

WOMEN ACTION TOWARDS ECONOMIC DEVELOPMENT (WATED)



A REPORT ON WOMEN LAND RIGHTS TRAINING AT LUPIRO WARD IN ULANGA DISTRICT-MOROGORO AND KISARAWA DISTRICT IN PWANI



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LIST OF ABBREVIATIONS

CAP	Chapter
CEDAW	Convention on Elimination of all Discrimination Against Women
LA	Land Act
LHRC	Legal and Human Rights Centre
No.	Number
VLA	Village Land Act
S	Section
UDHR	Universal Declaration of Human Rights
WATED	Women Action Towards Entrepreneurship Development
WLAC	Women Legal Aid Centre

INTRODUCTION

Women Action Towards Economic Development (WATED) conducted training in **districts of Ulanga in Morogoro region and Kisarawe, Pwani region with a purpose of** empowering women on land rights. WATED is a Non-Governmental Organization registered under the Non-Government Organization Act of 2002 with Registration number 00NGO/00006546. WATED aims at building, enhancing, improving and strengthening women entrepreneurship, economic empowerment groups, to act on and train women on issues of economic empowerment and leadership and raising awareness on Legal, health and self-employment to the general public, climate change and Gender.

Purpose of the Report

This report aims at detailing information for the trainings conducted in two districts of Ulanga and Kisarawe, its implementation and the findings for sharing purposes.

Brief of districts where training was conducted:

Lupiro is one of the 24 wards in Ulanga Districts in Morogoro Region in Tanzania. Lupiro ward has a total of 16,329 populations, 8,037 being males and 8,292 female¹. The main economic activities carried out by people in Lupiro are mainly on livestock keeping, agricultural activities and commercial businesses. The ethnic group of Lupiro are mixed with various tribes such as Sukuma and Pogoro speaking people.

Kisarawe is among 7 districts in the Pwani region of Tanzania. The Kisarawe district is administratively divided into 15 wards few to mention are: Cholesamvula, Kibuta, Kiluvya, Kisarawe etc. It is bordered by Kibaha district in the North, Mukuranga district in the East, Rufiji

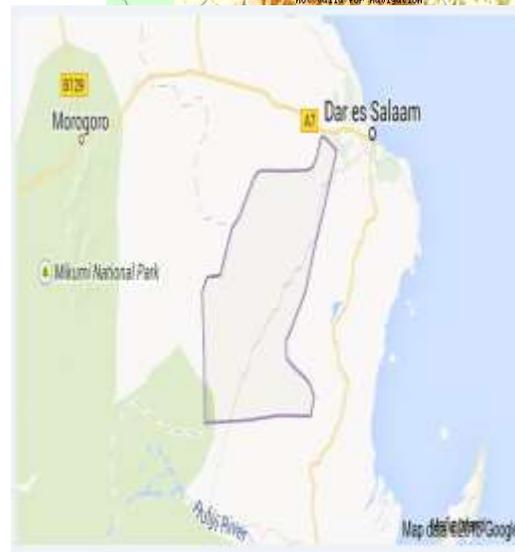
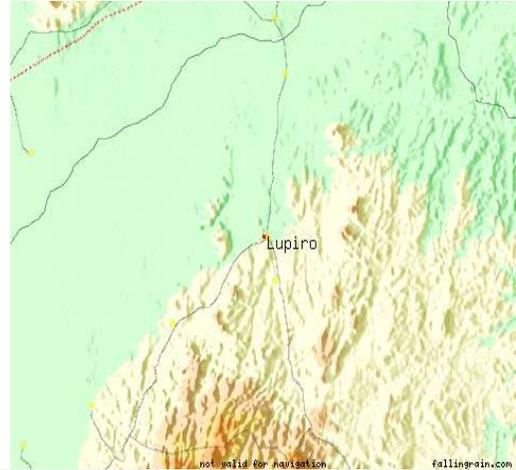
¹ The **2012 Population and Housing Census** page 60

district in the South and Morogoro region in the West².According to the 2012 Tanzania National Census, the population of the Kisarawe district was 101,598 while males being 50,631 and 50,967 females.

