

**THE RELATIONSHIP BETWEEN GENDER, ACCESS TO LAND, AND
POVERTY IN TANZANIA**

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THE RELATIONSHIP BETWEEN GENDER, ACCESS TO LAND, AND POVERTY IN TANZANIA: CASES FROM THE BUKOBA AREA OF TANZANIA.

by

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1.0 Introduction

Poverty is extensive in Tanzania. According to various authorities, and depending on the definition of poverty used, an upward of 60% of households and individuals throughout the country could be living below the poverty line (see for example Sarris and van der Brink 1993). Despite the decline in the degree of poverty in recent years, absolute poverty measured by the number of people living below the poverty line has not declined but has most probably increased (Sarris and Tinios 1995). This paper seeks to present some preliminary findings of the situation of women considered to be poor; highlighting the relationship of these women to access to land and seeking to conclude whether problems related to access to land were the major cause of their poverty. The paper is based on the findings of a research carried out in three villages of Kagera Region recently. Due to resource constraints (particularly time) it has not been possible at the moment to analyse the data from the three villages. Only preliminary analysis of data from one village has been attempted so far. Further analysis and more sophisticated statistical relationships will be carried out soon. Nevertheless, the preliminary analysis of this data allows us to make some observations which warrant discussion, particularly as it appears that the situation in the two villages is similar to the one preliminary analysed so far.

The paper is divided into seven parts and a Bibliography. The Introduction is followed by an extended literature review; which in turn, is followed by an introduction to customary land tenure and development in the Bukoba Area. Next follows a word on the Research Methodology used in the study and this is followed by tentative findings, tentative conclusions and emerging policy options. The Bibliography comes last.

2.0 Poverty, Access to Land and Gender: A Review of the Literature

Discussion and debate has been going on for some time over the proper definition of poverty and the formulation of poverty lines.

2.1 The Concept of Poverty

Various definitions of poverty have been given and can best be grouped into two categories: "absolute poverty", and "relative poverty".

A commonly used definition of absolute poverty is the inability of a person or household to attain a specified (minimum) standard of living, this minimum standard being the poverty line. The definition focuses on the absolute well being of the poor in isolation from the welfare distribution of the entire society. The advantage of this definition is that changes in the welfare position of the poor can be traced and the extent of poverty eradication can be measured (World Bank, 1990; Atkinson, 1991; Fields, 1980; and, Bigsten, 1983).

The relative poverty approach focuses on the absolute economic wellbeing enjoyed by the poorest x% of the population. It takes into account the welfare distribution of the entire society. It is appealing

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both socially and politically, but has two major weaknesses. One, it determines *a priori*, the extent of poverty and makes its elimination impossible. Two, it ignores mobility into and out of poverty.

2.2 Measuring of Poverty

Various measures of poverty exist. These include the headcount index; the poverty gap approach; and the use of social indicators.

The Headcount Index is the proportion of the population below the poverty line. A poverty line must therefore be established first but the index fails to gauge the extent to which the poor fall below the poverty line.

The Poverty gap solves the above problem by providing information on the amount needed to raise the incomes of the poor to the poverty line, thus eliminating poverty. The computed aggregate income shortfall as a percentage of aggregate income provides a poverty gap measure showing the extent of poverty in the country.

Social Indicators

The above two measures utilise household income and/or expenditure, but do not capture some important dimensions of welfare such as access to health and education, clean water, and to public goods or common property resources. Some of these social indicators e.g. under five mortality rates, life expectancy at birth, net primary school enrolment rates etc. are now often used to supplement income/consumption based indicators of poverty (World Bank, 1990).

The UNDP has developed a human development index (HDI) by combining indicators of real purchasing power, education and health. The HDI is the unweighted average of the relative distances (deprivations) measured in longevity (life expectancy), education (literacy and mean years in schooling) and resources (modified income per capita to measure utility) (UNDP 1993). The HDI is still in its infancy and needs to be refined further.

Various measures of poverty may produce conflicting results, and sometimes, conclusion on the changes in the incidence of poverty may have to take in non quantitative evidence like casual observation. As will be gathered from the above discourse, any definition of poverty rests upon some prior conception of welfare.

2.3 Determining the Poverty Line

Various methods are used to determine the poverty line. A poverty profile shows how a measure of poverty varies across subgroups of populations and reveals differences in command over basic consumption needs. People in each subgroup are classified as poor if their consumption expenditure is below a specific poverty line for that subgroup. Poverty lines can thus be interpreted as deflators that establish the welfare comparability of nominal expenditures (on incomes) across a poverty profile (Ravallion and Bidani, 1994).

An ideal measure of poverty should be consistent, that is households who have exactly the same standard of living in all relevant aspects, but are located in different regions, should be classified as poor by the method selected. Yet there is also the realisation that the basic needs bundle should reflect local conditions i.e. local perceptions of what constitutes poverty. This has been called *specificity*. Often, there is a conflict between consistency and specificity, so that practically, the choice of what measurement is used to determine poverty must ultimately depend on the purpose of

the poverty profile.

Poverty is conventionally defined as the lack of command over basic consumption needs. The poverty line is the cost of those needs. One way of realising this definition is to stipulate a consumption bundle considered adequate for basic consumption needs and then estimate the cost of this bundle for each subgroup being compared in the poverty profile. This is a rather dated approach, used by Rowntree (1901) in his seminal study of poverty in York, England, in 1899, and has been followed since, in a number of studies for both industrial and developing countries (e.g. Thomas, 1980).; This can be termed the cost of basic needs (CBN) method of setting poverty lines. Under one interpretation of the cost of basic needs approach, the cost of basic needs is deemed to be a socially determined normative minimum for avoiding poverty, and the cost of basic needs is then closely analogous to the idea of a statutory minimum wage. Early attempts to determine the minimum cost of achieving the basic-needs vector at given prices, ignored preferences. Current practice, however, aims at anchoring the choice more firmly to existing demand behaviour. In other words a person who consumes less food (say) than the stipulated basic needs is not considered poor if that person's budget allocation could be rearranged to cover basic needs. Implementation of the cost of basic needs method has a number of problems:

- Defining what constitutes basic needs is usually arbitrary;
- Cross-sectional (and sometimes, inter temporal) price data are usually incomplete particularly for non food goods. Achieving consistency, even in terms of the most basic consumption needs may be difficult.

The main alternative to the CBN method is the food energy intake (FEI) method. This method proceeds by finding the consumption expenditure, or income level at which a person's typical food intake is just sufficient to meet a predetermined food energy requirement. The FEI method measures consumption poverty, rather than undernutrition and aims at finding a monetary value of the poverty line at which basic needs are met. Like the CBN, the FEI has its own problems:

- Setting the food energy requirements is problematic since these vary across individuals and over time.
- An assumption must be made about activity levels which determine energy requirements beyond those required to maintain the human body's metabolic rate at rest. Normally a single nutritional requirement for a typical person is usually pre-set.

The FEI has been found to have a number of practical advantages over the CBN (Osmani, 1982; Paul, 1989). Nevertheless the use of the FEI method is handicapped by the fact that the relation between food energy intake and total consumption expenditure is unlikely to be the same across the domain of poverty comparison. Rather, it will shift according to differences in tastes, activity levels, relative prices, publicly provided goods, or other determinants of affluence besides consumption expenditure.

