

Gender equality in land ownership as a strategy for poverty reduction in Tanzania: A case of Ilala Municipal in Dar Es Salaam City.

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Abstract

Gender equality and the empowerment of women are widely recognized as key dimensions of human progress. Many women are still discriminated upon and denied their rights to land. The aim of this study was to identify causes for gender inequality in land ownership and also to examine the women's accessibility to land resource towards poverty reduction in Tanzania. A sample of 50 respondents was drawn to gather field information relevant to this study through interviews, questionnaires and observations. However, literature materials were used in order to accomplish this research. This research revealed that, gender inequality in land ownership is mainly caused by traditions and customs which promote and perpetuate patriarchal system. Also it was found that, women who owned land were able to run agricultural activities, build houses and rent to other people thereby provide with them a means to sustain their livelihood. It is recommended that, the Government should continue with its efforts of educating and encouraging women to attend different trainings whereby they can be able to understand different rights like land ownership right. Through attending trainings, women will also have the ability to understand their rights. It should also undertake various reforms to laws, particularly customary law in order to eliminate gender inequality in land rights. Men should be educated and well sensitized on gender equality in land ownership. The reason is that equality in land ownership will enable women to be independent and change the current situation whereby women depend on men. Hence this will be the solution to poverty reduction.

Key words: Gender, Gender equality, Access to, Land ownership, Patriarchal system, Vulnerability

1. Background of the problem.

Poverty in Tanzania has been pervasive and a growing threat to humanity. A reasonable definition characterizes poverty as a condition whereby individuals and communities are affected by severe deprivation of basic human needs, capabilities and rights, expressed for instance by low income and wealth, enforced lack of material goods necessary to live in dignity, environmental decay, lack of (or limited) access to labour markets and quality services (culture, education, housing, health care, training, employment and so on), scarce opportunities for social and civic participation. (Mtatifikolo and Mabele, 2001)

It is argued that despite having articulate frameworks for poverty reduction and good microeconomic performance, still poverty remains high. (Mbele, 2007). The apparent shortcoming is lack of the link between equality and growth/poverty reduction. In order for economic growth to lead to poverty reduction, people who live in poverty must have the possibility of themselves, fully and on equal terms, to contribute to economic development and to profit from its results.

According to Ellis (2000), women and men have different position with respect to rights over resources including land. Women often have insecure rights over resources control but have access to resources, the situation that tend to diminish their incentive for conservation. Gender inequality operates as a major obstacle to socio-economic and political development in Tanzania. It is pointed out that Tanzanian women, who comprises at least half of the country's population, have for a long time been denied a fair opportunity to own and have control over assets and resources, particularly land than men, hindering their accessibility to loan facilities.

2. Statement of the problem.

Section 3 (1&2) of the Tanzanian village land Act of 1999 clearly states and recognizes equal rights for men and women to access, own, control and disposition of land under the same terms and conditions. However, its Section 20(2) protects women against discriminatory customs and traditions which restrict their lawful access to ownership, occupation and use of land. (Yefred, 2009). Many women are still discriminated upon and denied their rights to land. For instance, most women have access to land through their spouses or male relatives but do not own on their own, unmarried daughters, widows and divorced women have been a subject of stigmatization, discrimination and harassment by their male relatives in different ways.

Despite the changes in the land order that have at least improved the land rights situation for women as a group, the fundamental principles governing land rights in Tanzania are still in favor of the more powerful and well connected groups in society most likely, elites, local and foreign investors and their counterparts. Women can only sustain the little scores they secured in the legal provisions by joining hands with other marginalized groups to advocate for a more socially just and equitable land tenure system, that gives them power and space to participate in practical decisions from a family to national level

Despite all the efforts made to reduce poverty in Tanzania, gender inequality in land ownership is still a social problem and little success has been achieved. Lack of a link between gender equality and poverty reduction seems to be the main cause for increased poverty.

