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# POLICY ENVIRONMENT FOR CUSTOMARY LAND OWNERSHIP AMONG RURAL WOMEN IN MBOZI DISTRICT, TANZANIA

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## ABSTRACT

The present study was conducted in Mbozi District, Songwe region of Tanzania to investigate the policy environment that promotes customary land ownership among rural women. The study employed a cross-sectional research design with non-probability sampling technique which involved a purposive selection of 8 villages out of 142 villages based on beneficiaries of certificates of customary right of occupancy. A snowball sampling technique was used to obtain 145 women beneficiaries of the customary land titles and convenience-sampling technique was used to obtain 145 women without customary land titles, which gave 290 of women respondents for the study. Primary data collection involved a survey questionnaire with closed and open-ended questions, focus group discussions, and in-depth interviews while secondary data collection involved reviews of land policy documents and legal frameworks. Content analysis was used to analyse qualitative data. Quantitative data were analysed using the Statistical Package for Social Science (version 20) to summarize the responses into frequencies and percentages. The results of the study exposed remarkable awareness of the Tanzanian land policy and customary land ownership in the country. About 75% of respondents were knowledgeable of the procedures of obtaining certificates of rights of occupancy. Among the benefits of land ownership was the option of using land titles for loans as collateral. The challenges regarding customary land titles as reported by 89 % of women were re related to limited access to the existing

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opportunities due to lack of information. This study is relevant for land governance not only in Tanzania but also in SSA at large because it evokes the voices of the minority gender on matters relating to land ownership, as well as gender discourse in the region.

**Keywords:** Policy; customary land ownership; women; Tanzania, customary land titles

## INTRODUCTION

For a long time, land has largely been regarded as the primary asset for survival and economic development in the developing world (FAO, 2014; Kironde, 2009). Land is essential in supporting the livelihoods of rural populations that largely consist of women. The significance of land in Africa's development is underscored by the fact that over half of the population derive their livelihoods from crop and livestock farming and related activities that together contribute to a substantial portion of the Gross Domestic Product in individual countries (FAO, 2014). Literature advances that in rural parts of most SSA, land is not only regarded as the primary means of livelihood but also the main asset for wealth accumulation and generational inheritance. Cognizant of this, land remains the most important factor for economic development in the region.

The importance of land resources makes access to land critical for agricultural production and sustainable development (Karis & Killian, 2011; Kironde, 2009). Compared to men, consequently, the world over, women have been linked to bear most family and societal responsibilities (Leavens et al., 2019). However, the existing statutory and customary laws in many African countries still widely restrict women's access to essential productive resources including land and other property types (Abdullahi, 2016). Although considerable efforts have been made the world over to increase and tenure security for customary land-holding and the need to protect vulnerable groups like women, this has not been reflected in the practice on the ground (Forsythe et al., 2015; Wily, 2011).

In Tanzania, several institutions have been developed to promote women's access to and control over land for their economic and social empowerment. For instance, the Tanzanian National Land Policy of 1995 recognizes that everyone irrespective of gender has the right to own or hold any property, including land. Despite these remarkable efforts, customary land ownership by women has

progressed slowly in the country, and the desired results may not have entirely been achieved. One important question remains unanswered in the midst of all these: Why do women not have enough access to land despite favorable policy in SSA despite the enabling frameworks, which have been put in place in the region for land ownership? This particular question formed the basis of the present study that sought answers in the study that was carried out in Mbozi district in Songwe region of Tanzania to analyze the policy environment for customary land titles ownership among women. The study first assessed the demographic profile of the selected women participants, and then assessed their knowledge on the Tanzania land policy, customary land ownership, the importance of customary land ownership, and the challenges of assessing customary land. The study provides a general understanding of the policy framework for land ownership by women in Tanzania and can be useful for researchers, decision-makers, and policymakers for future interventions.

## **MATERIALS AND METHODS**

### **Research Methodology**

#### **Research area and Research design**

The study was conducted in Mbozi District in Songwe region of Tanzania. The district was purposively selected as one of the first ones to implement the scheme for the Village Land Act of Tanzania as a pilot district since 1999 (Fairley, 2013). The study employed a cross-sectional research design which involved data collection at a single point in time (Creswell, 2014). This design was adopted to meet the questions validly, reliably, objectively, accurately, and economically and obtain an overall 'picture' of the topical issue at the time of the study.

### Sampling procedure and sample size

A non-probability sampling technique that involved a purposive selection of villages based on beneficiaries of certificates of customary right of occupancy projects was employed. This led to the selection of eight villages; Ipunga, Igamba, Mbozi, Halungu, Idiwili, Ihanda, Msanyila, Msiya out 121 villages present in the Mbozi district council. In each of the selected villages, a snowball sampling technique was then used to obtain women beneficiaries of the customary ownership of land titles, based on the technique 290 women respondents were obtained in households (Table 1).