Studies in Tanzania and elsewhere have revealed that the perception of poverty differs with locality, gender, and social group. People hate to be labelled poor since this connotes dependence and destitution. Thus a difference is made in many localities between the poor who can feed themselves and can participate in the social and economic life of the community, and the poorest who are destitute and totally dependent (e.g. the disabled, infirm, and the old). In many localities, the ability to survive crises, secure access to food and income and adequate housing and to a less extent, education, are major dimensions in local poverty criteria (Chachage, *et al.*, 1994). Poverty comparisons, such as where, or when poverty is greatest often matter far more to policy choices than do aggregate poverty measures, such as how many people are deemed poor. The choice of what measure of poverty is to

be used is possibly best be based on policy undertakings under consideration.

Poverty is multifaced, characterised by lack of purchasing power, exposure to risk, insufficient access to social and economic services, and few or absence of opportunities for income generation (World Bank, 1994:3).

Since any poverty line is inherently subjective, commentators have called for the involvement of the societies in question in defining poverty. Participatory investigations have yielded two major considerations in defining poverty at a local level (Wratten 1995). One is vulnerability (Chambers 1989) i.e. defencelessness, insecurity and exposure to risk, shocks, and stress. It is linked with assets such as human investment in education, and health, productive assets including houses, equipment, access to community infrastructure, and claims on other households, the government and the international community for resources at times of need.

The other is entitlement. This refers to the complex ways in which households or individuals command resources (Sen 1981). These vary between people and over time, in response to shocks and longterm trends. They may include wage labour, sale of assets, own production, reduced consumption and public provision of goods and services.

Poverty has been studied using social indicators in Tanzania (Wratten 1993). Sender and Smith (1990), in their study conducted in the Tanga Region compiled an *index of material well being* by listing 14 different possessions (such as a metal roof, and a bicycle). Only 15 of the 100 households had a score of over 10. Possession scores showed strong colleration with access to the major means of production like land, work in the formal sector, female education and child mortality.

2.4 Land, Gender Relationships and Poverty

Land is one of the basic resources that the human race has. As Henry George observed:

...land is the habitation of man, the storehouse upon which he must draw for all his needs, the material to which his labour must be applied for the supply of all his desires... On land we are born, from it we live, to it we return again - children of the soil as trully as is the blade of grass or the flower of the field. Take away from man all that belongs to land, and he is but a disembodied spirit (George 1879, pp 295-296).

Throughout history, wars have been fought for the possession of land; and rights held in land often determine one's economic, social and economic status. In much of the Third World, land is basic to the survival of the majority of the rural population and also for a considerable number of the urban population. This fact attains crucial importance when it is realised that other modes of survival common in developed countries, like wage employment and social security are enjoyed by a tiny minority of the population in a Third World country like Tanzania. Access to land is crucial as a means of securing shelter, security, investment, income and collateral. Nevertheless, access to this basic need is not equal to all, and, in particular, there appears to be, in many societies, overt discrimination as far as the working and access to land is concerned, between men and women. In many societies including many of those in Tanzania, tradition has it that women do not own land save through men: that is fathers or brothers or uncles or sons for unmarried women, or through their husbands for married ones. While it is not correct to generalise for the whole of Tanzania because customary tenure varies from area to area, the prevailing attitude in many societies is that women do not need to own property of their own and can be taken care of by the men.

As in many spheres of social status, women are still some way to win equality with men as far as access to land is concerned. Until the late 19th century, women in Britain were prevented by English

Common Law from inheriting property, and were treated as chattels themselves (Ran 1992). For many European countries, women were not allowed to vote until late last century or within this century (Bryson 1992). The situation with access to land is still discriminative against women in many customary tenure systems.

Bruce (1993: 46-47) points out that the vast majority of African tenure systems give women access to land, not in their own right but as their husband's wives, or in the case of divorce and widowhood, as daughters or sisters of males within their own families. While they may have a right to land from their families or other male relatives, they have no rights to a particular piece of land and may be shifted from field to field. This position is not much different in matrilineal societies; inheritance rights may pass in the female line, but they usually pass to males, who control land just as they do in patrilineal situations. The rights that women are given are usually user rights (*usufructu*) only.

Like Bruce (1993), Davison (1988b) notes that today, women's access to land is widely determined by their relationships to men, especially as wives. In the past, this access was not as severely circumscribed since women frequently inherited rights in land from kin. She further argues that the development of commodity relations during the colonial period led to a restructuring of gender relations in which men benefitted from the European notion of property in assuming control over cash crop production and primary rights in land. As a result, women are increasingly dependent on their husbands and kin to obtain what are usually secondary rights in land. Even these rights are now being eroded especially in the cases of agricultural development schemes (Carney 1988; Bernal 1988).

Other studies throughout Africa have revealed that a woman's rights to family land is squarely hinged upon their being married. In the Senegambia, Watts (1993) found that Mandinka households held land under two broad forms: collective (*maruo*) fields on which family members are expected to work to provide domestic subsistence, the disposition of which the male controls; and individual fields (*kamanyango*) that the head grants to family members for their own use and disposition. A woman's *kamanyango* crop rights are protected while she remains in the household, but on divorce, she typically does lose control of them. Among the Chagga, women, while having *usufructu* rights to land, do not inherit land under Chagga law (Moore 1988).

Studies show that while women work the land, it is the men who control the proceeds. Mackenzie (1993:195), in her study over coffee farmers in parts of Murang'a district in Kenya, found that women farmers indicated widespread dissatisfaction as, responsible for the majority of the crop, they nevertheless depend on their husbands for remuneration of their labour. Such remuneration has frequently been unreliable and not commensurate with their labour input.

The household, customary tenure and statutory tenure are all arenas of contention as women try to have more control over land and over the product of their labour, while the men try to maintain the status quo. In this struggle both parties make invocation of both customary and statutory tenure, as well as the political system. Here it is important to point out that customary tenure has, in most countries continued to operate side by side with statutory tenure. Thus the contention takes place in a situation of pluralism. Several case studies indicate that usually men have the upper hand.

Some of the struggles by women to get more control over land in Kenya have been described by Mackenzie (1993). One, is women accumulating individual savings and purchasing land in their own names. Such land can continue to be held by the woman owner, even when the husband dies and can be passed on to the daughters. Two, is by women playing with tradition. In the Kikuyu custom a widow can "marry" another woman, and therefore become "husband" herself. She can, as a result, keep on clan land after the demise of her husband. Three, is by women coming together into a group through which they can purchase land and subdivide it among themselves, although the title remains that of the group. All these examples show that by purchasing land, women can secure it in their own

names.

It has been suggested that changes in tenure rules may be possible within the general framework of local custom. Options that deserve consideration are inheritance reforms, a community property regime for marriage, and credit programmes to facilitate land purchases by women. It should be recognised however that to alter the rules of lineage system, is in many African societies, to undermine the basic principles of social organisation and cohesion. Women cannot also benefit from becoming individual owners if agricultural extension services and access to credit and other facilities are denied to them.

Nevertheless, it has been found that women do not always fare well under tenure reform. Individualisation reforms best fuel the ownership of household land in the head of the household, who is usually a man. He thereby acquires the right to sell the land, defeating the rights of his wife and children to shares of the land under customary rules (Platten 1996). This has been found to be the case in Kenya where the situation has only been mitigated by land control boards that review proposed sales of land in terms of their economic and social consequences. On the other hand individualisation reforms have their positive sides as well, in the sense that they allow women to, for the first time, purchase land and own it in their own right. Most women, nevertheless, lack the resources to do so although, in the long run, such reforms are likely to benefit the women (Bruce 1993).

Haugerud (1983) points out that attempts to increase women's right and access to land by changes in formal (as opposed to traditional) inheritance laws have met with limited success. Birgegard (1993) argues that the spread of Islam has had only moderate impact on gender and land tenure. Inheritance rules under Islamic law are considerably more generous to women. Yet the acceptance of Islam as faith has not profoundly altered the customary views on inheritance. As such even secular laws have had little impact. Thus, the issue of discrimination against women e.g. in the issue of inheritance of land is rooted in the realm of customary tenure.

