



Who Is Mama Ardhi?

The rich agricultural fields and pastoral lands of Tanzania are a primary source of sustenance, survival and economic security for millions of citizens across the country. At the same time, secure, lasting access to these resources remains extremely tenuous for men – and especially women – who live in rural areas dominated by customary land tenure laws. In fact, eighty percent of women live in rural areas, but less than five percent of them actually own their land (Oxfam, 2012).

Drawing on their extensive experience working with men, women and communities in rural areas on property and land rights, five Tanzanian rights-based groups founded the Mama Ardhi Alliance in late 2013, joining forces to advocate for enhanced gender-equitable land and property ownership policies and practices in Tanzania. Along with other advocates, Mama Ardhi played an instrumental role in successful efforts to ensure that provisions enshrining women's rights to land ownership were included in the new proposed Constitution 2014, or *Katiba inayopendekezwa*, passed by the Constituent Assembly in October 2014.

While the guarantees provided in the *Katiba* mark an extraordinary achievement for women's land rights, many more steps are needed to reach gender-equitable land ownership in Tanzania. Mama Ardhi members therefore continue to advocate for additional changes in policy and practice that will bring about real transformation for women, their children and society as a whole.



© Oxfam East Africa via Creative Commons

Why Women's Land Rights?

At present, a majority of women across Tanzania live in areas where customary laws and tradition - which don't recognize women's right to land and property ownership - often have more weight in communities than national laws that better protect women's rights. This often translates into dispossession for women and their children when she is widowed, divorced or when her husband migrates to the city for employment. This fuels poverty, preventing Tanzanian children from accessing education and slowing our country's development. According to the UN Food and Agricultural Organisation (FAO), if women had the same access to productive resources as men around the world, they could increase yields on their farms by 20-30%, potentially pulling 100-150 million people out of hunger (FAO, State of Food & Agriculture Report, 2011)

Until the new Katiba is adopted - if it is adopted - women living in areas dominated by customary law will continue to face extreme legal challenges to land ownership. This is due to contradictory laws that leave too much room for interpretation. On the one hand, women's right to own and inherit property is protected in the Village Land Act no 5 of 1999. On the other, according to the Local

Customary Law (Declaration) (No. 4) Order GN 436 of 1963, women cannot inherit if the deceased left behind adult male relatives, who would have the right to his property. In addition, the Constitution of the United Republic of Tanzania of 1977 (as amended from time to time), which was still in effect at the time of publication, defers to customary law on matters of inheritance. Women have no guarantee that their rights will be protected, as it is up to individual customary leaders to decide.

The story of Noorkirupi Makko (not her real name) shows just how harmful lack of secure land tenure can be for women. The 35-year-old Maasai woman with three small children was forced to marry at a young age. Her husband, an alcoholic who frequently beat her, did not support the family. In 2014, he evicted Noorkirupi and her children, leaving them with nothing.

Desperate and destitute, she tried to take her own life and those of her children with rat poison. Luckily, they were found in time and their lives were saved. Nonetheless, homeless and landless, Noorkirupi was left with no choice but to seek shelter with her sister, separated from her children who were placed in temporary homes elsewhere.

The 35-year-old Maasai woman with three small children was forced to marry at a young age. Her husband, an alcoholic who frequently beat her, did not support the family.

Noorkirupi recently spoke with Mama Ardhi, explaining that her greatest wish was simply to have the means to live independently and support her children. However, due to customary law and practice, all she could do was hope that either relatives or the village council would take pity on her and grant her a small plot of land.

Discrimination against women that prevents them from owning land is exacerbated by their exclusion from leadership positions, meaning that property disputes are usually decided solely by men, in the interests of men. When women are made landless, they cannot afford to feed their children and send them to school. They cannot afford healthcare. Ultimately, these landless women-headed families become an economic burden on the whole community, vulnerable to exploitation, and are robbed of the dignity that comes with meeting one's own basic needs.

When There is a Will, There is a Way!

