

Policy pointers

Securing the land rights

of rural communities is a pressing issue in the face of increasing pressures on land. All decision makers in this area must recognise gender-inclusive local governance is an essential first step.

National-level

policymakers working on land issues should support the participatory adoption of village bylaws across Tanzania. This includes allocating resources to support local government staff, practitioners and organisations facilitating the process.

The same policymakers should, with the support of relevant civil society organisations, develop model provisions to ensure that village bylaws are gender-sensitive, so the whole community can benefit.

Initiatives to secure the land rights of rural communities should provide gender equitable opportunities. Future projects concerning land mapping, registration and management should consider supporting the adoption of gender-sensitive village bylaws as a first step.

How local rules can promote inclusive land governance in Tanzania

Growing commercial interests, population growth and conservation initiatives are increasing competition for land in Tanzania. At the same time, land-related conflicts are on the rise. These trends undermine livelihoods by threatening rural people's access to land and tenure security. Women tend to be disproportionately affected as available land diminishes, disadvantaged by weak land rights and limited participation in decision-making processes. Alongside gender-discriminatory practices, rural populations' slim knowledge of land governance further jeopardises women's access to land and tenure security, as their existing rights go unrecognised. To address this, an approach that supports communities to adopt village bylaws has been trialled, with promising results. The participatory development of local rules that are inclusive and 'gender sensitive' helps to promote stronger and more equitable land governance, by clarifying processes at local level and ensuring both men and women are involved in making decisions on land issues.

In Tanzania, most people earn their livelihoods working in agriculture: 69.9% of women and 64% of men work in the agricultural sector, of which a large proportion are smallholders.¹ This means a majority of the population is highly dependent on land use on a daily basis.

But a number of factors are undermining land tenure security among rural people. These include:

- Significant pressures on land: high rate of land acquisitions linked to commercial interests, urban sprawl and conservation initiatives (see Box 1)
- A rise in land-related disputes within and between communities, due to a variety of factors including lack of legal knowledge and

ineffective implementation of land mapping and registration systems

- A widespread implementation gap between written law and actual practices, as national law is little understood across many rural areas. Local institutions also lack financial and technical capacity to implement national law.

Women across rural Tanzania are often disproportionately affected when available land diminishes: they lack the protections of secure land rights and of full participation in decision making, despite the existence of gender quotas (see Box 2).^{2,3} As women contribute significantly to food production within their households, these gender-based disadvantages pose a direct threat to household food security.

When food security and livelihoods are at risk, protecting the land rights of rural populations — and in particular those of women — and improving land governance practices become vital concerns.

Solutions are needed that both clarify and strengthen land governance and make it more inclusive

Using bylaws to promote strong, inclusive land governance

Having recognised the gender inequalities within local land governance — compromising its overall strength and effectiveness — the Tanzania Women Lawyers Association (TAWLA) worked in collaboration with IIED and other national and international organisations⁴ to support villages to adopt 'gender-sensitive' bylaws.

Village bylaws are a set of rules defined by community members to improve local governance; they usually build on existing statutory and customary law⁵ and tailor it to a specific place. They can clarify governance questions linked to natural resource management, land use, farming, social and cultural practices and more, depending on the needs of a specific community. Positive experiences from other countries indicate that bylaws can benefit social cohesion, peacebuilding, conflict reduction and natural resource management.⁶

Tanzanian law⁷ recognises the adoption of village bylaws to promote context-specific forms of governance. In a country that encompasses diverse environments, locally defined rules can be an effective way to promote the implementation of statutory law while ensuring that local needs

are also met. Notably for gender equality concerns, bylaws can provide a way to promote fairer relations in governance, particularly on issues related to land.

TAWLA developed an approach to harness the opportunity presented by village bylaws in Tanzania. They work by supporting a community-led process to develop local rules that clarify how village land and natural resources are governed, while promoting women's participation when decisions are needed.

Participation: at the heart of developing local rules

The process designed and applied by TAWLA for drafting the bylaws is participatory; this aspect is fundamental to the success we have seen to date. There are four key steps that must be followed by the village before the bylaws legally come into effect (see Figure 1). Key actors involved include district and village authorities, who lead the process.

Decisions at every stage are based on conversations that include all village members (through the village assemblies) and are supported by sessions that raise awareness on land governance and women's rights. The process is designed to help villagers make informed decisions as they draft the bylaws — making them context-specific — and so support a community-led transition towards more inclusive decision making. This can be far reaching, affecting decisions related to numerous aspects of social, cultural and political life, notably land management.

Making the bylaws gender sensitive

TAWLA and IIED's focus in this particular project was ensuring that bylaws were gender sensitive (meaning that they consider and seek to mitigate gender differences). TAWLA has developed model provisions — exemplar legal text — which promote women's inclusion within local governance structures. They encourage the inclusion of women in discussions and governance practices and promote greater transparency within villages' political organisation. These provisions are proposed to community members and put up for discussion during the bylaw adoption process (see step 3, described in Figure 1).

