

CHALLENGES FACING WOMEN TO ACCESS AND OWN LAND IN TANZANIA, KONDOA DISTRICT

Immaculate O. Gillo*

Yohana S. Mgale*

Upendo W. Mmari*

Abstract

This paper presents research findings of a study done on the challenges faced by women in accessing land ownership; specifically the level of land ownership between women and men, types of land ownership and factors hindering women to access land ownership in Kondoa District, Tanzania. The study collected data from a total of 80 respondents through documentary review, questionnaire survey, interview, observation and focus group discussion. Descriptive statistics and content analysis were main methods used to analyze the collected data.

Results of the study indicated that at family level, 75% of the family land is under the control and authority of the father (men), 9% mothers and 16% both women and men. The study went further to indicate that in general men are the major owners of land (89%) while women own only 11% of land. Several challenges which hinder women in accessing and owning land were identified as bad traditional cultures and customs, customary laws, illiteracy, lack of information on land ownership and difficult procedures in the whole process of land ownership.

The study recommends women empowerment to enable them access land like men. Policies, laws and by-laws against gender discrimination should be enacted and reinforced to ensure that patriarchal customs, cultural practices and traditions that oppress and impede women toward accessing the land are eradicated. Societies (especially women) should be educated on their rights to ensure that all people, men and women are granted equal opportunities to access land ownership.

Key words: Land, challenges, access, ownership, vulnerability

* Institute of Rural Development Planning, P.O. Box 138, Dodoma, Tanzania

1.0 Introduction

All human beings rely on land as a way of survival. The land supplies food and a place to live in, provides livelihood to people, sense of belonging and identify. It has economic, political and symbolic significance. Land and environment resources are central to lives of people living in countries whose economic development and subsistence depends on the resources. With regard to environment resource, women access to and control over forest, water and wildlife has come into sharp focus as it become clear that performance of women's day to day chores is anchored on these resources. Making access to land and environmental resources equitable is one way to achieve development. The Millennium Development Goal recognizes the need to promote gender equality and empower women, alleviate poverty and ensure sustainable environmental management. Feminist critiques of development have identified the marginalization of women from the means of production as a critical factor in the subordination of women (Benschop, 2008).

In Africa all land resources are controlled by male, this means that women have difficulties in understanding the structures in different system. Household decision to acquire land is governed by a set of rules and regulation. It is more important to know that both modern and traditional laws tend to be interpreted in favor of male ownership and control of the land, laws bar women from disposing of land without their husband consent.

In Tanzania all rights to own land were given to men when allocating land while women lack that opportunity. Land generally is registered as belong to men, who then pass it to their beloved sons. The women have traditional rights to work on the land and harvesting the crops which grow on it (Gail, 2005). The right of women to land ownership cannot be ignored, as they play a central role to ensuring family food security, produce goods and service for the development of their families. Braidotti (2005) supported by saying that the majority of the world's women are resource poor because they lack land ownership opportunity. Challenges facing women to access land ownership is very hazardous and serious since our country economy depends entirely on agriculture economy.

Tanzania has a population of 45 million people among which women comprise 55% which is more than a half, but they are the most vulnerable group as only 18% own land although 97% of rural

female work force is engaged in agriculture and perform over 80% of agricultural activities (URT, 2003). Thus this study intended to examine the problems facing women to access land ownership.

2.0 Methodology

Both probability and Non probability sampling methods were used to obtain a sample size of 80 respondents to collect the information needed on the level of land ownership among men and women; and problems hindering access of land to women. Simple random sampling was applied to select respondents from target group of male and female headed household while purposive sampling was applied to select key informants from the level of village, ward, district and land related offices like title deed registration office.

Sources of data were both primary and secondary. The primary data were obtained from the field through questionnaire survey, interview, observation and focus group discussion where by secondary data were accessed through an intense literature review of various publications, pamphlets, reports and web resources. The data collected through various sources were coded, classified and presented by the use of computer software called Statistical Package for Social Science (SPSS). Descriptive statistics and content analysis were main techniques used to analyze the collected data.

3.0 Results and Discussion

3.1 Characteristics of Respondents

The study used a sample size of 80 respondents, with a total of 37 males (46.2%) and 43 female (53.8%) Most of the respondents were women because they were the one facing the challenges of accessing land.

Table 1: Distribution of Respondent

Respondent	Frequency	Percent
Male	37	46.2
Female	43	53.8
Total	80	100.0

Source: Fieldwork Survey, 2012

3.2 Types of Land Ownership

The result show that, 27%,41%,20% and 4% of male acquired land through inheriting, buying, bush clearing and given by village authority respectively, only 4% female acquired land through inheriting and 11% female acquired land through buying. The findings further indicate 85% of women lack ownership to land. Most women in Kondoa district have very low access to different types of land ownership simply because they don't have enough capital to buy land and different structures denied their access to land.