Even in the face of problematic national laws, discriminatory customary laws and traditions, and a lack of awareness of land and property rights, there are real-life success stories in Tanzania proving that change is possible for women's land ownership. If the Katiba is supported in the plebiscite, such success stories will have the potential to multiply as long as there is sufficient will to invest in and implement effective laws, policies, land titling systems and information campaigns.

Small civil society organisations like the Morogoro Paralegal Centre have been sensitising local communities about the importance and benefits of women's land rights. A woman called Joyce Abdalah from Mtamba Village, where customary land tenure is observed, is a case in point. In 2011, the 36-year-old mother of a five-year-old boy and a three-year-old girl was divorced from her husband and left to raise her children on her own. Luckily, her ex-husband is a former

member of the local Ward Executive Committee, and as such, had been sensitised on women's land rights by grassroots legal advisors who had carried out trainings in the area.

As a result, the land and property was distributed equally between husband and wife without dispute. Joyce was then able to use a land certificate granted her by local authorities to secure a microcredit loan from a village bank. As a result, Joyce started a business selling crops in district and local markets, and is now able to support herself as well as her son and daughter. She hopes to send them to school soon with the money she is saving.

Without sensitisation, Joyce's story might have been very different. These efforts prove that age-old practices can change, and that discriminatory traditions can be overcome, to the benefit of whole communities. Joyce and her children are not burdening anyone else. Her children have a solid



© David Snyder/ICRW

shot at an education. And because of that, they may have a chance to break free from the cycle of poverty, even contributing to future economic growth of Tanzania.

However, the help and guidance of small CSOs like the Morogoro Paralegal Centre can only reach a handful of Tanzanians in need. Without the design and roll-out of an integrated and well-coordinated national plan on women's land rights, sustainable, widespread change benefitting women, their children and society at large will remain elusive.

These efforts prove that age-old practices can change, and that discriminatory traditions can be overcome, to the benefit of whole communities.



© David Snyder/ICRW

Recommendations

Mama Ardhi believes the language in the proposed Katiba on women's land and property rights is a critical first step for the country's development. If promulgated, Tanzania will have one of the most progressive Katibas in Africa, leading the way in protecting women's land rights. But much work remains to be done.

Going forward, Mama Ardhi urges their fellow Tanzanians to take the following additional steps:

- Ensure that women's land and property rights are enshrined in law by voting to uphold the new Katiba in any upcoming referendum.
- Work to amend customary laws that contradict women's rights within existing legislation such as the Village Land Act of 1999, including the right of women and girls to inherit land and other property from their husbands, fathers and brothers.
- Call on policymakers and Parliament to review and enact new national laws in line with the new Katiba and ensure the wananchi (the people) participate in that process.
- Join us in urging the government to roll-out an affordable, accessible and transparent land titling program that is not prohibitive for vulnerable women and other disadvantaged minorities, and to roll-out a comprehensive awareness raising and sensitisation campaign for local leaders, land authorities and rural communities at large.
- Spread awareness that equal land rights for women today equals a better future for all Tanzanians tomorrow.



© Paul Shaffner via Creative Commons

Mama Ardhi Members

ENVIROCARE is working towards conserving the environment and improving livelihoods in local communities in Tanzania.

PASTORAL WOMEN'S COUNCIL (PWC) is working to promote the development of pastoralist women and children to facilitate their access to essential social services and economic empowerment.

TANZANIA WOMEN LAWYERS ASSOCIATION (TAWLA) promotes an environment guaranteeing equal rights and access to all by focusing on vulnerable and marginalised groups especially women and children.

UJAMAA COMMUNITY RESOURCE TEAM (UCRT)

is working to promote and enhance indigenous communities' capacity to improve their livelihoods and to sustainably manage their natural resources.

WOMEN'S LEGAL AID CENTRE (WLAC) provides legal aid services and human rights education to vulnerable women and children, as well as advocates for an end to all forms of gender-based violence.



Like Us

www.facebook.com/MamaArdhi