3. Research objectives

This study intended to identify causes for gender inequality in land ownership and also it aimed at examining the women's accessibility to land resource towards poverty reduction.

4. Research methodology

4.1 Overview

This section is organized into: area of the study, research design, population, sampling techniques, data collection procedures and data analysis.

4.2 Area of the study

Ilala District is one of three districts in Dar es Salaam, Tanzania, the others being Temeke to the South and Kinondoni to the North. The 2002 National Tanzania Census states the population for Ilala as 634,924. The area is 273 km². Ilala is commonly referred to as 'Downtown Dar', where much of the commerce, banking, and national offices are located. Ilala District is subdivided administratively into 3 divisions and 23 wards. It found in Latitude. -6.9166667°, Longitude 39.1666667°.

4.3 Research Design

The research design used in this study is case study. This is because the study seeks to describe a unit in detail, in context and holistically. It provides away of organizing educational data and looking at the object to be studied as a whole. A great deal can be learned from a few examples of the phenomena under study.

4.4 Target population

The target population in this study were women (with access to natural resources, like land and those who do not own land and other assets), men, Municipal Community Development Officer (MCDO) and Ward Executive Officer (WEO).

5.5 Sample and Sampling procedures

Sample size was 50 respondents. These included 35 women who seem to be well off and own land and others who do not own land, 13 men, one Municipal Community Development Officer (MCDO) and one Ward Executive Officer (WEO).

Table 1: Sample size and distribution.

Categories of respondents.	Number of respondents	Percentage (%)
Women	35	70
Men	13	26
MCDO	1	2
WEO	1	2
TOTAL	50	100

Source: Research field data (2013)

Simple random sampling was employed to get 35 women and 13 men in the study area while purposive sampling technique was used to select the one MCDO and one WEO.

5.6 Methods and instrument of Data Collection

The study involved the collection of both primary and secondary data. Methods of collecting primary data included questionnaire, observation and interview; while secondary data were collected through documentary review.

5.6.1 Interview

In this particular study, interviews were conducted to all respondents. The questions were systematically arranged in order to maintain both consistency and direction in the interview. The technique assisted the interviewer to pursue the responses with the respondents and ask for elaboration of ambiguous responses.

5.6.2 Questionnaire

Questionnaires were prepared in such a way that it helped to obtain information related to the gender equality in land ownership as a solution to Poverty Reduction. The questionnaires were administered to MCDO, WEO and those men and women who were able to read and write.

5.6.3 Observation

Direct observation was done before the interview took place by a researcher, in fact this took place during the transect walks in different key locations in Ilala Municipal. By observation the Researcher physically visited the activities performed by women; conditions under which women works, women physical appearance and health status, and types of hazards which women are exposed too. Therefore researcher used this method of data collection because it provided the researcher with an opportunity to collect data as a wide of behaviour to capture a great variety of information concerning the study area.

5.6.4 Documentary review

The researcher reviewed various documents including files, books, reports, researches and other written documents which were relevant with a topic concern. This method used to get secondary data such as; research books, journals, census reports, statistical abstracts and news papers, visited the internet and libraries.

5.7 Data Analysis

Data collected were processed and analyzed by using statistical packages for social science (SPSS) especially quantitative data to compute percentage and tabulation, descriptive and statistical analysis was conducted basing on data and information.

6. Data presentation and discussion.

6.1 Factors that cause gender inequality in Tanzania

6.1.1 Traditions and customs

Most of the respondents (30 out of 50) in the field mentioned that customs and traditions were an obstacle to poverty reduction. Responses by interviewees in relation to this question indicated that most tribes in Tanzania tend to discriminate women in the aspect of inheritance of land. It is surprising that even women would feel comfortable to say it is a taboo to demand a piece of land as inheritance from brothers. According to women interviewed from Chaga and Maasai¹ tribes residing at Ilala, the youngest male child is ordinarily given a larger part of the family land, the reason being that his sisters are likely to come to live there in the event they are divorced and forced to return to their parents.