Furthermore, Birgegard (1993) argues that there is complete agreement on the direction of change in women's tenure rights; women are losing ground and they do so from an inferior position. Commercialisation of production, individualisation of indigenous tenure systems and formal titling schemes all work in the same direction of eroding women's tenure rights.

2.5 Gender and Access to Land: Tanzania.

There are various ways through which women can get access to land in Tanzania. Given that land is vested in the President, women can get land by way of allocation. Other means include occupation without anybody's permit, purchasing and inheritance. In rural areas land is accessed through customary rules and traditions, particularly inheritance. The Cornell/ERB 1991 Household Survey (1992) found that 46% of all households in Tanzania acquired land by way of inheritance. In most societies, inheritance to land is governed by customary tenure which is patently discriminatory against women.

The governing legislation in Tanzania on matters of land is the colonial *Land Ordinance* of 1923 which declares all land in Tanzania to be "Public Land"¹. The final control of all such land is vested in the President who is given power to administer the land for the use and common benefit of the natives of Tanzania. Although the *Ordinance* is not overtly discriminative on a gender basis, it enjoins the President to give due regard to native laws and customs whenever he is exercising his powers over land. In as far as native laws and customs with regard to land are discriminative against women, it

¹ It is understood that in line with the new National Land Policy approved in May 1995, a new Land Law is currently being drafted.

could be argued that the *Land Ordinance* is discriminatory, and testimony to this view is the adoption, in Tanzania in 1963, of customary laws with regard to inheritance, under GN 436, which bar women from inheriting clan land.

Like elsewhere in Africa, it has been argued that in Tanzania, under both customary and statutory law, a woman's interests in land are well safeguarded through marriage. Nevertheless as is noted by Migiro-Mtengeti (1990), customary law tolerates little gender equality. The Tanzanian *Marriage Act* of 1971 has been hailed as leading to this equality. In particular, s.114 which allows the courts to divide matrimonial property between the spouses when giving a decree of separation or divorce, is seen as being very progressive. However s.114 itself is not devoid of ambiguity particularly when it comes as to whether a woman's domestic and other family duties are to be taken as contribution to acquiring matrimonial wealth. The courts have varied in their opinion on this, although in the famous case of *Bi Hawa Mohammed v. Ally Sefu* (Dar es Salaam Court of Appeal, Civil Appeal No. 9 of 1983) the Court of Appeal held that domestic work should be considered to be such contribution. This decision was seen as a milestone in dealing with the exploitation of women when apportioning matrimonial assets, but various judges are still not too happy with the ruling in *Bi. Hawa* and the possibility of the reversal of this stance is always there (Mtengeti-Migiro 1990). In any case the law itself is not water tight since it still requires the courts to have regard to the customs of the community to which the parties belong when ordering a division of matrimonial property. Thus, when it comes to matrimonial property, particularly land, women are disadvantaged.

In terms of inheritance where the deceased has left no will, three types of laws are in operation²: Statutory Law based on the *Indian Succession Act*, 1895; Customary Law; and Islamic Law. Court rulings have held that rural people are assumed to be adherents of customary mores, and therefore, it is local customary laws which apply. This was held in the case of *Abdallah Shamte v Mussa* (High Court 1972).

2.6 The Statutory Law of Inheritance

Under Statutory Law, the law that is applicable is the *Indian Succession Act* of 1865. It came to application in Tanzania by virtue of the *Indian Acts (Application) Ordinance, Cap 2*. Its application is aimed at all Christians and people of European origin. Priority is given to the wishes of the deceased in case he left a valid will.

2.6.1 Provisions of the *Indian Succession Act* of 1865

According to this law, if the deceased leaves behind a widow and children, these are the ones entitled to the deceased's assets. In this case, the widow is entitled to one third of all the assets, and the balance is to be distributed equally among the deceased's children. Should any of the deceased's children have died before the division of the deceased's assets, then the former's children are entitled to the share of their late father.

If the deceased died without issue, then his widow is entitled to half of all the assets, and the balance is to be distributed equally between the deceased's parents, sisters and brothers. In case the deceased had no relations whatsoever, then the widow was entitled to all the assets.

At the same time s.86 of that law says it clearly that children born out of wedlock or adopted children have no rights of inheritance, unless the deceased left a will stating that such children should be

²

This section draws a lot on notes made by, and discussions held with various lawyers particularly Ramadhan Maleta, Abdulrahman O. Kaniki, and C.D. Bilegeya.

entitled to inheritance.

Although it may be construed that this law provides for widows, it is rarely resorted to and many people chose to rely on customary or Islamic Laws.

2.6.2 Islamic Laws of Inheritance

Section 9 (1) of the *Judicature and Application of Laws Ordinance (Cap 453)* of 1961 empowers the courts to apply rules of Islamic Law in matters of marriage, divorce, guardianship, inheritance, succession, wakf, and the like. It applies to members professing the Moslem faith. As a general rule, a Moslem cannot by will dispose more than one third of his estate after paying for funeral expenses and debts. The disposition of the two thirds of the estate must follow the Islamic principles of interstate succession. According to the *Presidential Commission of Inquiry into Land Matters*, while the rules of the Islamic Law of interstate succession provide for unfixed shares of females, the practice tends to leave them unprovided for.

There are three major Islamic sects in the country namely *Shafi, Shia and Hanafi*. The courts' stand is that laws of dividing the deceased's assets in the case of inheritance are similar in the three sects (see the case of *Adam Mtendo v. Likuna*, High Court Case Reports, 1968).

Islamic Laws of inheritance give a maximum of three of the deceased's wives, a right of each receiving one eighths of all the assets left behind by the deceased where the deceased left behind children. If the deceased left behind no children, then the widows are each entitled to one quarter of the deceased's wealth.

Besides, unlike other laws, the Islamic Laws of inheritance gives rights to the deceased's parents to inherit one sixth of their late son's wealth. The balance of the wealth is then distributed among the deceased's children. These Laws like other laws outlined above, give male children a right to inherit more than female children, and also forbid the inheritance of a child born out of the wedlock unless such a child has been legalised.

2.6.3 Customary Laws of Inheritance

Soon after Tanzania became independent, an attempt was made to codify customary laws among the partilineal societies in the country. The *Local Law (Declaration) (No 4) Order* of 1963 (G.N. 436 of 1963) came into being. Subsequent court rulings on matters of inheritance have been based on rules contained therein. Paragraph 20 of these rules says:

Women can inherit, except clan land, which they may receive in usufructu, but cannot sell.

With respect to widows, customary laws say that these have no right of inheritance in the case where the deceased left behind children or blood relatives. It is only children who have the right of inheritance where the deceased dies intestate (i.e. without a will). If the deceased left no children or grandchildren, then it is his blood brothers and sisters who are entitled to inherit his assets.

These laws make it clear that, male children are entitled to more than female children, and it is insisted that the first male born of the deceased should get more than the rest of his brothers and sisters. Rule 43 forbids inheritance by a child born out of the wedlock, in the absence of a valid will made by the deceased allowing such a child to inherit; unless such a child has been legalised.

It is thus clear that Customary Laws are discriminatory in the case of inheritance of clan land.