Trainings in both regions was conducted from total number of three days, which after the trainings participants were required to empower four women in their localities for the period of three months of which after that another training whereas women will bring in other fellow women to share their experiences and inquire more clarification on areas which they will still be facing difficulties; and the last segment of the training will be round discussion in form of monitoring and evaluation between the first group of 40 women in both districts with other women whom benefited from the program.

Exceptionally, in designing of the program we also look into the possibility of establishing the training center at Kisarawe with a purpose of continuing to reach out more communities in coastal region but also to enable women to have a center where they can be able to meet and share their concerns. The center will be operating closely with the Municipal offices of the Kisarawe but it will have its doors open to all other partners that to include CSOs, NGOs and community members themselves.

²http://en.wikipedia.org/wiki/Kisarawe_District



Ulanga training was officiated by **Mrs. Hadija Stephano Mahimbo** the Community Development Officer on 09th March 2015 while Kisarawe training was officiated by Mron behalf of the District Commissioner for Kisarawe Mrs Subira Mgao .



THE POPULATION DEVELOPMENT OF LUPIRO

Name	Status	Population Census 2002-08-01	Population Census 2012-08-26
Lupiro	Mixed Ward	10,684	16,329
Area: 510.44 km ² – Density			

Source: National Bureau of Statistics Tanzania (web). Area figures are calculated from geospatial data.

OVERALL OBJECTIVE OF THE TRAINING

This training was designed with a primary focus to strengthen and enhance capacity building to the women especially on issues of land rights. In line with that, the trainings also expanded the objective to include possible mechanisms on which women can seek redress at times where they are faced by conflicts on land. Hence, the training also included legal protection against cultural and investment practices which undermine women land ownership rights.

As it has been mentioned earlier, the overall goal is to ensure women are empowered to protect their land which was done by focusing on the following specific objectives.

1.1 To empower women to understand different acts which amount to economic and gender based violence emanating from women property ownership hindrance practices.

Training geared towards ensuring women is well informed on the ongoing investment strategy which involves both local and international investments strategies. Understanding setting and the cultural

implication of women in these districts, it was vital at this stage to allude women on best mechanism of preserving their land which have been continuously sold out at a very minimal rates and forcing natives of these areas to move to further interior and to some remaining without land after leasing out their pieces of land due to different reasons and needs.

Also to empower women to understand traditions and customs those undermine women's land rights.

Hence, our training focused on ensuring women understands the ongoing massive land grabbing pressure and the values of the land for their future generation.

Techniques for the Training

Understanding our primary target group were women and girls, and bearing in mind their back ground we devised a mechanism of which will enable participants at large to fully participate on the training. Hence theoretical and Practical aspects of gender and economic sexual based violence, women's land rights protection laws, guidelines, policies in Tanzania context were used while also at times we borrowed a leaf from other jurisdiction to capitalize on the information provided.

1.1.2 Methods of training were:-

- I. Participatory Method: questions were put to the trainees by the trainer and required participants to respond. However, participants were provided with brief explanation of the question then given few minutes to discuss among themselves in groups before responding.
- II. Facilitator clarified concepts which were not well explained/presented by the trainees during their representative during the presentation. At the same moment participants were allowed to ask questions and in return other participants would respond the questions raised and later trainer would give a summary of what was required from the question.
- III. Observation Method: Facilitator made observation on how the participants participated effectively on specific topics by asking different questions. Choice of this method allows facilitator to know participants knowledge on topic (s) which taught in previous sessions and how to incorporated missing information or areas which may still require further explanations.
- IV. Group Work: enabled the facilitator to ask a numerous questions to participants in different groups formed which would then be responded by facilitator after discussion which are given specific time during the training. Thereafter each group which is given not less than three structured questions would present the outcome of their discussion through a selected group representative. This tactic is quite effective in jogging participants' minds on the topics assigned but also I identifying potential leaders of who will then continue to work with groups for continued sessions.



f Figure 1: participants in group discussion at Ulanga Training



Figure 2: Participants in group discussion at Kisarawe Training

Other Training Methods Included:

- ✓ **Jigsaw brainstorming and think:** this method kept the participants active and attentive in the training:
- ✓ **Icebreakers** were also used between the sessions to energize the participants during the training.
- ✓ **Singing songs:** standing up and relaxing bodies and clapping hands to a participant or group which could answer the question rightly. This method motivated and kept the participants active in listening and keen at following the training.
- ✓ **Lecturing Method:** was among the methods used by the facilitator whereby the facilitator imparted knowledge to participants.