6.1.2 Patriarchal system

One respondent, a pastor from Arusha region, told the researcher during the interview that it is impossible for a woman to inherit land even if the family did not have a male child. In his view, it is better to give a son in-law the land but not a female child or daughter since doing that will violate the deep rooted traditions and customs. A related issue that was cited by respondents was gender discrimination, especially in regard to customary ownership of property, participation in wage employments, and decision making at the national and household level.

It appears that lack of inheritance rights adversely affects women's access to land, particularly in countries where land sales are rare and inheritance is the primary form of land acquisition. Problems can arise where testamentary freedom is very broad, as testators may leave land to male relatives, following socio-cultural

¹ Chagga and Maasai are the tribes found in the Northern part of Tanzania.

practices. Some legal systems recognize a nearly absolute testamentary freedom, providing only for the maintenance of the surviving spouse.

It is argued by the researcher that the right to access land and other natural resources is of extreme importance for women. The welfare of many families in many areas of Tanzania largely depends upon women. Lack of access to land by women is likely to affect their bargaining power at the family level as well as within the community and society at large. The internal set up in many families and the way affairs are conducted in most cases find women position to acquire and control property, including land being compromised.

Table 2: Factors that cause gender inequality in Tanzania

Respondents	Frequency (n)	Percentage (%)
Traditions and customs	30	60
Patriarchal system	8	16
Poor enforcement of laws	12	24
Total	50	100

Source: Research findings (2013)

6.1.3 Poor enforcement of laws

Field studies (table 2 below) show that, women and men rely on different norms of both statutory and customary law to support their land claims, and that the extent of women's land rights is in practice determined by the interplay of these norms. In this regards, the government of Tanzania has taken steps to improve legislation in regard to women's land ownership rights. The 1999 Land Act gives Tanzanian women the right to have access to land, including the right to own, use and sell it, and mandates joint titling of land.

The Village Land Act of 1999 ensures that, women are represented on land allocation committees and land administration councils. Although Tanzania's Law of Marriage Act grants women certain ownership rights, including access to property other than land, customary and Islamic laws that undermine these rights prevail within the customary and Muslim communities. Upholding the Law of Marriage Act, the High Court of Tanzania has invalidated customary law that prevented women from selling land. A landmark case is respect is *Ephraim v. Pastory and Another*, decided by the High Court of the United Republic of Tanzania. (Mwanza PC, Civil Appeal No. 70 of 1989).

A 2004 amendment to the Land Act gave Tanzanian women the right to mortgage land to enable them have access to bank loans. Prior to this, a women's development fund was established in 1993 to facilitate access to commercial loans and encourage women to participate in the economic sector. However, customary practices continue to restrict women's access to and control over loans and credit. Therefore researcher is still insisting that without equality in land ownership poverty will continue to prevail in Tanzania.

6.2 Women accessibility to land

6.2.1 Use of land for Agricultural activities

During the field work, the researchers visited women who own land and dealt with agriculture in Kisukuru street in Kimanga Ward and others in Mwangajasho street in Chanika Ward. Many women who owned land were able to run agricultural activities because they afford to grow crops such as watermelon, cucumber, cassava and vegetables which help them to increase their income when they sell crops from their pieces of land and are now able to run their life and families. Respondents who were interviewed revealed that, almost all the family needs are derived from land which is the main source of food and cash crop production. One respondent revealed that,

“there is happiness when you own land because you get everything such as food from it, when you do not have land it is challenging because you have to work for someone and get paid to sustain your life so it is a bit problematic”

6.2.2 Building houses for renting purposes

The researchers witnessed and interviewed some women who built houses in their land for residential purposes; whereas others owned houses for purpose of renting and the money they earn help to increase their income which make them able to solve family problems, especially those related to basic needs.