Table 1: The sample sizes obtained from different villages in Mbozi district of Tanzania for the study

Study village	Number of respondents	
	CLT Beneficiaries	Non-CLT Beneficiaries
Ipunga	17	23
Igamba	32	17
Mbozi	12	16
Halungu	18	24
Idiwili	4	29
Ihanda	10	14
Msanyila	9	16
Msiya	43	6
<b>Total</b>	<b>145</b>	<b>145</b>

Furthermore, within the same villages where the land projects had been carried out, the same sampling technique was used to obtain an equal number of household representatives that were farmers but non-beneficiaries of the customary land program. This decision was reached to enable the comparison of different households in the project area. Based on the procedure, a total of 290 respondents from both cases for the study were interviewed.

### Data collection

The study used both quantitative and qualitative data collection. Primary data on the demographic, social, and economic information of the women respondents was collected using a survey questionnaire with closed and open-ended questions. Primary data collection also involved focus group discussions (FDGs) with 3 sets of respondent groups with 6-8 members in 3 villages with high number of women with customary land titles making a total of 9 groups with and without the land projects. Such groups were

composed of men only, women only, mixed men and women with due considerations of the essential characteristics of being married, unmarried men and women, widows, and separated heads of households. The groups were expected to provide views relating to awareness, benefits and challenges of customary land titles (CLTs) to rural women's economic empowerment. Lastly, primary data collection also involved in-depth key informant interviews with guiding questions to representatives of ministers of responsible ministries, district officials, and village executive and ward executive leaders, representatives of non-governmental organizations, and community members. The coverage was intended to provide qualitative information to supplement the quantitative information collected using the questionnaire. Secondary data was collected through review of various documents related to customary land ownership. These were the policy documents and legal frameworks like the National Land Policy, Land Laws, Women's Empowerment Index, journals, and official reports from the Open University Library, University of Dar es Salaam, and Women's Legal Aid, Tanzania Gender Networking Program, the Ministry of Land, and the ministry of Health, Gender, Aged People and Children. Triangulation in the present study aimed to complement the information collected through other methods such as questionnaires.

### **Data Analysis**

Qualitative data analysis methods were used to analyse the verbal and written information obtained in the field to get an interpretation of their meaning. This was to reduce the total content of qualitative information to a series of themes and categories. This way, the content of the messages gathered from the FGDs and key informants was used to make inferences and draw meaningful conclusions. The quantitative data collected using the questionnaire was analysed descriptively using the Statistical Package for Social Science (SPSS) (version 20) to summarize responses into frequencies and percentages in SPSS software in cross-tabulations.

## Results and Discussions

### 1. Demographic Characteristics of Respondents

The demographic information of women respondents involved in the present study is presented in Table 2. A majority (63%) of the women who had access to CLTs were within the middle age group of 36-60 years. Although all age categories were covered, very few (7.8%) of the women respondents who had access to land titles occurred in the lower age group (18 – 35 years).

Table 2: Demographic variables of women respondents involved in the study in Mbozi District in Tanzania

Variable	Types of CLTs <sup>1</sup> owned		Total
	Alone	Joint	
Age			
18-35	6.4%	1.4%	7.8%
36-60	44.7%	19.1%	63.8%
> 60	22.7%	5.7%	28.4%
<b>Overall</b>	<b>73.8%</b>	<b>26.2%</b>	<b>100%</b>
Marital Status			
Single	1.0%		1.0%
Married	46.7%	16.2%	62.9%
Widow	24.8%	5.7%	30.5%
Divorced	4.8%	1.0%	5.7%
<b>Overall</b>	<b>77.1%</b>	<b>22.9%</b>	<b>100%</b>
Education			
No formal education	16.4%	5.7%	22.1%
Primary education	47.9%	17.9%	65.7%
Secondary education	7.9%	2.1%	10.0%
Technical/Diploma	1.4%	0.7%	2.1%
<b>Overall</b>	<b>73.6%</b>	<b>26.4%</b>	<b>100%</b>
Household size			
1-4	21.8%	8.3%	30.1%
5-6	32.3%	9.0%	41.4%
>=7	18.0%	10.5%	28.6%
<b>Overall</b>	<b>72.2%</b>	<b>27.8%</b>	<b>100%</b>

### 2. Customary Land Titles

Customary land titles were mostly accessed by married individuals (62.9%), followed by widows (30.5%). Women who were single and/or divorced had less access to land titles. This could be related to the customary laws on land ownership. In several communities, women are disposed of marital lands upon separation (Tsikata, 2003). The results may also suggest that families of married

individuals were more knowledgeable on land property ownership. According to Yngstrom (2002), in the African culture, marriage provides secure access to land, but “separated” women may access their lands as long as they remain unattached. However, this is an ongoing debate. Similar results were obtained in another study conducted in Ghana by Kuusaana et al. (2013) where it was established that women who fail to re-marry within their ex-husband’s family may have issues accessing land of the deceased under custom laws unless they find legal means of claiming the lands.