SAMPLED QUESTION DURING TRAINING – HOW WE LEARN

Trainer asked the meaning of land of which was responded as “The area into which fixtures are fixed. Another participant defined land as “the area where we live. Trainer contributed and defined land as the surface of the earth and the earth below the surface and all substances other than minerals or petroleum forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to or under land and land covered by water.

Understanding of **Law** from participant’s perspective *“Law is the principle which governs a community.” This was elaborated by trainer as ‘a rule or body of rules of conduct inherent in human nature and essential to or binding upon human society’.*



Ulanga participant contributing during the training

FOCUSED AREA DURING TRAINING

Laws Regulating Land Issues

The trainer asked them to mention some of the land laws which govern land ownership. Some of the participants answered and mentioned some of the laws such as the 1977 Constitution of the United Republic of Tanzania, the Land Act (LA) and the Village Land Act (VLA). The trainer mentioned them some of laws which administer land in Tanzania such laws include *The Land Registration Act Cap 334, The Registration of Documents Act Cap 117 and the Land Acquisition Act Cap 118 etc.*

CUSTOMS AND LAWS WHICH UNDERMINE WOMEN LAND OWNERSHIP RIGHTS

- ✓ Customs and Traditions
- ✓ Factors Which Undermine Women from Owning Land

4.1.3 Religious Laws and Practice

Training was also geared towards enriching women understanding on religious concepts and how the roles religion plays in issues such as women rights and in particular ownership of assets. On a glance, trainer touched this concepts by explaining Islamic and Christianity concepts.

Islamic conception regards that one man belongs to various women (polygamous) and **Islamic law** provides in its provision in the Quran that after death of the husband, that legal wife should not have less than 1/3 of the properties and the female children included.

It was elaborated on how the law encourages payment of bride price which later has created the concept of men ownership of women, property and superiority of men over women and not vises versa. The trainer furthermore explained that existence of religion and laws which deny women property rights like chapter 4 verse 11-12 of the Quran that entails female children upon death of their parent to inherit 1/3 of the estate while male heirs inherit twice of female heirs (2/3).

Informing on the Christian conception, participants were informed the concept regards that one woman belongs to one man (monogamous) and a married couple are not allowed to separate neither divorce since their unity is due to God's will. Some Biblical scriptures praise's one sex with authority granted to men over women like Timothy 1 chapter 2 verse 1 states that "But I do not permit a woman to teach or to have authority over a man, but to be silent". Verse 13 of the same chapter further reveals that Adam was formed first then Eve. Corinthians 11:3 also states that "...but head of a woman is man."

These Biblical scriptures and chapters among others are being used by men to dominate power, decision and property ownership in all spheres over women hence hindering the success of women right (s) struggles in Christian societies.

Participant’s feedbacks on factors which undermine women land ownership rights include:

Some of the factors included false and poor cultural and traditional belief of the societies, lack of formal education and negative perception on women by men. Thereafter the participants were all invited to contribute and share their experiences. One of the participants pointed out;

I remember when my sister’s husband died, the whole of the properties they had acquired through their joint effort were all taken by the deceased’s relatives. They said that their tribe does not permit a widow to inherit properties from their husband.”



Kisarawe Participant contributions during training

Customary Law and Practice

Training focused on the aspect of customary laws and practices that hinders women from fully enjoying their land rights under the Local Customary Law (Declaration) (No. 4) Order, Government Notice (GN) 436 that came into existence in 1963. The Declaration contains some features of gender discrimination which does not consider women as human beings in most of its provisions. For instance according to its provisions:

- ✓ The Customary law discriminates women in terms of access to control and inheritance of land. That to say the Declaration grants power of control of land mainly in men’s hands besides the poverty and the patriarchal practices within families, communities and society at large.