It was observed during the field study that land is a powerful means of sustaining livelihoods; hence denial of its access may disrupt life of an individual and livelihood of the community in general. However, the researchers found that, many women in the study area can only have access to land through their husbands and they are only allowed to use the produce of the land but not the land itself. This situation has deteriorated the lives of many women who happen to be evicted from the land upon death of the husband or marital breakdown.

6.2.3 Land as a collateral

Apart from income derived from selling food and cash crops, land is also a security against bank loans. The interview revealed that land can be used as a social security for borrowing money. If a person borrows money and fails to pay back his land could sometimes be taken as compensation for the money he borrowed. Another way of making use of land as a means of generating income is through leasing it to anybody who wants it for cultivation.

6.2.4 Land ownership as a solution to Gender-Based Violence (GBV)

It was observed that land can be used as a tool to reduce the vulnerability of women in gender violence. In this way respondents revealed that, having land can reduce fear of violence from the husband. Some women told the researchers that, sometimes they are forced to get married in order to have access to land through their husbands. One respondent said,

“If I were to be given land by my father I would not have got married because I know I can get something to sustain my life rather than being subjected to my husband. When you do not have land you become submissive to your husband because you own nothing.”

Women are seen to be forced to get married in order to get means of sustaining their lives. In this situation, women fear to engage in conflict with their husbands for the fear of marriage breakdown because it may make them face eviction from their husbands' land. In facing such eviction, the woman would end up looking for other means apart from land to sustain her life. Therefore with this regard it is seen that, some women are engaging in marriages because of poverty and lack of means to sustain their lives.

7. Conclusion and recommendations.

4.1 Conclusion

Based on research findings, it has been observed that gender inequality in land ownership is mainly caused by traditions and customs which promote male domination. Another factor is poor enforcement of policies and laws.

Discriminatory norms limit women to inherit land while family laws grant the husband greater rights in family property and agrarian reforms allocate land to (male) household heads. Again norms subject women's employment and other contracts to the husband's authorization. Where legislation is not discriminatory, its gender-neutral formulation may not be enough to overcome inequalities entrenched in society.

Legal reform is needed to eliminate directly or indirectly discriminatory norms so as to redress gender inequality in land rights. In some cases, special measures to advance the position of women may be necessary to redress past and existing discrimination (e.g. granting priority to women in land distribution or in access to public agricultural credit programmes). Other sector-specific measures may also be needed (e.g., joint titling in the context of land redistribution or registration).

Where appropriate legislation is already in place, efforts must be made to effectively implement it, addressing the factors constraining implementation. These include educating rural women regarding their rights, increasing women's representation in decision making bodies, providing legal assistance and addressing legal and cultural barriers to women's access to the courts and other enforcement mechanisms.

Enhancing women's land rights could increase overall production. The efficiency in land production in the study area could increase the output and livelihood development if women were granted full land rights. If women are

given titles to land, it will enhance their ability to raise production and productivity by improving their access to credit and hence provide basic needs to their families including paying educational fees and health services.

4.2 Recommendations

- In order to ensure poverty reduction through the contributions of land ownership communities should be educated and well sensitized on gender equality in land ownership. The reason is that equality in land ownership will enable women to be independent and change the current situation whereby women depend on men.
- The Government should continue with its efforts of educating and encouraging women to attend different trainings. Through attending trainings, women will also have the ability to understand their rights.
- Women are encouraged to struggle effectively in obtaining their rights especially in land issues. They are also advised to form groups and work together (as a team). This will help them to be assisted by different stakeholders and will help them to join their effort to work together in order to improve their livelihood as well as that of the community in general.
- As women's rights are determined by a complex system of rules, legal reform needs to be comprehensive. For instance, where family and succession laws restrict women's legal capacity and inheritance rights, reforms to such laws should be affected in order to eliminate gender inequality in land rights.
- Financial institutions are advised to lower the interest rates so as to enable women to gain more profit from the loans being invested in agricultural production. Banks should also be willing to accept customary titles to land as security for advancement of loans in view of the fact that there are a lot of bureaucracies in registration of land.

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