Clan Land has been defined by the *Presidential Commission of Inquiry into Land Matters* as "Land belonging to a large extended family within a tribe or an ethnic group" (Tanzania 1994). Clan land is held in such valuable esteem that most patrilineal societies (80% of the diverse Tanzanian population) discourage land alienation and discourage the disposition of clan land by way of selling or assigning. The basis of this is the fear that land alienation means the diminution of clan land, while in all probability, the clan is likely to expand as time goes on. While, if land is given to a male member of the clan, it is believed that that land will still remain circulating within the clan, giving land to a woman is construed to mean that when she gets married, that land passes to the clan she is married to. Again, when she has children who can inherit her land, it means that such land will move from the woman's clan, to the clan of the fathers of her children. Thus, for the most part, women's right to clan land is limited to usufruct, and their inheriting of this land is prohibited.

Rural societies are conservative and for their part, most rural women are ignorant of the laws and procedures that can protect their rights. As such, discriminatory practices against them continue. An education campaign is needed. For example, in the case of the death of the husband, a woman must go to the courts to register where she wants to stay. But usually women are poorly educated and have very little economic power to take action, while the men are better endowed in the form of education and economic leverage. Practically, the relatives of the deceased husbands harass the women who are usually defenceless or unable to get the assistance of the courts.

Many observers today suggest that a valid will can put widows and children in a better position (TAWOVA 1995).

2.6.4 Judicial Attitudes Towards Inheritance of Land by Women

Before the coming into force of the *Bill of Rights* which were incorporated in the Constitution in 1984 but came into force in March 1988, the courts generally had little choice except to rely on customary law where this applied, in order to reach a decision on the issues of inheritance. In the case of *Deocras Lutaban v. Kashaga* (1981:TLR 122) it was held by the Court of Appeal that under Haya Customary Law, a woman can inherit her deceased father's landed property, with the exception of family or clan land, which she can use for her life without selling or bequeathing it to any person to whom the land reverts after her death. Many judges however, were not happy with this situation. For example, the late Saidi, J. (as he then was) in the case of *Ndeamtzo v. Imanuel s/o Malasi* (1968: HCD 127), his Lordship had this to say:

It is quite clear that traditional custom has outlived its usefulness. The age of discrimination based on sex has long gone and the world now is in the stage of full equality of all human beings irrespective of their sex, creed, race, or colour. On grounds of natural justice and equity, daughters like sons in every part of Tanzania should be allowed to inherit the property of their deceased fathers whatever its kind or origin, on the basis of equality.

Again in the case of *Mbaruku v. Chamonyogoro* (1971: HCD 406), the late Mwakasendo, J. as he then was, said:

I believe... that it is the duty for the court at this momentous period of our history to assist the growth and promotion of equitable customary rules.

Despite such well intentioned statements, women continued to be discriminated against, with regard to the inheritance of clan land.

When the *Bill of Rights* got incorporated into the Constitution in 1984. The *Constitutional (Consequential, Transitional and Temporal Provisions) Act*, of 1984 states that with effect from March 1988, the courts would construe the existing law, including customary law, with such modifications, adaptations, and exceptions as may be necessary to bring it into conformity with the provisions of the *Fifth Constitutional Amendment Act* of 1984 i.e. the *Bill of Rights*.

With the above in mind, a landmark judgment in customary law was made by the high Court in Mwanza in 1989, in the case of *Bernado s/o Ephraim v. Holaria d/o Pastory* (Civil Appeal No 70/1989) when it was held that customary law which bars a woman from inheriting clan land to the extent of selling it, was discriminatory, and hence unconstitutional and so, void. There has not been an appeal against this ruling, nor has a higher court overruled it, so it must be taken to be law.

The facts of this case were as follows. A woman, one Holaria, inherited some clan land from her father by a valid will. Realising that she was getting old and senile, and had no one to take care of her, she sold the land in August 1988 to one Gervase Kaizilege who was a stranger to that clan, for Tshs 300,000/=. The following day, on learning of the sale, a member of the clan, one Bernado Ephraim filed a suit in the primary court. praying for a declaration that the sale of the land by his aunt was void as under Haya customary laws, females had no power to sell clan land. The Primary Court agreed with the applicant and ordered the seller to refund the purchase money. On appeal to the District Court, the decision of the Primary Court was quashed on the basis of the *Bill of Rights* in the Constitution which guaranteed equality between both men and women. On further appeal to the High Court, Mwalusanya J. found s. 20 of the *Rules of Inheritance* under customary laws to be discriminatory, and considered that to be inconsistent with article 13(4) of the *Bill of Rights* of the Tanzanian Constitution, which bars discrimination on the basis of sex. He took s. 20 to be thenceforth modified and qualified such that males and females had equal rights to inherit and sell clan land. Females, just like males could thereon inherit clan land or self acquired land of their fathers and dispose of the same as they liked.

Many commentators however are not too happy with the reliance on court cases. For a start the case can be overruled. Two, lawyers need to do research in order to establish relevant cases, and in many instances, such cases may not be known or found. The general preference is for a law that removes discrimination.

In law, all citizens of Tanzania are equal irrespective of sex, race, religion and so on. All can sue and can be sued. Among others, all citizens have got a right to possess property, and the law is supposed to ensure that such property is protected. However, as we have seen, there are still some provisions of the laws that are discriminatory on a sexual basis. This is admitted by the Government itself, when it notes that although the law offers equal rights to men and women, there existed legal provisions which did work in the interests of women. Most significant among these laws were those related to marriage and divorce, employment, and the application of customary law and the enactments governing affiliation and inheritance matters (see Tanzania, 1988, p. 71).

2.7 Studies on the Access to Land by Women in Tanzania

The Human Resources Development Survey (HRDS) carried out by the World Bank in collaboration with the Economics Department of the University of Dar es Salaam in 1989, interviewed a total of 4949 households throughout Tanzania. Out of these, 3058 used and/or owned *mashamba*. The research found that some 65% of the land parcels worked by the interviewed households were owned solely by male members of the household, and only 19% were owned solely by female members of the household. The remaining 16% of the land parcels were jointly owned by a man and a woman residing in the same household. Approximately 81% of all individually owned parcels were owned by married persons. It was also reported that 92% of all individually owned parcels were owned by the head of the household. Given the statistics on the owner's gender, and given the fact that by far, most heads

of households were men, it becomes obvious that the position of women as far as holding land is very adverse.

In their study of Women's Access to Land among the Pare Omari and Shaidi (1992) point to the fact that women are the ones who work the land but they cannot own or inherit it. They also point out that while statutory law does not overtly discriminate against women, it is the discriminatory customary law that is in actuality followed. They call for the abolition of this customary law, and its replacement with statutory law, although, it would appear, they ignore the extent to which customs can be resilient to change. Moreover, they further point out that since women do not own land legally, they cannot qualify for bank loans, with which to improve their holdings, and therefore their income. They conclude that as a broad generalisation, women are a disadvantaged group when it comes to ownership and development of land.

Gender sensitive research on settlement schemes and *Ujamaa* Villagization concluded that these made the situation for rural women worse by dispossessing peasant women of access and control of land while entrenching the male household head as the main controller of farm income; by increasing the demand for women labour, and by increasing distances from water and firewood sources (Brain 1975). Research on post-independence policies (Mbilinyi 1988; 1991) have also concluded that these policies have led to the dispossession of poor farmers particularly women farmers who are getting marginalised away from resources (including land, labour and credit). Such findings are corroborated by other studies in Africa which have concluded that women have not always been the beneficiaries of tenure reforms (Bruce 1993; Platten 1996).