The study however showed that respondents of all literacy levels had an access to land titles. These results are similar to those obtained by Moyo (2017) in Makete district where women’s education level seemed to have less influence regarding their understanding of property rights. The distribution of CLTs appeared to have a fair distribution among the size of households. Neither of the groups in terms of the size of households dominated, meaning that regardless of the number of members in a household, the knowledge of a woman’s secure to land title had positive relation. Generally, across all demographic variables, the women that attained CLTs as individuals were more (> 70%) than those that had joint ownership. Because of this, individual ownership of CLTs was mostly favored among the women in the study area for more customary land ownership security.

### **3. The Policy Environment for Customary Land Ownership among Rural Women**

The present study also assessed the policy environment enabling access to CLTs among women in the study area. The percentages of women respondents regarding various policy issues relating to CLTs have been shown in Table 3.

Table 3: Responses of women participants in Mbozi district of Tanzania regarding customary land ownership

Knowledge statement	Response	Type of CLTs owned		Total
		Individual	Joint	
Know about land policy	Yes	86 (61.0)	18 (12.8)	104 (73.8)
	No	18 (12.8)	19 (13.5)	37 (26.2)
	<b>Total</b>	<b>104 (73.8)</b>	<b>37 (26.2)</b>	<b>141 (100)</b>
Know about customary ownership	Yes	87 (61.7)	18 (12.8)	105 (74.5)
	No	17 (12.1)	19 (13.5)	36 (25.5)
	<b>Total</b>	<b>104 (73.8)</b>	<b>37 (26.2)</b>	<b>141 (100)</b>
Know if customary land titles important	Yes	97 (68.8)	30 (21.3)	127 (90.1)
	No	7 (5.0)	7 (5.0)	14 (9.1)
	<b>Total</b>	<b>104 (73.8)</b>	<b>37 (26.2)</b>	<b>141 (100)</b>
Know any challenge to women access to customary land	Yes	92 (62.2)	32 (23.0)	124 (89.2)
	No	10 (7.2)	5 (3.6)	15 (10.8)
	<b>Total</b>	<b>102 (73.4)</b>	<b>37 (26.2)</b>	<b>139 (100)</b>

### 3.1 The Tanzania land policy

One of the goals of gender empowerment has been to ensure that the underprivileged groups, particularly women, are well captured in policies in all aspects of economic and socio-cultural life. The study showed that over half of the women respondents were aware of the Tanzania land policy such as the Land Policy of 1995 and the Village Land Act No. 5 of 1999, which together offer women equal land rights. The Village Land Act, for instance, contains formal processes for village governments and land committees to secure titles for village land, allocate land to village members and resolve land conflicts at the village level. These high knowledge rates indicate that there was increased awareness of land property rights over years. Since 2004, the programs of land titling have been carried out in Mbozi district, which could also be responsible for the increased awareness.

A good number of the participants (37%) were unaware of the Tanzanian land policy, showing that the required levels of awareness may not have been achieved in the country. During the FGDs, the Ihanda village chair said that:

“The Tanzanian Land Policy allows both men and women have the right to own customary land. However, women who own CLTs are

very few due to lack of awareness and patriarchal domination. In this village, men inherit traditional practices, which provide land ownership to sons/men and limit land ownership by women. Widows at least have the right to own CLTs without any fear due to the absence of husbands and sons.”

This response demonstrates inadequate awareness concerning the provision made in the land policy for land ownership by both men and women. Just like men, some women were also unaware of such provisions in the land policy, probably due to the inadequacy of information channels. One of the Msanyira women said that: “...we do not know any legal framework due to shortage of seminars”

As noted by Moyo (2017), perhaps the most important mechanisms of countering these challenges can include awareness creation campaigns and education aimed at building the capacity of citizens as to the necessity of equity in access to property rights. Awareness-raising programs can serve to enlighten communities on land laws and policies and the various rights provided for at the local; district, ward, and village levels (Moyo, 2017). According to the acting District Land Officer of Mbozi, the Tanzanian land policy is good because it allows both men and women to own land. However, the lack of awareness by many people has been the main challenge. Although the president for national development governs land, people do not know that they have the right to own land.

The land tenure system in many countries in SSA is dualistic. In Tanzania, the execution of the land policy execution is informed by two land acts, the Village Land Act No. 04 and the Land Act 05 of 1999 which administer customary or indigenous lands and urban lands respectively (Shimwela, 2018). According to Chief Rudia from Ipunga Ward:

“...before the current Tanzanian land policy, Mbozi community were farming surveyed land till now a majority of people are farming and are living on surveyed land. It was just 2018 when Ipunga village obtained Certificates of Customary Right of Occupancy”.