Table 2: Types of Land Ownership

Variable	Description	Sex of respondent	
		Male	Female
Types of land	Inheriting	27	4
	Buying	41	11
	Bush clearing	20	0
	Given by village authority	4	0
	Don't own land	8	85

Source: Fieldwork Survey, 2012

3.3 Level of Land ownership

At the family level

The study revealed that, women who own land is small compare to men as 75% of land was owned by men, only 9% was under women and 16% were land owned by both men and women. The reason provided was lack information where land was allocated, this imply that women still largely depend on their husband for access such information because women are busy working on prepare food or collection fire wood; lack of information concerning land cause the problem of women to access land ownership.



Figure 1: Level of Land ownership at family level

At individual Level

The study indicated that 89% of the family land were owned and controlled by men and only 11% by female. This was an indication that women have difficulties to access and own land. Data provided by District land registration officer supported this by saying that most family land were registered as belong to husbands (men).

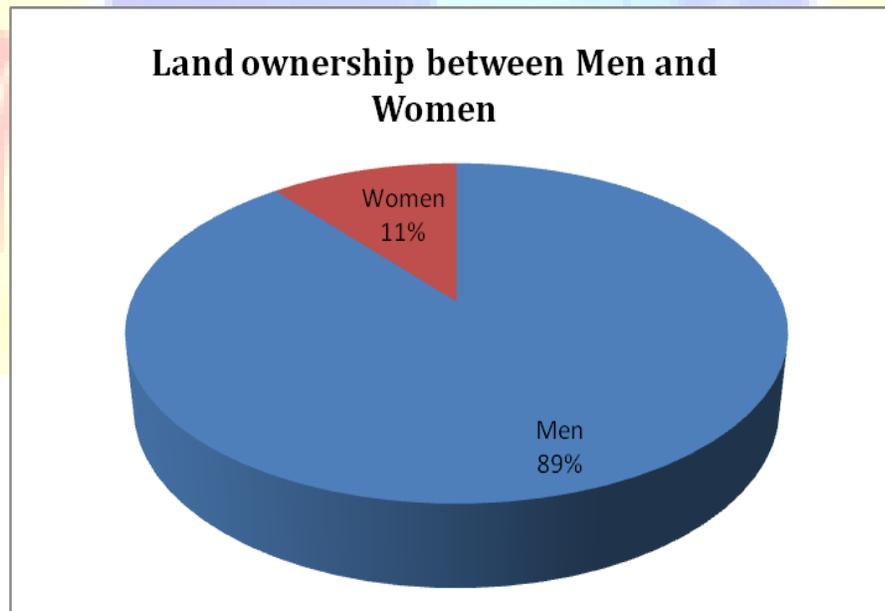


Figure 2: Land ownership at individual Level

3.4 Challenge facing Women to access Land ownership

Multiple responses, observation and documentary review was done to determine challenges facing women to access land ownership.

3.4.1 Traditional Cultures and Customs

One of the major challenge of women accessing ownership to land was traditional culture, customs and norms (91%) as supported by Lyimo and Mdoe (2002:19) “women have limited access and rights over land that they can utilize to improve their livelihoods” In other areas, women have rights of accessing land but not control or ownership of clan land due to patriarchal attitudes among many tribes. Women have been at disadvantage in accessing and owning the land almost in all societies in Tanzania, due to bad cultural practices. Women have no rights to own land after the death of their husbands to the extent that most of them are left to suffer after the passing away of their husbands “land has to be passed over to men only” (Maghimbi, 2009). The culture of payment of bride price/dowry reduces women to the status of land ownership, they are regarded as commodity since they were obtained by bride price; this contributes to lack of power over husband’s resources.

Another bad cultural practice is exclusion of women in decision making at different matters. They have been regarded as being unable to give good ideas on different issues ‘Male’s chauvinistic tendencies and eager to maintain the masculine lead them undermine women’ (Clover, 2007). This was also supported by one of the key informant that despite their great number and potential, women have traditionally been sidelined in the decision-making process.

3.4.2 Legal systems

This study also revealed that in Tanzania, women’s ownership of land is governed by statutory, customary and religious laws. Customary laws remain deeply discriminatory against women as mentioned by 83% of respondents. These laws govern matters of marriage, divorce, property and inheritance. In rural areas, most of the land is owned according to customary law which recognizes men as land owners and only allow women to use it. Married women are not allowed to transact property without their husband’s permission, while husbands can do so without even consulting their

wives. Inheritance laws favors male children as land is passed from father to son, it deny widows, unmarried and divorced women any right to own land. Women are not their husband's automatic heirs. The relatives of the dead man can claim rights to property under patrilineal inheritance customs and chase the widow off the land at any time.

Statutory laws do not provide clear guidelines of how to deal with discrimination against women “The land act of 1999 does not address fully gender related concerns in ownership and access to land” (Moshia, 2009).