Equity apart, several case studies have shown that tenure insecurity reduces the innovativeness and willingness of women to invest, and bars them from institutional credit, and thereby reduces overall economic development (Tibaijuka *et al.* 1989; Tibaijuka (forthcoming); Swantz 1985). Such a situation is apt to lead to a vicious circle of poverty among the concerned women. Swantz (1985) has argued that access to land alone is not the cause of or cure for poverty since issues of credit and technology must be addressed as well. Nevertheless it is generally conceded that access to land is basic in poverty alleviation.

Given the above scenario, it is rather sad that the World Bank proposals for reforming rural land policy in Tanzania do not address gender issues (World Bank 1992). On the other hand the *Shivji Commission* found direct and indirect evidence on unequal access to land and control over it by the female gender, the more acute problems arising out of inheritance, which in turn is rooted in customary laws and practices (Tanzania 1994:249); and, in its recommendations, it suggested the expungement of practices in customary land tenure that discriminate against women. The *Commission*, however, recommended a very cautious approach to the the question of inheritance and female succession, in view of the fact that inheritance was governed by a diverse of personal laws, including Islamic Laws, which had deep roots in culture, beliefs and customs of diverse Tanzanian communities. They recommended a more circuitous and indirect approach like political/constitutional or land tenure reforms, rather than a direct reform to the law of inheritance (Tanzania 1994).

There is little doubt that our knowledge of the land issue and gender needs to be enhanced. Thus we agree with Mbughuni (1994) that more current and particularly micro-level research is needed which both documents and analyses the specific and changing position of poor women, as far as, among other things access to land is concerned. Likewise (Birgegard 1993:24) has argued that of the many research areas in relation to tenure and gender which should be given priority, is the area of how women respond to their deteriorating tenure situations and the strategies applied to resist the changes or to redress the balance. It is to be hoped that some of our findings will help to illucidate on the situation.

2.8 Access to Land and Poverty

While it must be assumed that, for the rural population, access to land is crucial for survival and self advancement, evidence from the literature suggests that access to this basic resource (land) alone need not alleviate poverty.

In their research in rural Tanzania, Collier *et al* (1986) concluded that in most Tanzania, land was relatively abundant and was unlikely to be the cause of household differentiation into the poor and the non-poor. They found that the distribution of land among households was principally determined by the availability of labour, i.e. the household size. Unlike rural Asia, the incidence of landlessness in Tanzania was negligible and although the mean landholding size of less than 5 acres was not *a priori* a characteristic of an economy with land abundance, the small holding size was found to be determined by the predominant hand-hoe technology. The relative abundance of land and its poor marketability in many areas made it less of a differentiating factor. The study concluded that the poor were poor because of their lack of, or poor participation in, commodity markets, and this is because they produce so little. In turn this was found to be a result of low returns to labour rather than labour shortage. Low returns to labour were explained by the low endowments for non-labour assets owned by the poor, such as land, livestock wealth, education, days worked, business ownership and capital. It will be clear from this study that lack of land can be one of the non-labour attributes that explain the incidence of poverty in rural areas. It must be emphasised however that this importance of land is limited in extent to the land that can be managed within the handhoe technology and the size of the household. Beyond that, land ceases to explain the incidence of poverty.

Nevertheless, it was theorised for this study that *ceteris paribus*, and given the widespread discrimination against women in matters related to access to land, there was need to find out what the situation of poor women was.

3.0 Some Background to Customary Land Tenure and Development in the Bukoba Area

Anthropologists identify a people they call Bahaya, and these were considered to occupy the current Districts of Bukoba, Muleba and Karagwe (Cory and Hartnoll, 1945). The language in this area is very similar as are most of the customs. Various forms of land ownership are recognised in that tribe i.e. public lands, individual lands, communal lands, family lands, and land held by virtue of office e.g. Chieftaincy or Priestly Office.

Like other communities in Tanzania the Bahaya have three major levels: the family, the clan and the tribe. Customary land rights will be those practices and usages applicable within the tribe or clan. Some of the land may be subject to family use e.g. land for building homesteads or land for cultivation; Some of the land may be subject to clan control and use, for example, land for grave sites, for ritual, for grazing, and land surrounding water-sources etc. Tribal land may encompass pasture land, ritual groves, commonage etc.

Indigenous land tenure systems in Bukoba have been undergoing changes over time, particularly after the area was invaded and ruled by the Bahima rulers from about 1600 AD. As is well known, the colonial system of indirect rule propped up the powers of native chiefs so that it was generally believed that land was in the final analysis held under the power of the Chiefs.

However, land has long been held on private property basis in the form of *Kibanja* (plural: *Bibanja*). This would be the cultivated part of the privately owned land on which banana trees but also coffee and various food crops and vegetables and fruit plants are grown. The uncultivated but privately owned land is known as *Kisi*. Besides this there is usually a lot of common land known as *Rweya*. Cultivation of non permanent crops is usually carried on in parts of the *Rweya*, which is also used for grazing and

grass harvesting.

Some 70% of the cultivated village land in Bukoba is planted with banana trees (*Musa sp*). Bananas are the staple food (the various types that are eaten being known as *bitooke*), but are also used for making local brews (*lubisi*, or when distilled, *enkonyagi*). Coffee has for long since the colonial days been the main cash crop, although because of poor marketing facilities, income is increasingly generated from non traditional cash crops including bananas.

A plantation became family plantation if it stayed in the family for an indeterminate number of generations. The difference between clan land and family land is perhaps academic since family land becomes clan land as time goes by, and since large clans break up into families thus starting the process over. The question of clan was important in the past, but nowadays family land can be equated to clan land although in this case the clan will be limited to the descendants of that family.

Traditionally women (including daughters) did not inherit land. Until it was banned by the colonial government in 1920, there used to be a tradition of inheritance whereby if a person died without a male issue (known as *Buchweke*), his property, including the daughters became the property of the Chief who issued this property as he wished (usually the king or his top lieutenants married the daughters).

In terms of present day customs, if a man dies, his land becomes inherited by his sons each of whom is given their own piece. Female children are usually given a piece of land in common, but they cannot pass it over to their heirs. The widow has a piece of land set aside for her, which she can use in her lifetime. She could also be the guardian of children and have charge over the land and house until these children grow up.

If a woman gets divorced, she is usually not entitled to any immoveable property, and she expected to go back to her parents who would normally allocate her land to use but not to own in absolute.

According to Swantz (1977), the woman's inability to hold land has roots in attitudes inherited from the time when the land belonged to particular clans and was not owned by individual family members as is virtually the case at present. Land did not become alienated from the clan or lineage. Transfer of land outside of these categories became an offence against the sacredness of the clan's right over a given territory.

In the case of *Purucheria Gregori v Super Emmanuel* (HCT Mwanza 1993) it was established that the wife of a deceased person, much as she was in occupation of her late husband's land which had been inherited by their child, was not the right party to sue since she was neither the heir nor the administrator of the estate of her husband.

Women however, can inherit non clan land. In practice, however, there is such a bias against women that even in the case of non clan land people try to apply customary laws in order to get land from the women.

Of late, the situation of the women has become more serious, as a result of deaths from AIDS which has taken its toll in many parts of Bukoba. Relatives of the deceased male always try to find all sorts of ways to get rid of the women from the land. Many times also it is the women who get blamed for the infection of the male with AIDS. Attempts are usually made to forge documents, to help in getting the women off land and depriving them of property (and sometimes, children).

3.1 Purchase and Sale of Land in Bukoba

Family plantation could be sold by the family member occupying it by first giving other family members the option of buying it. Should they fail, then land can be sold to anybody else. There is however, a 12 year limitation period in which clan members can redeem clan land sold to a stranger; but the sale of clan land to a clan member is not subject to redemption. An observed practice undertaken to make redemption difficult is to inflate the amount of money recorded as being the price at which land is supposed to have been sold. This practice is called *Kilemya*, and is aimed at preventing the clan from redeeming the land unless they are willing to part with huge sums of money³.