Accordingly, the Ipunga village executive officer also said that land was a government property and that citizens are allowed to rent it. The Agricultural Extension Officer of Ipunga village also said that the land policy authorized land ownership according to the land law regulations. According to him, some of the objectives of the land

policy were to solve land conflicts in the community and provide authorization to landowners. The village executive officer of Msiya ward also said that:

“...the land policy states that every person in our community has the right to own CLTs and its objectives are to authorize land ownership in the community.”

The Ihanda Village land executive confirmed that the CLTs were properties of the landowners. According to the Ihanda village chair:

“...the land policy states that land is a property that provides development to the owner. For Tanzanians, the land is owned by the government and the people of Tanzania rent for 99 years but when the government wants to use land, the owners are compensated financially.”

These responses mean that as much as the government owns all land in Tanzania, the citizens also have land ownership rights. The Tanzania Village Land Act and Land Act of 1999 declare land as a public property vested in the president authorities (John & Kabote, 2017). Therefore, although the Tanzania land policy recognizes the existence of a customary tenure system that is not only legal but also dominant in Tanzania, all land in Tanzania is public land vested to the President on behalf of the citizens (Rashid, 2021).

### **3.2 Customary land ownership in Tanzania**

Like most other countries in Africa, Tanzania practices a dual system of land tenure that recognizes statutory and customary land tenure. This means that tenure in Tanzania has always been characterized by a concurrent system of statutory law and traditional norms. As already discussed in section 3.3.1, all land is public and vested to the presidency which holds the land in trust on behalf of all citizens (Otto et al., 2019). A majority (74.5%) of the respondents in the present study were knowledgeable about the customary land ownership in Tanzania. The respondents were also aware of the provision of customary land ownership by both men and women. According to Rashid (2021), this type of land ownership is not only legal but dominant in the country. During the key informant interview in Ihanda, the village executive officer said that:

“...in 2004, we were lucky to be educated on the equal ownership of land to men and women as per land policy and laws. The objective of the land project is good as it is aimed at securing land, promoting equal ownership, and enabling its land as collateral for loans from

financial institutions. The Village Land Law No. 5 of 1999 provides women equal ownership to customary land.”

The village executive also confirmed that the Village land Law of 1999 provides women with equal access and ownership to customary land. Although the Tanzanian law provides for the customary right of occupancy of villages, the customary legal power of village authorities is either non-existent or diluted due to migration and urbanization. This translates to the vulnerability of customarily owned land in Tanzania (Aikaeli & Markussen, 2017). The chief of Ipunga ward explained that the traditional law for customary land ownership authorized a person to own land witnessed by the chief and his cabinet as the controllers of land despite the presence of clan leaders. The condition for such ownership was to make sure that neighbors of all sides of that land were present and witnessed the marked boundaries of that area by planting trees but nowadays, chiefs are not among those people who witness the boundaries of the owned land through the current legal frameworks. According to the chief of Ipunga ward, the Tanzanian government had ignored the local chiefs in the process of CLTs because it wanted the land to be owned legally not locally. These responses demonstrate that customary land tenure is still surrounded by mini-conflicts in terms of control and protection.

The women-only FGDs in Igamba ward similarly showed that the participants did not understand what the land policy meant because through listening to radios they understood that women have equal rights to land ownership but their husbands often say that:

“...women have no right to own land even if you have 3 hectares of land in the family because all are owned by men.”

This shows that a majority of the rural men felt that women should not be granted full land rights. According to Moyo (2017), men are resistant to change in some clans, making customary laws to continue determining property rights that are discriminatory to women. Nevertheless, the present study shows that women are gradually getting ownership of CLTs. During the FDGs, one respondent said that:

“In previous years, land was only owned by males but now land is being titled jointly, and in most cases, individually for women who hold the rights.”

Similar findings were also established by Bayidenge (2018) in Busanze district in Rwanda. Tanzania's land reforms during the 1990s introduced major changes to the land system and prescribed equal rights between men and women (Newman, 2011). The National Land Policy of 1995 was the first major land reform to mandate equal rights for both genders. One of the objectives of this policy was to promote equitable distribution and access of land to all citizens". Consequently, these have been among of the law reforms and policy clauses that have brought gender equality in terms of land ownership in Tanzania. Women can own land individually or jointly with their spouses. A previous study by Doss et al. (2014) showed that like in other developing countries like India and Malawi, it is more common for women to be joint owners than individual owners of land in Tanzania.