- ✓ In terms of inheritance rights, women and daughters are only considered after son's share is granted. Inheritance of the father's land by daughters is strictly prohibited rather the land can be owned by relatives in the clan if the family has no a son.
- ✓ If a man dies, his relatives inherit his wife plus all the deceased's properties but a woman may inherit his husband's property only if his late husband had no relatives.
- ✓ Land distribution from the clan recognizes only sons; and daughters have no legal land allotments but only they can receive usufruct rights.
- ✓ Important privileges like education, voice in the family matters are given to boys leaving girls without such privileges etc. for example the law require that the first male from the first household to get big share than other classes (other sons born after the first born son)

Therefore keeping up the customary land tenure in the law will by and large prevent women from owning land and make the principle of women land ownership harder to actualize.

4.1.5 The Marriage Act of 1971

The facilitator explained the participants that the law permits a girl to get married at age of 15 compared to their male counterpart at age of 18 years. However the trainer elaborated that this provision of this Marriage Act contradicts the education policy that encourages equal access of education to all, because girls are married off at younger age than boys.

Trainees/Participants Observation on the above Laws and Practices

Some of the trainees said that hindrance of girls/women from attaining schools undermine them a lot of things in their lives on women land rights awareness. Thereafter the session postponed and each participant was paid and dispersed.

One of the trainees contributed and said that,

“It true that if women are not educated it is hard for them to claim for their rights because of lack of the knowledge except going to the farm digging and harvesting; She agreed if women are educated they can do wonders in the society and will be aware with their property rights”



Participants on group discussion

National Laws and Land Policy

The 1977 Constitution of United Republic of Tanzania

The participants were made aware that the Constitution of United Republic of Tanzania provides that;

“All human beings are born equal and all are equal as per article 12(1).”

Further the constitution provides equality before the law under article 13(1) this means that both men and women are equal before the law regardless of their sex differences.

The constitution further provides for a right to education under article 11(2) and that any law that shall contravene the Constitution shall to that extent of contravention be null and void because the Constitution is the fundamental law that will always prevail over other laws enacted in the Country.

In that regard women are entitled to education on land issues so as they can be aware of their land rights and be able to claim them in such circumstances that tend to take away their rights on land ownership.

The Land Act No. 4 of 1999.

The trainer cited sections and elaborated to the participants laws which protect their interest on land. Mostly where their consent is required in joint ownership of property in the family and matrimonial home mortgaging, they must be involved failure of amounts the whole transactions inoperative for example this Law in its provisions cited below:-

Section 3(2) of the Act that provides for every woman to have the same right to land as men;

The National Land Advisory Council to have equal balance of men and women as its members under section 17(20);

Section 20(1) provides for all Tanzanian citizens to be allocated and granted land;

section 159(8) clearly states for joint occupancy that is capable of being created between spouses except with the leave of Court; and that in case of assignment or transfer of land or dwelling house held for a right of occupancy in the name of only one spouse, assignee or transferee must make inquiries to the assignor or transferor for the consent of the other spouse under section 161(3b).

- **Village Land Act No.5 of 1999**

The Villages land Act operates at villages' level and subordinates the Land Act above. Among other provisions in the Act;

section 20 emphasizes that any rule of customary law and decision taken under it which denies women, children or persons with disability lawful access to ownership, occupation or use of the village land to be **void and inoperative**;

Informed **any dispute concerning land** and in particular main concerning rights and obligations, on the death or **permanence incapacity of a person occupying** land under customary right of occupancy to be determined by Customary law under the same provision.

Further **Village Act grants** right to all women in acquiring, hold, use and deal with land to the same extent and subject to the same restrictions treated as to the right of man.

Fundamental Principles of Land Policy

Further, the facilitator asked them to state the various fundamental principles of the Land Policy of 1995 which provide guidance on how land should be managed and owned. But no participant was conversant with the policy and its principles hence the trainer explained to them that the fundamental principles of the land policy is a roadmap and guidance rules to how women and men should be equally entitled to administer land.

They are the basic principles from which both the LA and the VLA were enacted. The trainer gave an example of the fundamental principles as provided under section 3 of the LA and VLA. The sections similarly provide that;

Participants were informed all people exercising power to recognize all land in Tanzania as a public land vested in the President as trustee on behalf of all citizens and to facilitate an equitable distribution of and access to land by all women and men.