Both the purchaser and the seller of land must be supported by witnesses who ascertain the terms of the sale and beat the boundaries (whereby boundary trees known as *milamula* are planted, and it is illegal to uproot them). Thereafter, each set of witnesses is given a token payment by its principal. This payment is known as the *Ndamu*. This latter would also be given if the parties decided to conclude the agreement before a local authority. If a sale is carried out surreptitiously, there is always suspicion that the seller was illegally alienating clan land.

4.0 Research Methodology

Three methods of research were used in this study. First a review was made of existing studies to establish what has been found out so far. Second, questionnaire was developed and administered to around 300 female headed households in three wards of Kagera District. These Wards were Minziro, Ibwera and Ruhanga. These wards were selected for their assumed representativeness of the villages in Kagera region. Minziro is by the border with Uganda but is relatively isolated. Ibwera is facing intense activity in terms of trade, immigration, and is facing a land shortage. Ruhanga is somewhere between these two extremes.

The selection of the interviewees was done on the basis that they were women assumed to be heading their households. A deliberate attempt was made to target poor women. To decide whether the person to be surveyed was poor or not, reliance was made on local village leaders, who, using local criteria and knowledge, provided a list of several poor women in the village out of whom a random sample was selected for interviewing. A limited number of interviewees was selected on the basis that they were non poor. Interviews were also carried out with village leaders on various aspects of the socio-economic status of their villages. Where applicable some interviewees were asked to relate their case studies, if they had in the past been involved in bitter land disputes.

Interviews were carried out at the interviewees' homes in order to form some opinion on the status of these interviewees by observing their living and economic environment.

A third method was to conduct interviews with lawyers and the district magistrate in Bukoba to find out the frequency of litigations involving land and women, issues raised, and the courts' stand.

One problem that was faced on the part of interviewees was their anticipation or apprehension of something from the interview. A good number are suspected of understating their wealth or exaggerating their woes somewhat, in order to increase their chances of being included in the anticipated benefits, or to minimise chances of being adversely affected e.g by taxation.

³

It is suspected that the 300,000/= at which land is said to have been sold in the case of *Bernado s/o Ephraim v. Holaria d/o Pastory* above, is an example of *Kilemya*.

4.1 Objectives of the Study

The objectives of this study were as follows:

- . To find out the nature and status (e.g. successes, failures) of the social struggles by poor women to get more control over land and the products of their labour in the light of: a male dominated socio-economic framework; and adverse economic circumstances growing out of economic liberalisation and structural adjustment programmes over the last decade or so.
- . To identify means by which women could be assisted to get a better deal, in the area of land tenure, and in other important inputs related to land and to poverty alleviation like access to credit, technology, higher productivity, human capital and markets.

4.2 Research Hypotheses

The main research hypothesis was as follows:

The situation of access to land by women has deteriorated over the past decade or so and the struggles of women to redress the balance have been adversely affected by the male dominated society's resistance to change, and the deleterious effects of structural adjustment, thus contributing considerably to the more serious incidence of poverty afflicting women in the country.

The subhypotheses were as follows:

- o The rights in land that society accords to women have deteriorated over the past decade in general, and with respect to poor women in particular;
- o Women have a precarious hold to land and are therefore, *ceteris paribus*, likely to suffer more from the incidence of poverty than men;
- o Access to land may be basic to poverty alleviation strategies but other issues like access to credit, capital and technology need to be addressed as well, and may, under certain circumstances be even more important than access to land.

4.3 The Study Areas

This study was carried out in three wards, Ruhanga from Muleba District, and Ibwera and Minziro from Bukoba Rural District (Figure 1).

RUHANGA WARD

The Ruhanga Ward is in the Kamachumu Division of Muleba District. The Ward is divided into three villages that is Ruhanga, Mafumbo and Makongora. The Ward has about 12,000 residents, with the study village, Ruhanga, having an estimated population of 4,700. There are 1850 households in the Ward, the three villages of Ruhanga, Mafumbo and Makongora having 850, 520 and 480 households respectively. The economic base in this ward is agriculture. The most common products are bananas, coffee, potatoes, maize and beans. Animals kept include cattle, chickens and ducks. Residents of this village prefer agriculture to trade. The majority of the residents of the ward are native to the area.

There is sufficient land compared to the population but the soil is not very fertile. About 80% of this land is developed. The economic status of many people is poor, and only a few could be considered to have an average status.

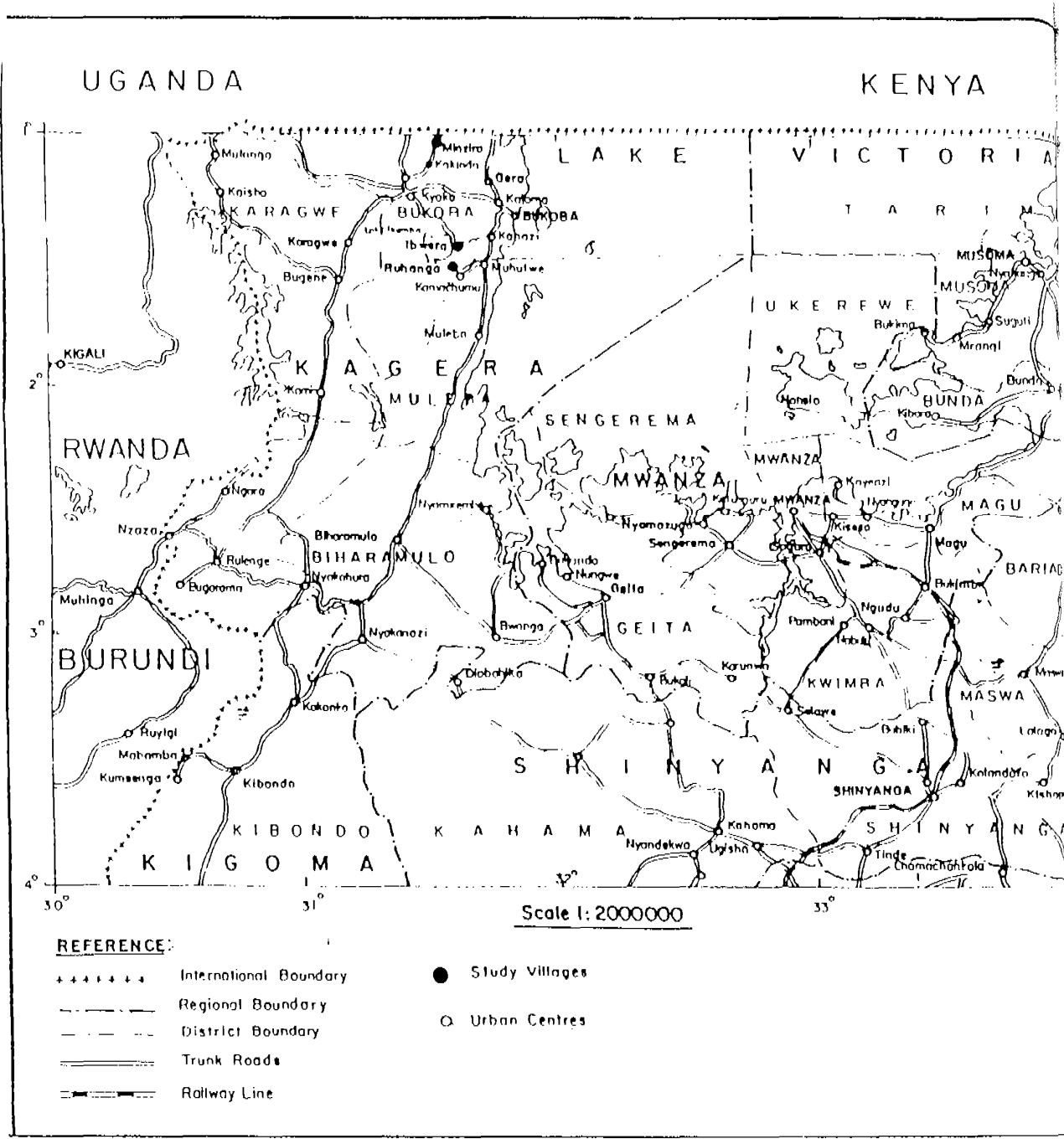


Figure 1: The Study Areas

Within the whole Ward, 320 women-headed households own land. Some 40% of the Ward's households, 26% being women-headed, have increased their land in the past number of years.

