documents and shares some of the experiences, information, and knowledge generated during these processes.



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