An increasing number of feminist activists and scholars are now advocating for individual titling as one important mechanism of securing women's access to land and land rights (Doss et al., 2014; Goldman et al., 2016; Gupta, 2002). However, research across Tanzania suggests that little progress has been made regarding women's land ownership individually (Daley & Englert, 2010).

Regarding the customary right of occupancy, a majority of the respondents (74.5%) knew the procedures of getting customary certificates of rights of occupancy (CCROs). In addition, a majority (90%) of the respondents also acknowledged the importance of CLTs. However, empowerment in decision-making on the allocation of land resources was reportedly frequently. While land reforms in Tanzania have provided the platform for addressing women's access to land, much remains unknown regarding to what extent this has led to increased access to land and security for women and communities (Goldman et al., 2016).

### **3.3 Importance of customary land ownership by women**

The present study also attempted to identify the importance of ownership of customary land to the rural women in Mbozi District. One of the benefits of CLTs concerns their use as collateral for bank loans. During the key informant interviews, the district land officer said that:

"CLTs are important as collateral for loans from financial institutions like Tanzania Agricultural Development Bank (TADB) and Cooperative and Rural Development Bank (CRDB), hence they

increase income, agricultural production, and food availability. They were also used as collateral for loans for increasing asset ownership; hence improve business through various investments such as building houses. This is because CLTs are trusted by banks.”

The Ihanda village land executive confirmed that CLTs indeed help women economically in terms of obtaining bank loans for building houses, and entrepreneurship. This not only brought social security for them, but also makes them strong in decision-making. A CRDB Loan Officer in Mbozi district asserted that:

“CLTs are received as collateral for loans to both male and female farmers. Apart from that we also receive Governmental land title and contract of land sales. Women receive loans with small amounts of interest rates which range from 14% while others interest rates are 17 to 18%.”

One of the objectives of the formalization of property/land rights in Tanzania by the government was to allow owners to utilize their lands as collateral for bank loans. In such cases, the bank examines the collateralized lands before loan issuance and presumably, the plots identified by CCROs are more likely to be used as collateral, due to their existence on maps and surveys. The men’s FDGs in Msiya village also revealed the importance of CLTs in providing women with capital through bank loans. One of them said:

“We support the use of CLTs by women for bank loans because they lead development to our families. Besides, women are more trusted by banks to repay the loans obtained through CLTs, unlike men who are less trusted and may not receive bank loans even if they have CLTs.”

This further asserts the importance of CLTs to women who can use them for the economic prosperity of their families. Despite the importance of CLTs in obtaining bank loans, this can sometimes be challenging. The men from Msiya village said that:

“...when you get a loan from a bank, the interest of the loan is too big within a very short payback period which comes even before the harvesting period and banks start to demand penalties due to delayed repayments.”

Due to this challenge, sometimes-certain conditions/procedures accompany the use of CLTs as collateral for bank loans, thus some

women may not have benefited at all. During the key informant interview in Halungu ward, the assistant chief said that:

“Upon the introduction of CLTs, we were told that they would help women to get bank loans but to date, no woman has obtained any loan. This is due to lack of education to women about loans and many banks do not trust these CLTs saying that they have low value.”

This shows that sometimes banks may not accept the CLTs as collateral for bank loans due to various reasons. According to the CRDB loan officer in Mbozi district, landowners may receive small amounts of loans with high interest rates of 23% because CLTs have low values and are not trusted by banks even though they reflect property ownership. The CRDB loan officer of Mbozi district further noted that:

“Due to corruption, land officers give CLTs to landless people since they are authorized by district land councils. While people with governmental land titles are mostly trusted by the bank and given huge amounts of loans (> 30.000.000/=TSH) at an interest rate is 20%, those with CLTs cannot get more than 30,000,000/=TSH. Our banks are interested in the governmental land title than CLTs.”

This shows that the banks may prefer government land titles over CLTs as collateral for bank loans. A study conducted in the Mbozi, Bariadi, and Kisarawe districts also showed that most financial institutions were reluctant to accept the CCROs relative to granted rights of occupancy due to low security on type of crops and unsound business (Fairley 2013). Similarly, owners of CLTs are required to be members of cooperative societies before they can access bank loans. A TADB Loan Officer of Mbeya Regional Branch confirmed that they provided loans to Mbozi women with customary land who are affiliated to Agricultural Members of Cooperative Society (AMCOS) and involved in coffee production since they use their CLTs or unregistered lands as collateral provided that the village chairperson confirms land ownership. However, this condition is not mandatory as she reported that:

“Even women who are not members of AMCOS can get TADB loans if they are small-holder farmers (0-49 hectares). For a woman who is not affiliated with AMCOS but owns CLTs and big agricultural companies and wants a loan for buying a tractor or combined harvester, we give her a loan but the agricultural inputs will also be used as collateral. Also, the bank provides loans to women with joint

ownership who are managers of big agricultural companies without using CLTs as collateral. Also, a woman who is a coffee producer and member of AMCOS receives a loan without using CLTs as collateral. A woman who owns many small-scale agricultural processing industries can receive TADB loans. However, the amount of loan given to these categories of women depends on production costs of inputs per hectare. E.g. they obtain 800,000/=TSH per hectare of maize production since the production costs vary from one crop type or processing industry to another. Most women who benefit from these loans are coffee and maize producers from Mbozi, pyrethrum producers from Iringa, and potato producers from Tukuyu.”