IBWERA WARD

Ibwera Ward is located in the heart of Bukoba District (See Map). The ward is made up of four villages. It has an area of 120 km². The study population was taken from the largest village also known as Ibwera but was spread within the subvillages of Mbatama, Kishonga and Lubungo. The village has a population of 2775 people living in 420 households. Most of the villagers are indigenous to the area although there are a few immigrants. The economic activities of the village are mainly agriculture, local brewing and retail trading. Most of the villagers can be described as peasants, and the most commonly produced crops are coffee, for cash, and bananas, grains and cassava for consumption.

There is no shortage of land in terms of expanse, but only a small portion of it is suitable for agriculture, and even on such suitable land, the quality of the soil is low in terms of natural fertility and some kind of fertilising is a requisite for good productivity.

Most of the villagers can be described as poor. Poverty is determined from the external appearance of a person in terms of health and dressing, as well as from the type and condition of the house owned, and the size of the *shamba* and its development condition.

The tradition in the village is that a married woman cannot inherit clan land on her husbands' side, since land belongs to the clan and she is not regarded as a member of that clan. A woman holds usufructary rights only. A woman however can inherit clan land within her clan, but she cannot pass it over to her heirs. The village authorities can do little to change that situation.

The interviewees were vividly poor, and this could be judged from the condition of the house inhabited. Many too had large households which could not be supported by the poor land on which they lived. Many cannot buy artificial fertilisers or farm implements to increase the productivity of the land.

Many interviewees were forced to work for others in order to procure sufficient food for their consumption. Health is also a major problem since many cannot afford the costs involved in acquiring medical services.

There was a general complaint that some traditional values made relatives anxious to take the property of their deceased relation, rather than look after those he has left behind. AIDS has taken its toll particularly among men, a fact that is partly attributed to polygamy but where the wives live in different parts. All in all it was the village leaders' view that women suffered most from customs related to access to land.

MINZIRO WARD

Minziro Ward is located at the border with Uganda and is administratively divided into three villages: Kigazi, Minziro, and Kalagala.

The economic base of the ward is agriculture in bananas and coffee; beans, sorghum and cassava are also grown. Cattle, goats, pigs, chicken, and sheep are among the livestock kept. Income is obtained from selling coffee and other agricultural products, and also from selling local brews. The majority of the Ward's residents are agriculturalists, also an increasing number of young men are turning to trading as it is possible to make quick money, and as agriculture is becoming tedious and poorly paying.

The residents of the ward are mainly native to the area but there is considerable influx of people

through migration or marriage from Uganda, Rwanda and Burundi, and the neighbouring areas of Kiziba, Karagwe and the rest of the Ward.

According to the 1988 census, Minziro Ward had 7,637 people as shown in Table 1

Table 1 The Population of Minziro

VILLAGE	NUMBER OF HOUSEHOLDS	MEN	WOMEN	TOTAL
Minziro	628	1236	1349	2585
Kigazi	732	1732	1695	3427
Kalagala	392	782	842	1625
TOTAL	1752	3751	3886	7637

The Minziro Ward has an area of 520 square kilometres, out of which 400 square kilometres is the Minziro forest, and 120 is arable and developed land.

According to the Ward Executive Officer, there is sufficient land in Minziro. It is also fertile, and is able to produce almost any crop. The Ward is surrounded by the Minziro Forest, which is currently being exploited to produce timber and firewood. There is also a lot of common land for grazing and temporary cultivation.

Land has lost much of its earlier productivity, and there is a major threat of banana diseases. Nevertheless, a lot of land is not developed. Some of the reasons for this situation are:

- . Lack of farming implements and other inputs (pembejeo);
- . Low economic status of many people;
- . Many young people not wanting to participate in agriculture;
- . High death toll among the youth leaving behind an aged, or otherwise dependent population;
- . Lack of motivation as a result of low farm products prices; as well as poor buying and paying arrangements, whereby peasants are usually not paid on time or at all; and,
- . Lack of labour as the agricultural prosperity of the past was based on cheap and highly exploited labour from Burundi and Rwanda, which labour has dried up in recent years.

There are few people who can be called rich. Most people do have land on which they can subsist, but the economic status of many is low.

Traditionally, each male child inherits a piece of the father's land. Female children usually inherit a piece of land but in common. Usually family clan members and village elders are involved in discussing issues of inheritance, and may even override a will if it becomes obvious that justice was not adhered to. If matters are not resolved there, then recourse might be taken to the courts of law. Widowed women can remain on family land to look after the children, but have no powers over it. Generally there is discrimination on a gender basis in matters of inheritance.

5.0 Tentative Findings

As hinted to above, the following findings are based on the results of the preliminary analysis of just one village Ruhanga, in view of the fact that much of Ruhanga's data as well as the data from the other two villages is yet to be analysed.

5.1 Characteristics of the Study Population

The majority of those interviewed were in the active population range i.e. between 15 and 45 (69%, Table 2)

Table 2: Age of the Interviewees (%)

Age group	RUHANGA
15-30	26
31-45	43
46-60	17
Over 60	14

The level of education of our interviewees was not very high. Nearly a third had never gone to school; while nearly 50% did not complete primary education, and almost none had education beyond primary school (Table 3). This is characteristics of poor people which also serves to hinder their upward mobility.

Table 3: Education Level of the Study Population (%)

LEVEL OF EDUCATION ATTAINED	RUHANGA
Never went to School	28
Did not complete Primary School	19
Completed Primary School	47
Went up to Form IV	-
Went Up to Form VI	-
Went to Institutions of Higher Learning	-
Other	6
Not Stated	-

The study population represented the major religious denominations found in the area (Table 4).

Table 4: Religious Beliefs (%)

Religion Adhered to	RUHANGA
Muslim Faith	27
Christian RC	51
Christian, non RC	21
Believer in Traditional religions	1
Other Faith	-
Not Stated	-

The majority of our interviewees were once married but sadly, only a small minority were living with their husbands at the time of the study. By far, most (65%) were widowed, or (21%) divorced (Table 5). As we will argue below, this situation is a major cause of poverty among the women interviewed.

Table 5: Marital Status (%)

Marital Status	RUHANGA
Never Married	1
Married and currently living with Husband	1
Married but currently living separate from Husband	11
Divorced	21
Living with a man without formal marriage	1
Widowed	65
Other	-
Not Stated	1

Our respondents showed a tendency to have large families. In the Ruhanga Ward only 21% of our respondents had one or two children; 43% had between one and three children. However, 58% has four or more children, 21% having seven or more children (Table 6). The 102 households interviewed had between them, 401 children, an average of nearly 4 children per respondent. Of these, 268, or 67% were 16 or less years old, meaning that they are dependents and most of them are at school, requiring a lot of input from their parents. Together with large families, the interviewees showed a tendency to live in large households. In the Ruhanga Ward, the average persons per household was

found to be 6.5 people.