- **National Land Policy – Conflicting Statement**

The national land policy provides for rights of women to inherit land; however there is a challenge in implementation due to conflicts which might raise given to reading of the policy in para 4.2.6 states that: “in order to enhance and guarantee women’s access to land and security of tenure, women will be entitled to acquire land in their own right not only through purchase but also allocation.” *However, inheritance of clan and family land will continue to be governed by customs and traditions.* Here participants were alluded it is under clan rule, women do not inherit land when their husbands dies (in some tribes and cultures in Tanzania); ownership reverts to husband’s family, in keeping with the tradition of paying bride price, which comes from money raised by the whole clan. So likelihood that National Land Policy will assist women in their efforts to own land is limited.

Participants observed: Generally the customary and religious laws incorporated into statutory law weakens the provision of equal treatment before the law for women.

CLASSIFICATION AND TENURE OF LAND

The trainer stated there are three kinds of lands stipulated under s. 4 (4) of the Land Act, Cap 113 of the Laws of Tanzania (LA) to be;

- 1 General land,
- 2 Village land and,
- 3 Reserved land

Food for thought - Participants were told to be aware on the nature of land that they owning

Furthermore he trained them that the village land from which majority of them stay are governed by the Village Land Act No. 5 of 1999 (Cap 119 of the laws of Tanzania) (VLA) and the land which is owned through certificate of granted right of occupancy is governed by the Land Act Cap 118.

Regional and International Laws which Promote and Protect Women Land Owning Rights

General understanding of participants on the rights of women on International and regional capacity was very minimal. Hence general observation on the promotion and protection of women rights was provided by the trainer as it is clearly stipulated below through Articles from **Convention of Eliminating all Forms of Discrimination for Women (CEDAW)** .

Art 13-16 protect women's rights to own property.

Article (13) of CEDAW provides for State parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women and the same rights such as owning land rights.

Also Art 16 (1) (h) provides for State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women, the same rights for both spouses in respect of the ownership, acquisition management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration. Similarly this Convention protects women rights in owning land.

Also article (2) requires State parties to condemn discrimination against women in all its forms, and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake;

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Protocols protecting women land rights includes Maputo Protocol and the Beijing protocol for action of 1995 both requires States to recognize women property rights and to make laws which will ensures rights of women to own land among other rights.

It was informed to participants the above mentioned instruments aim at protecting and promoting women rights on properties

PRACTICES THAT UNDERMINES WOMEN FROM INHERITING LAND

Underscoring the main purpose of training is to enhance their capacity to improve upon their lively hood, of which land is their primary capital in the respected districts; I was of the essence to ensure proper information on efforts to eliminate the harmful customs have been put on board by citing the case of *Bernado Ephraim v Holaria Pastory* of which decision of the court proves discriminatory custom against women from inheriting clan land is void.

STRATEGIES AND EFFORTS TO ALLEVIATE FACTORS WHICH HINDER WOMEN FROM OWNING LAND

To ensure that understanding and culture practices of respective areas are taken on board in order to bring about required knowledge and perception change, Participants were asked to mention laws which declare the customs and laws which undermine women properties void.

These principles were made to provide guidance in inheriting land in Tanzania for example among one of the principles include ensuring that all persons exercising power under the law to facilitate an equitable distribution of and access to land by all citizens as it is provided under s.3(1) (c) of the LA. The aim of these principles is to make equal access and ownership of land between women and men.

Participant's observations: "Despite Tanzania having ratified many international conventions on the rights of women, we have never seen any implementation of these conventions..."



Participants taking notes during training session

Undoubtedly the government of Tanzania has taken steps to improve legislation in regard to women's ownership rights. For instance the 1999 Land Act gives Tanzanian women the right to obtain access to land, including the right to own, use and lease the land. Whilst the Village Land Act ensures that women are represented on land allocation committees and land administration councils. It was also interesting to note that although Law of Marriage Act is not friendly in certain provisions but the law grants women certain ownership rights, including access to property other than land.