Conversely, the Ihanda village executive officer provided similar response. These responses confirm that apart from ownership of CLTs, women may have to meet other conditions before being offered bank loans using their CLTs as collateral. Additionally, factors other than CLTs were considered as collateral for bank loans, especially for women farmers. TADB Loan Officer of Mbeya Regional Branch noted that the main challenges TADB faces from these loans are the price variations of agricultural produce and lack of sustainable markets, which affects timely loan repayments. Therefore, the women can incur high costs of production but get losses due to price depressions and market fluctuations. Another challenge reported by the TADB officer was the culture of the Ndali tribe, which prevents women from owning CLTs and getting individual or group bank loans, especially if they are not members of AMCOS and they do not own CLTs. He said:

“Upon failure of a woman to repay a bank loan, TADB decides as per the loan contract whereby the assets used as collateral are seized by the bank. However, this is the last decision we make because the bank itself is not interested in escalating poverty levels but rather wants to empower women economically. Sometimes, the bank can extend the repayment period expecting that the price of their produce will increase and the market will be available and by so doing, many women can afford to repay their loans.”

This shows that ownership of CLTs can help women to develop economically. Generally, land titling may enable greater access to credit facilities through use as collateral. Thus, increased income generation and economic development can be realized through

secure rights and greater (Rodgers & Menon, 2012). The TADB loan officer, however, recommended that:

“1. The government should prioritize women's agricultural projects for support. 2. Women should invest mostly in industrial processing projects. 3. Women should be involved in the value chain, so when they produce their goods they will know where markets with good prices are hence will repay their loans timely and will get more loans for expansions, hence economic development. 4. Government investment policy should favor women, because, you find women initiating their small-scale agricultural processing industries yet you find they have to pay a lot of money e.g. to NEMC hence demoralize women to invest in the industrial development sector. 5. Women should be given loan education to benefit from those loans, 6. The government should provide CLTs to all regions without bureaucracy example, Ilge and Lukwa lack CLTs hence women miss loans opportunities through AMCOS or individually.”

A loan beneficiary from Halungu village reported that:

“I'm among those who highly benefited by CLTs as collateral for a loan. I used to get a loan using my company through CRDB company where I first borrowed 3,500,000/=, thereafter 35,000,000/=, and 100,000,000/=, and lastly 650,000,000/=, repaid without any problems and received a certificate of loan repayment. Soon after the change of leadership, we started to meet many problems in terms of high taxes and reduced prices of agricultural produce and my company collapsed. Due to these reasons, I stopped borrowing by using CLTs from CRDB. When I went to TADB, which deals with farmers specifically, I found that they have very difficult conditions, which do not favor farmers, especially men. One has to be a member of AMOCS, which then borrows the loan on behalf of farmers, which is not often agreeable to AMOCS who may have taken loans from other financial institutions on behalf of other farmers for agricultural inputs. Rather this bank deals with the bourgeoisie only who can get a loan from the World Bank or Bank of Tanzania (BOT) and does not deal with small farmers (< 50 hectares). However, even if TADB offers loans to farmers through AMOCS, it still asks for collateral to authorize their loans. The procedures are very long, contradicting, and exploitative of farmers in terms of the cost. For example, if a farmer wants 6,000,000/=, he gets only about 4,000,000/= of which 1,000, 000/= is the interest hence at the end you get only 3,000,000/=.”

This shows that the bank loans obtained through CLTs may be very costly to women farmers. The loan beneficiary from Halungu village recommended that:

“If TADB wants to help small-scale farmers who own customary land of 0-49 hectares, especially to women the loans should be given to the farmers and not through AMCOS which should only provide the required collateral. The bank should loan every person/ farmer according to their needs and ability to repay and availability of collateral. This stands to benefit both the bank and the farmer.”

Another challenge regarding of issuance of bank loans through AMCOS that this loan beneficiary from Halungu village was:

“...leaders can miss-allocate loans which do not reach the respective landowner and once the borrowers fail to repay the bank loan, the burden remains on the farmers and the AMCOS which then collapse or die.”