Table 3: Challenges facing women to access Land Ownership

Variable	Description	Respondents (%)		Total (%)
		Men	Women	
Challenge	Traditional Cultures and Customs	89	93	91
	Legal systems	80	86	83
	Lack of education	74	68	71
	Long and difficult procedures	69	51	60
	Lack of information own land ownership	54	48	51
	Lack of income	42	30	36
	lack of confidence	22	14	18

Source: Fieldwork Survey, 2012

3.4.3 Long and difficult procedures in land access and ownership

It was found out that long and cumbersome procedures to follow before accessing land hinder women to access land (60% of respondents). During Focus group discussion several examples were provided as Land registration office is often found in big towns/cities a woman cannot travel outside her village to get land registered in her name because she has no one to take care of her children and household, registration need money and ability to read and write. This is supported by Habitat, (2004) “the land-delivery systems are centralized, inefficient and expensive, they cause problems to women trying to acquire land”

3.4.4 Lack of education

Most of the women are not educated, this contribute to the problems of the access and ownership of land. The study indicated that large proportion (60%) of the women interviewed had primary school education followed nearly by 30% of those with informal education (never attended the formal school). This goes in line with the findings of Musubira (2005) that “the majority of women, 60% are not educated”. This made women fail to understand the process of accessing land and knowing their rights concerning land ownership, how to contest for land and register it. Many parents still prefer to send boys to school, seeing little need for education for girls and there is a high rate of drop-outs from schools due to pregnancy and early marriage.

Table 4: Education level of women

Variable	Description	Respondents (%)		Total (%)
		Men	Women	
Education level	Informal Education	26	30	28.0
	Primary Education	76	44	60.0
	Secondary Education	12	6	9.0
	College Education	4	2	3.0

Source: Fieldwork Survey, 2012

3.4.5 Lack of information

Women especially of the rural areas lack awareness of their legal rights, entitlements, responsibilities, and of the opportunities that are available to them. This study revealed that many of the communication channels like radios, newspapers, village meetings are one-way communication and most of them are disempowering women. “Women lack access to information about land transactions including land purchase and transfer, the required documentation and charges” (Habitat, 2004)

3.4.6 Lack of income

The results indicated that women fail to access and own land (36%) because they lack money to buy land. Majority of women are not employed in the formal sector, are poor and lack multiple sources of income. There is discriminatory employment regulations, Simon (2000) “waged employment is an option open to few females and those few employed, receive less pay than male employees”

4.0 Conclusion and Recommendations

4.1 Conclusion

It was found out that in Tanzania, most of the land is owned by men at the individual level (75%) and family level (89%), an indication that women who own land is small comparing to men. The study identified different types of land ownership such as through inheriting, buying, allocation from land authority and through opening new areas. This study was able to identify main challenges women face towards accessing and owning land such as traditional cultures and customs (91%), customary laws (83%), lack of education (71%), long and difficult procedures (60%) and lack of income (36%)

4.2 Recommendations

The government and development agencies should empower the community by educating and creating awareness on their rights and obligations under the law to ensure that women are granted equal opportunities to access land ownership as men. Government should decentralize land registration to make easier for women to apply for title deeds closer to their areas. Land use planning should be done in all villages and introduce by-laws which will govern the allocation of land to promote female access to land.

The government should ensure that the Land act and Village land act of 1999 is well known to local people so that the distribution of land will consider all pre-requisite aspects and make sure that each and every individual is treated equally according to the law. Policies, laws and by-laws against gender discrimination should be enacted and reinforced through well established organs to ensure that patriarchal customs, cultural practices and traditions that oppress and impede women toward accessing the land are eradicated. There is a need to address the unequal power relations within families and societies to realize women potentials and appreciate the role they play.

References

- Benschop, M. (2008), Rights and Reality: Are Women's Equal Rights to Land, Housing and Property Implemented in East Africa? United Nations Human Settlements Programme (UN-HABITAT), Nairobi
- Braidotti, R. (2005), Women, the Environment and Sustainable Development: Towards a Theoretical Synthesis, London New Jersey: Zed Books, pp.15-32
- Clover, D. (2007), "Feminist aesthetic practices of community development: the case of Myths and Mirrors" Community Arts, Community Development Journal, October 1, Vol.42, pp 25-37
- Gail M, (2005), "Gender, Race, Ethnicity and Work" work of occupation, Vol 27, issue 4, pp.50-78
- Habitat (2004), "Women in human settlements development" Getting the issue right. HS/341/95E. London New Jersey: Zed Books
- Lyimo, J. and Mdoe N. (2002), "Women and Rural Poverty in Tanzania" University-East Anglia, UK
- Maghimbi, P. (1999), "Strengthening women's position in Economic activities" Dar Afroplus Ltd
- Mosha L.S (2009), The precarious socio economic position of women in Tanzania. Educational Publishers and Distributers Ltd. Dar es salaam, pp 24-36
- Musubira, H. (1995), "Cultural, political and institutional aspects on women rights to land" East Africa publishers.
- United Republic of Tanzania, (2003); "2002 Population and Housing Census" National Bureau of Statistics, Government Press, Dar es salaam
- Simon, J. L. (2000), "The Ultimate Resources" Princeton University Press, 60-84.