DISTRIBUTION OF LAND

Women were encouraged to apply for land registration to the Land commissioner. The Land Commissioner has the mandate of issuing a certificate of granted right of occupancy as provided under s.29 of the LA similarly at the level of village is the Village Council as per s. 25 of the Village Land Act cap 119 (VLA). Women can also apply and register their land to the Registrar and Land commissioner. One of the trainee stood up and stated that;

Participant's observation "Sir to apply and register land on our names faces huge hindrances of which information and corruption is among them. Most of women are giving up because of an endless follow ups and corrupt procedure"

WOMEN EMPORMENT AND LAND REGISTRTION IN VILLAGES

Women participants were informed about the ownership of land through customary and granted right of occupancy are equal in status as the **VLA under Section.18 (1)** provides that,

"...a customary right of occupancy is in every respect of equal status and effect to a granted right of occupancy..."

He told them that if they are possessing land through customary right of occupancy then they should not worry because their ownership is as equal as that of granted right of occupancy. He further told them owning land through customarily is not limited by time unlike land ownership through granted right of occupancy.

Women can apply and be granted village land so long as they have attained age of majority and the village council is reminded before it sells a piece of village land must consider and give more priority to women and avoid women discrimination as per **Section. 23 of VLA**

IMPACT ON UNDERMINING WOMEN FROM OWNING LAND

It is very crucial for women to understand the essence of the training by painting the picture from their own understanding what are the most effects and impacts of women not to be part of group

owning land. Hence questions were given in groups which required them to respond in the most foreseeable impacts of women not own land. Groups provided responses as seen below;

- ✓ *increase of women dependence on men,*
- ✓ *increase of poverty on women,*
- ✓ *lack of equality between woman and men,*
- ✓ *Women economic rights violation and violation of women rights on acquiring their basic needs such as food, shelter and accommodation.*

ADVANTAGES OF WOMEN FROM OWNING LAND

Another set of question was put also forward to participants to discuss and present on the importance of women to own land. Participants responded by listing the following items:

- ✓ *a woman will not be dependent,*
- ✓ *Poor and she will prosper and assist the society around her.*
- ✓ *Economically empowered.*

INSTITUTIONS WHICH PROTECT WOMEN LAND RIGHTS

To empower a person includes giving them enough information and avenues to exercise their rights and duties, and for WATED in order to ensure the trained women were empowered knowledge on areas on where they can seek redress in case in justices will be conducted. A general over of government bodies, Non-Governmental institutions that provides for land rights was accorded to participants. Among the institutions which protect and promote women property owning rights include:

- ✓ Police Force
- ✓ The Commission for Human Rights and Good Governance
- ✓ Land Tribunals
- ✓ The Courts of Laws and some
- ✓ Police Gender Desks
- ✓ Legal Aid Providers such as Legal and Human Rights Centre (LHRC) and Women Legal Aid Centre (WLAC), Tanzania Women Lawyers Association, Lawyers for Environment (LEAT), Legal Aid Secretariat, Moro Paralegal, Women Wake up and WATED itself.

trainees singing songs and dancing at times. This was one of the methods used during the training so as to make the participants actively listen and avoid being bored in the training.



Ice breaking and song singing during training sessions

2 The Land Dispute Settlement Organs

Bodies used in administration of land disputes in their areas includes:

- ✓ District Courts,
- ✓ Primary Courts and,
- ✓ the High Court

PROCEDURE OF ACQUIRING GRANTED RIGHT OF OCCUPANCY

This segment was facilitated through group presentation; the following set questions were given to participants a day in advance and then they were required to share their findings with the rest of the participants. Below are the set of questions

- I. To mention and explain various steps to be followed for one to be granted right of occupancy (certificate) under the Land Act.
- II. To mention various steps for one can pass through until she/he is granted a village land.
- III. To mentioning and explaining women land ownership rights.
- IV. To mention various factors which hinder women from owning land in Tanzania.
- V. What is the impact of violation of women land/properties ownership rights?
- VI. To mention benefits a woman will gain if she possesses land.
- VII. What is the meaning of tradition?
- VIII. What is the meaning of custom?
- IX. Mention various factors which hinder women from owning land in Tanzania.
- X. What is the impact of violation of women land/properties ownership rights?
- XI. To mention benefits a woman will gain if she possesses land.
- XII. To mention various institutions used in protecting women property/land ownership rights.
- XIII. To present various national, regional and international laws which protect and promote women property/land rights in Tanzania.