A similar study in Manyara, Mbeya and Dodoma regions of Tanzania also established that there may be instances of fraud in which the CCROs submitted to banks as collateral do not belong to the loan applicants (Stein et al., 2016). All these issues must all be taken into consideration regarding the policy environment for ownership of CLTs. Apart from economic empowerment in terms of access to bank loans for development as already discussed extensively in the first part of this section, customary land ownership also offers social security to women. During one of the key informant interviews in Ipunga, the Ward Village Welfare Committee said this:

“...land should be owned by both men and women. If men reject land co-ownership with their wives, then women should own land individually to protect the land from forcefully being taken by their sons who are the main women’s land rights violators in our village. Doing so provides security to women.”

The Ihanda village executive officer also confirmed the importance of CLTs for the social security of women, which is separated thinly from economic security. He gave an example of a woman who had owned CLTs since 2004 and had afforded to obtain bank loans to build houses residential and commercial premises and bought another big piece of land for farming. Although secured access to land does not completely ensure “social security”, it remains paramount for ensuring some sort of stability for women in the society. Similarly, when women have secure land rights, they often achieve an

enhanced social status that contributes to their empowerment (Gomez & Tran, 2012).

### **3.4 Challenges to women's access to ownership of customary land**

Identifying the challenges regarding women's access to ownership of customary land was considered as an important aspect for future interventions. Majority (89%) of women revealed that in most cases, the underlying challenges had to do with limited access to existing opportunities due to lack of information. In addition, when socio-economic and cultural privileges arise in most cases preference was given to men. While African countries have achieved different policy and legal strides in addressing land matters, even where the laws are equitable, women may be unaware of their legal rights to land (Odeny, 2013).

The issue of polygamy creates some challenges concerning customary land ownership. From the FGDs in Msanyira Village, the women agreed that CLTs were good for land security and for providing collateral to banks for financial support but the main challenge was polygamist marriages and their exclusion from family decision-making by their husbands. The women-only FGDs in Igamba ward also revealed the challenge of polygamous families' relative to land titles:

"Most families own small pieces but marry many women; hence, men do not write the name of a single woman in CLTs because, upon divorce, they can leave with the CLTs leaving other women to suffer with their children."

The Tanzanian Marriage Act of 1971 is comparatively progressive regarding women's property rights and recognizes both monogamous and polygamous marriages (Moyo, 2017). The act also permits married women to hold property individually whether in monogamous or polygamous marriages and allows couples to co-own land under joint registration, and the husband/wife approval is required during the transfer of matrimonial property. This act can help address some of the land ownership conflicts in the cases of polygamy. However, most of the FDGs revealed that they feared owning land with their wives due to divorce. The village welfare committee of Ipunga ward said that:

"Even if I own 20 hectares, we will continue to produce together on that land and distribute the produce equally upon divorce but the land

will remain mine. But all these will be followed only if she divorces following procedures, otherwise, she will get nothing. It is very unfair for a man for a divorced wife to continue agricultural production on my own land.”

Similar responses were obtained in the men’s FDGs in Msiya Village. These responses show that the issues of polygamy and divorce raise a lot of challenges concerning customary land ownership which must be addressed by relevant policies. In rural areas, divorced women were also treated unequally in the distribution of property rights especially since majorities have traditional marriages that are difficult to prove in court. Owing to lack of knowledge, customary norms often prevail over any distribution of assets upon separation (Moyo, 2017). The women from Msanyira village suggested that if it happens in a polygamous family that the woman who owns CLTs divorces, they should return the CLTs to the remaining family members.

“...this will keep the family land safe and other women will benefit from it. Otherwise, only men have the right to land in our village.”

The issue of widows and access to land has received much attention over the years. Tanzanian statutory law allows women to retain and control their own property, whether acquired before or during marriage (Leavens et al., 2019). However, the customary land tenure vests property control in men, and women’s land rights are dependent on their marital roles and status (Leavens et al., 2019). Women acquire land through marriage but this does not give women secure property rights, and their land rights are jeopardized upon widowhood or divorce because the husband’s clan can repossess the land. The Ihanda village chair said that:

“...widows are experience violence from husband’s male relatives,”

He provided an example of a widow who had lost her land soon after the death of her husband to her father-in-law.

“Before the death of her husband, they had a loan of 100,000/= TSH from their neighbor which the widow was required to pay that loan and she was able to pay it without selling their land. But her father-in-law secretly sold the land and when he was asked why he did that, he responded that it was the family land and he sold it because he wanted to pay back the loan left by his dead son. He sold the land for 800,000/TSH, cleared the debt, and spent the balance, leaving the widow with nothing to fend for her children. She is really suffering.”

These findings concur with those obtained from Makete district by Moyo (2017) that many widows undergo discriminatory practices upon the death of their husbands. As has already been discussed in this section, because women's primary means of accessing land is through marriage, their land rights are jeopardized upon widowhood and/or divorce (Leavens et al., 2019). A widow may retain the status quo through inheritance, but in most places, widows risk complete dispossession by the husband's relatives (Ik Dahl, 2008).