TAWLA's proposed provisions include rules that already exist in national law but which often fail to be implemented in practice, as well as suggesting new ones.⁸ For example, they reiterate a Local Government (District Authorities) Act provision that provides quotas for a minimum percentage of women members of the village council; but in

Box 1. Commercial interests squeeze livelihoods and land access

Commercial interests in Tanzanian land have increased since the mid-2000s when global demand for agricultural commodities and biofuels, among other products, rose significantly. Between 2000 and 2015, foreign and/or national investors acquired 1,321,731ha of land. While natural resource investments could create new livelihood opportunities, in numerous instances these deals had a negative impact on local populations.⁹

In 2015, TAWLA conducted a study in two villages in the Kisarawe District, Vilabwa and Kidugalo — both had been affected by agribusiness investments. TAWLA found that community members were not properly consulted when village land was transferred to Sun Biofuels, a UK-based company, in 2008. Consent from local authorities was also largely uninformed. Some villages were notified but the information given was insufficient and was not presented in a manner that allowed the villagers to fully comprehend the losses to their livelihoods. Specifically, the information was not distributed equally and women in particular were not included in any process. As a result, the takeover came as a shock for many; villagers were surprised to find they had permanently lost access to the forests and lands they used for farming, fetching wood and worship.

addition to this, they also provide quotas to ensure decisions at the village assembly are not made without a minimum of women participating. The provisions also call for the creation of a 'gender committee' to give women a platform to discuss their ideas and opinions; this committee communicates directly with the village council.

Scaling up a successful approach

TAWLA's approach was first piloted in 2014–15.² At this time, they facilitated the participatory community adoption of gender-sensitive bylaws in six villages in the district of Kisarawe. This area had been affected by the Sun Biofuel acquisition, which limited communities' access to land.

The pilot was well-received by district and village authorities and villagers (see Box 3). Seeing that the bylaws clarified governance practices and made them more inclusive, district authorities requested TAWLA's support to replicate the process across the whole of Kisarawe.

Reflecting on feedback and learning from the pilot project, TAWLA refined their approach to ensure it would be flexible enough to meet the needs of the wider variety of contexts across the whole district. Since then, TAWLA has scaled up its approach to reach all 71 villages in Kisarawe, as well as in 65 additional villages across the districts of Ulanga (25), Kilombero (25), Muheza (5), Magu (5) and Arumeru (5).

Positive outcomes for all

When TAWLA returned to villages who had worked through the bylaw adoption process, a range of positive outcomes were reported. The move towards inclusive participation delivered:

- **Stronger social cohesion.** Reports of land-related conflicts have decreased in the Kisarawe, Kilombero and Ulanga districts, as villagers and local government actors now better understand the rules governing land and avenues for resolution.
- **Greater transparency in local governance practices.** Reports suggest an increase in people's understanding of land governance processes and of the value of land. Villagers are now more likely to discuss decisions related to land use and potential external acquisitions together.
- **Greater gender inclusion and more democratic practices.** Women make use of the platforms created through the gender committees to discuss topics that matter to them and to actively organise their participation in village assemblies. TAWLA observed that women are more confident to speak in public. In many situations, men have recognised that

Box 2. National rulings not lived at community level

As the Sun Biofuels example shows (see Box 1), women in villages affected by commercial investments can often be among those least aware of the implications for their land rights. Despite provisions in national law promoting women's participation in land governance, women do not routinely take part in decision making in rural areas. This is due to a lack of understanding of local governance processes (among women and men) combined with socio-cultural norms that dictate gender roles and divisions of labour. Women are usually expected to perform heavy workloads with domestic and production duties that keep them away from governance processes.

women's suggestions have positive impacts. Villagers, including the Village Chairperson and Village Executive Officer of a village in the Kisarawe District, also reported that they now realise women were excluded and undervalued before the introduction of bylaws — that their contributions were not listened to.

- **Women have more agency at household level.** Many women reported that their husbands now consult them on decisions related to their land as a result of the process. The adoption of village bylaws led to a greater understanding and acceptance of national law among rural citizens (for example, of the requirement that both spouses give their consent before selling or transferring access and use rights to their land).
- **Women understand their rights and are staking claims.** Women now have a better knowledge of their rights; this has encouraged them to register their land with their village

Figure 1. How TAWLA supports the community-led adoption of village bylaws

1. Informative meeting with Village Council to introduce the concept of village bylaws and assess the community's interest.

2. Meeting with representatives of various community groups, including women, who are invited to propose rules based on the village's main activities and needs.