SAMPLE RESPONSE FROM GROUPS

“... The applicant has to send his/her application to the village chairperson and the village council. Thereafter the applicant has to submit hers/his application to the commissioner for land who will issue a certificate of granted right of occupancy.”

Points of clarification:

A woman who wishes to acquire and own land through granted right of occupancy should first:-

- i. Conduct a search to check whether the land has encumbrances or not as it is a requirement under s. 34 & 97 the Land Registration Act Cap 334.
- ii. The applicant should conduct a survey (Valuation Cadastral Reports etc.) as mandatory requirement provided under s.41 (3) and s. 37(4) Cap 113(R.E. 2002)
- iii. Thereafter draft a sale of land agreement and prepare a deed of transfer and clear rent and taxes if any by the seller
- iv. and process consent to the Land Commissioner and applicant should apply for the registration of the right of occupancy as provided under s. 41 of CAP 334 (R.E 2002) and s.43(4&5) & s. 62(2) of CAP 113 R.E 2002

Upon the satisfaction of the application of the certificate of the granted right of occupancy, the Commissioner will issue a certificate of granted right of occupancy

Group 2: Procedure of Women in Acquiring the Village Land

A group presenter explained that the vendor must send his/her application to the village council for consideration. The village council will organize and call for village assembly for deliberation of the application. If the amount of land applied by the applicant will be accepted by the village assembly then he/she will be granted land. *No Point Of Clarification Was Required*

Group 3 Other Methods of Land Acquisition

Group replied that women can acquire land by buying land from a vendor. Another participant replied and said that women can acquire land through inheritance.

she said that,” *Sometimes the rights of women to own properties may be deliberately and forcefully deprived and women will not be firm for demanding their rights from Courts then their rights will be nothing...whether that land was obtained through inheritance or other methods”*

The trainer also added and said that a woman can acquire land from clearing a bush which was not in possession or through being distributed by the local government and through lease. He advised them to make sure that those who had no land should struggle and acquire land.

PRIORITY TO WOMEN ON LAND OWNERSHIP

It was said by the participant that the council on leasing village land is reminded by law to give priority to women and when land is conveyed back to the village by the owner, she went on stating that the vendor should not return the land with malice aforethought or with the aim of

denying a woman/wife's right to own land. Women are given priority to buy land first before men. This entails those women rights to own properties are protected by laws.

Women Land Rights

The trainees after discussing their question in group, they were asked to present by explaining women land ownership rights.

She presented that among the rights of women over land includes:

- a. Right to inherit land,
- b. Right to participate in land administration,
- c. Rights to buy and sell land as men (leasehold)

Participants contributions included the Land Act and the Village Land Act both have removed the discrimination between males and females on land ownership by women for example while citing section 3 (2) of the LA vide S.3 (2) which provides that every adult woman has a right to acquire, hold, use, deal with and transmit by or obtain land through the operation of a will and shall be to the same extent and subject to the same restrictions as the right of any adult man.

Point of emphasis from the facilitator: women who are married under civil and religious marriages are in the good position to demand their rights over land during the marriage break up to court than those who are married under customary marriage. Because some of the customs which deny women to inherit properties when their marriage break up.

The Land Dispute Settlement Organs

The facilitator asked the trainees to state the various bodies used in administration of land disputes in their areas.

A group representative presented among other things that the organs include:

- I. District Courts,
- II. Primary Courts and,
- III. the High Court

Participant's added police is among the bodies which administer land dispute.

Point of emphasise from the trainer: that land disputes are resolved by Village Councils, Ward Tribunal, Land District and Housing Tribunal etc. Also land disputes have their own way of settlement as shown and explained hereunder.

- i. The Village Land Council
The lowest body which receives land disputes of whose value is not greater than 3 million. The village land council is created by the Village Land Act under s. 60(9). It is composed of seven members of who three (3) are women. The quorum required during the determination of dispute is four members of which two (2) are women. The trainer told the trainees that this is among of the area where women have been given chance to participate directly in decision and administration of justice.
- ii. The Ward Tribunal

The next organ after the village land council organ was the Ward Tribunal whose composition includes women. The trainer informed them that through that chance one can administer and monitor administration of land.