The present study showed that some women might not be ready to take up ownership of customary lands. The district land officer responded that:

"A majority of women are not aware of CLTs or feel inferior to own CLTs and feel that CLTs ownership as a man's right."

This problem can be solved by joint ownership of men and women for women who may not be ready for individual land ownership. The assistant of Chief of Halungu ward said that:

'Owning CLTs with wives provides security to the wives after the husbands die. I like to own land with my wife because our tradition makes it very challenging my wife to own land alone. I have two wives who each have a piece of land to cultivate. It is very difficult to provide CLTs to both and once I give CLTs to one wife, it will be very difficult to have rights upon divorce. Hence, a wife can sell that land to another person or the new husband, which may be disadvantageous to the former husband.

This shows that joint land ownership of married women is easier in the traditional settings and provides social security to the women as opposed to individual ownership, which is still shunned by many. As already mentioned in the previous parts of this section, An increasing number of feminist activists and scholars are now advocating for individual titling as the single most important pathway of securing women's access to land and economic empowerment (Doss et al., 2014; Goldman et al., 2016; Gupta, 2002). However, research across Tanzania suggests that little progress has been made regarding women's land ownership individually (Daley & Englert, 2010). According to the chief from Ipunga Ward:

"...a woman is also a human being therefore; she has the right to own land from her parents and husband's lands."

The Ipunga village executive officer explained that the government offers CLTs to both men and women but traditionally, women are not allowed to own land. This shows that women are still disadvantaged

due to traditional beliefs over land ownership. Remedies to this can include amending outdated laws and provisions that discriminate against women's property rights (Moyo, 2017). Customary laws and traditional values hamper the advancement of women in accessing land. Legally, women are allowed to own land just like men (Leavens et al., 2019). Similarly, the land laws provide for strong protection of women landowners, recognize a wife's right to land upon divorce/widowhood, and prevent village land councils from discriminating against women, (Englert & Daley, 2008). All these provisions can help strengthen women's access to land.

The issue of customary land ownership by female children has also received substantial attention. The principle of customary law in land possession is that inheritance is basically along the male line (Karis & Killian, 2011). About 80% of Tanzania's communities are patrilineal, and their customary land tenure favors male heirs and does not bequeath land to female children (Leavens et al., 2019). A study on land access in Makete district in Tanzania also revealed that daughters are rarely allocated family land through inheritance because they have access to land when they get married to other families, which may not always be the case (Moyo, 2017). The Ipunga Agricultural Extension Officer responded that:

"I do not know much about ownership of CLTs by women due to lack of information but Tanzania wants to provide equal land ownership. However, in our community men provide land to male children and ignore the female ones by expecting that they will own their husband's lands. Ownership of CLTs ownership by women program is good because it reduces land conflicts and loss of land to widows."

Despite the enabling policy framework and the land policy that enables land ownership by women, there are still some contradictions regarding the ownership of customary land by women. The Ihanda Village land executive reported that the land policy does not state that women should own family land or husband's land. He said:

"Many conflicts arise over family lands which according to our community are family properties and do not belong to the husband or wife."

This response indicates that the people may still be unaware of the provision for women to own customary land as provided for in the land policy. The Ipunga Village Welfare Committee agreed that there

is lack of education to women concerning ownership of CLTs. This calls for more efforts regarding awareness creation and heated campaigns among Tanzanian women concerning ownership of customary lands.

### **Conclusions and Recommendations**

The present study was carried out in Mbozi district in Songwe region of Tanzania to analyze the policy environment for customary land ownership among women. The study first assessed the demographic profile of the selected women participants, and then assessed their knowledge on the Tanzania land policy, customary land ownership, the importance of customary land ownership, and the challenges of assessing customary land. The study exposed remarkable awareness of the Tanzanian land policy and customary land ownership in the country. About 75% of respondents were knowledgeable of the procedures of accessing certificates of rights of occupancy. The issue of customary land ownership was delved into and revealed that women are still underprivileged in this regard due to discriminative cultural and traditional norms. Among the benefits of land ownership was the option of using land titles for loans as collateral.

The challenges regarding customary land titles were also acknowledged by 89% of the women, and in most cases, these challenges were related to limited access to the existing opportunities due to lack of information. The study provides a general understanding of the policy framework for land ownership by women in Tanzania and can be useful for researchers, decision-makers, and policymakers for future interventions. These results are important for policy implications regarding the rights of women to land in Tanzania and other African countries. It is important to examine legislation that affect women's land tenure rights in African countries with a specific reference to the types of rights that exist and how those rights are held including whether women can hold property in their own names.

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