3. Village Assembly meeting to agree on the content of the bylaws. This includes an awareness-raising session on land governance and gender equality. Draft bylaws are then presented to the community by village leaders. Community members examine the draft version and edit it.

4. The agreed draft goes to district authorities for approval.

Box 3. Rural women take up their space

Women from Vilabwa and Marumbo, villages in the Kisarawe district, reported that their exclusion from discussions about the Sun Biofuels investment influenced their decision to participate in TAWLA's process for drafting of gender-sensitive bylaws. They had learned the hard way that they must gain access to information and be included in key local decisions.

In Marumbo, a female member of the village council described the bylaw adoption process as an important turning point. The participatory nature of the approach has given women a sense of legitimacy to participate in decision making. On follow-up visits, TAWLA observed that women's confidence has increased; they are more likely to discuss issues they encounter and voice concerns in village meetings. Women feel they have more secure access and control over their land, because they are more able to discuss land issues with their husbands and male relatives.

council — a move that many husbands are supporting. This has a dual positive effect: strengthening women's tenure security specifically and protecting village land more broadly from external encroachment.

Beyond specific improvements to land governance, the adoption of village bylaws has had a positive 'ripple' effect on village administration more widely. The process has opened the door to adopting rules that improve other aspects of village life; for example, some villages have chosen to regulate alcohol consumption, waste collection and cleaning schedules for shared spaces such as fountains. These kinds of recommendations are proposed by both men and women.

Building on what works

To reach the goals of equitable land relations and improved tenure security in a context of increased pressures on land, we need solutions that both clarify and strengthen land governance and make it more inclusive.

TAWLA's work provides very encouraging insights into the benefits that can flow from the transformation of local governance structures through participatory processes. To share these benefits more widely, the community-led adoption of gender-sensitive village bylaws

should be replicated across Tanzania. To achieve this, we recommend that:

- National level policymakers working on land issues support the participatory adoption of village bylaws across the country.
- National government provides support and training for actors playing a central role in the adoption process, including district authorities, local-level governments and civil society organisations (CSOs). Guidelines should be clear about the role of each actor.
- National government develops gender-sensitive model bylaw provisions to ensure that the process is gender-equitable, in collaboration with CSOs able to offer valuable recommendations, such as TAWLA.
- All future projects concerning land mapping, registration and management should consider supporting the adoption of gender-sensitive bylaws as a first step.

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Knowledge Products

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The Tanzania Women Lawyers Association (TAWLA) works to promote gender equality and women's rights in Tanzania.

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Notes

¹ Idris, I (2018) Mapping women's economic exclusion in Tanzania. K4D Helpdesk Report. Institute of Development Studies, UK. https://assets.publishing.service.gov.uk/media/5b18ff6f40f0b634d557af84/Mapping_Womens_Economic_Exclusion_in_Tanzania.pdf / ² Full report: Kisambu, N (2016) Mainstreaming gender in Tanzania's local land governance. IIED, London. <https://pubs.iied.org/12594IIED> / ³ Chan, M-K, Kamugisha, G, Kessi, M, Mavenjina, A (2016) Strengthening women's voices in the context of agricultural investments: Lessons from Tanzania. IIED, London and TAWLA, Dar es Salaam. <https://pubs.iied.org/12593IIED> / ⁴ This initiative received the technical and financial support of international NGOs. The World Resources Institute provided technical support on the development of the model bylaws and supported their implementation in four of the six initial villages. IIED supported their implementation in the remaining two villages and subsequently the upscaling of the approach across the whole of the Kisarawe district. Work in other districts has since been supported by funds from We Effect, Sida and the Foundation for Civil Society, enabling TAWLA to disseminate their successful model across several regions. / ⁵ As long as customary law does not contradict statutory law. / ⁶ For example, in Zambia (Ajayi, OC, Akinnifesi, FK, Sileshi, G, Mn'gomba, S, Ajayi, OA, Kanjipite, W and Ngulube, JM (2012) Managing conflicts over land and natural resources through collective action: A case study from rural communities in Zambia. CAPRI Working Paper No. 105. International Food Policy Research Institute, Washington, DC, USA) and Ethiopia (Yami, M, Mekuria, W and Hauser, M (2013) The effectiveness of village bylaws in sustainable management of community-managed enclosures in Northern Ethiopia. *Sustainability Science* 8(1) 73–86). / ⁷ Local Government (District) Authorities Act (1982) Part VI, and Village Land Act (1999) Section 65(2). / ⁸ Village Land Act (1999). / ⁹ See Dancer, H and Sulle, E (2015) Gender implications of agricultural commercialisation: the case of sugarcane production in Kilombero District, Tanzania. Future Agricultures Working Paper 118. Institute of Development Studies, UK. http://sro.sussex.ac.uk/id/eprint/72588/3/FAC_Working_Paper_118.pdf