- iii. The District Land and Housing Tribunal
It is among the land dispute body. It receives appeal from the ward tribunal.
- iv. The High Court
It receives appeals the District Land and Housing Tribunal.
- v. The Court of Appeal
It is the last stage to which a land dispute can be determined through appeal.

THE RATIO BETWEEN WOMEN AND MEN IN LAND COMMITTEE

The participants were not aware of the required ratio for women and men in village land committees hence facilitator explained as follows:

The law has required that in the National land advisory council there should be seven (7) to eleven (11) members and there should be a satisfactory ratio between men and women. In the village land council there should be seven (7) members three of which must be women and during the deliverance of decision, the quorum should contain 2 women and 2 men.

Also the law requires that in the Village Land Decision Committee should contain 9 members of which 4 should be women

SITUATIONS WHERE WOMEN CAN DIRECTLY CONTROL, DECIDE AND MANAGE THEIR LAND

Women have chances to directly control their land matters through the village assembly. Through this meeting woman have a direct chance to decide on the management of the village land when such land is in the process of being sold. Also women have a direct position to supervise and monitor their village land through village council. The participants were invited through this opportunity to use it in administering and regulating their land in their village.

One trainee stood up and said that,

“We have been at the village assembly several times, but if it comes for voting so that we can pass matters which affect us or affect the entire village especially land issues, our votes are despised, under looked and ignored. The village chairperson and the village councils are always bribed by the ones who want their issue to be passed...”

GAPS IN THE LAW

As much as the government have tried to put in position mechanisms which empowers and enables women to enjoy their rights equally as men; in some aspects this efforts have proved

futile due to delays in actions to amend various laws which are discriminatory against women. Also delay in domestication of Maputo Protocol also is another hindering factor for women in Tanzania to fully enjoy these rights.

It is important to note: while women continue to experience loss of properties and legal rights when their husbands die, the government is making only limited efforts to resolve the inconsistencies between the statutory law, customary law and religious law.



Women listening to the ongoing training

TANZANIA INVESTMENT CENTRE

The trainer shared and said that foreigner can acquire land through Tanzania Investment Center (TIC) or through derivatives rights from the village council.

BENEFITS OF CORPORATE INVESTMENT TO LOCAL PEOPLE

The facilitator asked them on what do they benefit from the investors' operations in their local areas one trainee replied that some corporate companies provide social service assistance in situation of risk such as building of classes for primary schools and constructions of hospital buildings.



CONCLUSION

The training has played and continues to play a vital role in the development of women. Women as corner stones of the society so they require frequent land rights training to enhance their understanding and make them aware over the increasing land grabbing and investing which has been leaving them victims by letting them being economically dependent and poor due to various factors such as lack of say in decision making bodies such as village councils and family units.

As it was highlighted by Mrs. Subila Mgalo the District Commissioner of Kisarawe on her closing remarks that women should continue to be the catalyst for change and positively engage other stakeholders to ensure the aspired goals are met. She continued by pointing urging women to be advocates for social change in their local areas especially on cultures which undermine women property rights.

CHALLENGES

Time for the training was very limited and also funding to cater for women residing in far wards was not possible.

WAY FORWARD

- I. Participants request more training on various laws to enhance their capability.

- II. A need to conduct frequent monitoring and evaluation to see how much the participant comprehended what was taught at the training.
- III. Need to give women frequent continued trainings on laws which will enable and when effectively used become economically empowered.
- IV. Specifically WATED urge organisations working on women rights and in particular land to complement each other's efforts instead of duplication of efforts
- V. To complete Government efforts in realizing women rights to own land, but also to urge the government on the need of amending laws which hinders women full enjoyment and protection particular on land (the land policy)
- VI. urge Government a need of domesticating Maputo protocol which covers broader aspects of rights for women in African context
- VII. To urge the government a need of fast tracking land cases specially for women and in exceptional cases youth in charge of probate
- VIII. Appreciating efforts of other stakeholders (Police, CHRAGG, Judiciary, MoCLA, NSA) but also to put them to task to ensure allocated budgets in Ministry of dealing with issues of women and children also Ministry of land continuously has a line for women to register their land in village setting
- IX. To retaliate Government efforts on land issues such as MKURABITA to be progressive and land valued to benefit local citizens.