Table 6: Number of Children (%)

NUMBER OF CHILDREN PER RESPONDENT	% OF THE RESPONDENTS
No Children	2
One	9
Two	12
Three	20
Four	11
Five	12
Six	14
Seven	7
Eight	7
Nine	5
Ten	3

The overwhelming majority of our respondents (91%) said that they were the heads of their households.

In terms of house occupation, most were owner occupiers (73%), and hardly any considered themselves to be tenants (Table 7). These houses were in most cases inherited (49%) or selfbuilt (28%) (Table 8), though this is not in the sense of acquiring ownership.

Table 7: House Tenure Type

TYPE OF HOUSE TENURE	RUHANGA
Tenant	1
Owner occupier	73
Licencee/Sufferance	14
Squatter	-
Other	11
Not Stated	2

Table 8: Ways in which current house occupied was Obtained

HOW THE HOUSE OCCUPIED WAS OBTAINED	RUHANGA
Self Built	28
Inherited from Parents	15
Inherited from Husband	34
Constructd for me by my Children	4
Bought	1
Other means	11
Not Stated	7

Most of our respondents owned just one house. Only 4% stated that they had a house elsewhere. Only 17% owned a radio and only 1% owned a bicycle. In terms of livestock, 18% owned goats, but only 1% owned cattle. Most people though owned a hoe and a *panga*, but very few owned a sponge mattress and only 5% owned liquor making equipment. Only 7% said that they had richer relatives who sent them some monetary or material assistance. All these attributes are general indicators of poverty

activity, another 35% combined agriculture with trade. Some 2% engaged in animal husbandry besides agriculture, and 12% were employed elsewhere as well as engaged in agriculture.

Table 9: Type of Toilet (%)

TYPE OF TOILET	RUHANGA
Pit Latrine, Thatched or Unroofed	88
Pit Latrine, CIS Roofed	5
Other	1
No Toilet	4
Not Stated	2

The condition of most of our respondents' houses was not good. With the exception of the fact that a fairly high proportion of houses had corrugated iron sheet roofing, the general condition of the housing was poor. Over 90% had earth floors, a potential source of diseases. Over 80% were constructed of non permanent materials in terms of walls; and nearly 40% had thatched roofs (Table 10). Moreover, in terms of toilet types, it is noticeable that 88% were pit latrines, thatched or with uncovered roofs (Table 9).

Table 10: Type of Building Materials Used in Constructing the House Occupied (%)

BUILDING MEMBER	TYPE OF MATERIALS	RUHANGA
WALLS	Pole and Mud	80
	Burnt Bricks	17
	Masonry	1
	Grass	1
	Not Stated	1
ROOFS	Corrugated Iron Sheets	62
	Thatch	38
	Not Stated	1
FLOORS	Compacted Earth	91
	Cement and Sand Screed	8
	Not Stated	1

Findings in the above Tables would tend to indicate that most of our interviewees were actually poor. Their housing condition is only ameliorated by many of them having a CIS roof, but otherwise, the living conditions of many are bad.

5.2 Income and Expenditure

The average reported income per head of the household was around Tshs 155,000/= per annum, or some Tshs 13,000/= per month. Nevertheless, 61% of our respondents got less than that village average. This suggests that the relatively high reported incomes were a result of a few people reporting very high incomes. Besides when this average income is compared to the basic expenditure, which Sarris and Tinios (1995, Table 3) calculated to be Tshs 184,760/= (plus Tshs 65,000/= subsistence consumption for rural Tanzania) in 1991, it will be realised that our interviewees were quite poor both in terms of income and in terms of material goods as shown above. Many were quite vulnerable in the sense that they had no safety nets (e.g. relatively better off and supporting relations) or social insurance.

In terms of expenditure, the main items which consumed the research population's income were food (mentioned by 86% of the interviewees; and is taken to include salt, cooking oil, fish and meat); clothing (mentioned in 81% of the cases); medicines and medical treatment (mentioned in 81% of the cases); and schoolfees and uniforms (mentioned in 61% of the cases).

5.3 Household Labour Supply

In terms of household labour, 56% said that they had sufficient people in the households to manage

their land, and 43% said that members of their households were not sufficient in numbers to manage their land. Thus nearly 50% could actually do with more hands in the households, despite that the average size of a household was high.

The majority of those who said that the number of members of their households were not sufficient to manage their land, said that they did not employ any outside labour. Almost all cited inability to pay labour as the reason for not employing other people. This suggests that it was the limited inputs to land (e.g. in terms of labour) which were the main problem compared to land shortage.

5.4 Change Over the Past 5 Years

Almost all of our respondents reported that their situation had deteriorated over the past 5 years. Their income had remained the same or decreased during that period; only 4% said that their income had increased; and only 3% said that they found it easier to manage their life when compared to 5 years ago.

When asked to state the reason why their situation had deteriorated over the past period, the respondents in Ruhanga mentioned an assortment of problems as shown in Table 11.

Table 11: Reasons Given to explain why the situation of the Respondents had deteriorated

REASONS WHY THE SITUATION HAD DETERIORATED	RUHANGA
Separation from Male Partner (mainly Husband) (e.g. through death, divorce, rejection, etc)	26
Destitution, Lack of Assistance or Income	23
Rising Cost of Living	21
Too large a family to take care of	15
Unable to Work, Too Old, Poor Health	14
Poor Crop, Poor Land Productivity	6
Insufficient Land Area	2
Lack of Capital, Equipment	2

It will be construed from Table 11 that the question of land was not cited as the major direct cause of the deterioration of the respondents' situation over the last number of years. Absence of a male partner tops the list. Lack of assistance and complaints about too large a family to take care of can also be attributed to the absence of a male partner or supporter. This reflects at least two social phenomena.

One is the economic and social power that is concentrated in the men, so that the absence of a man, given the current circumstances, can have deleterious effects on the life of a woman. Death of a husband for example means loss of income, land and access to capital, and also the ushering in of social instability at the individual level of the affected woman. In other words lack of a husband can spell poverty. According to our findings, many women who have lost their husbands have been faced with eviction or threats of eviction from their "matrimonial" land; and many have been left to care for their children without assistance. This is undoubtedly why the absence of a man is given such a high

priority.

Two, this could reflect lack of confidence on the part of the women, a result of many years of social subjugation which has made the women to see their position as being hopeless without the man, or without some kind of support.

5.5 Aspects of Access to Land and Ownership

The majority (64%) of our respondents in Ruhanga Village did not own the land on which they were living at the time of the survey. Only 34% said that the land belonged to them. Of those who said that the land did not belong to them, 75% said that they were allowed to stay on the land, which in most cases belonged to the husband's clan or family, in order to bring up children, or because they were married. Only 11% said that they had land elsewhere.

Modes of access to land among the respondents in the Ruhanga Village was found to be as shown in Table 12.

Table 12: Modes of Access to Land

MODE OF ACCESS TO LAND	RUHANGA
Inheritance	57
Allocation	23
Purchase	10
Occupation without anybody's permit	9
Other means	1

As shown in Table 12, the largest proportion of our respondents in Ruhanga Village got access to land through inheritance. Mode of access however should nevertheless not be construed to mean ownership, but rather, occupation, since as we have seen above, the majority of our respondents said that they did not own the land which they occupied. The preponderance of inheritance and allocation in the modes of access to land means that women have little choice but to rely on these systems which as we have seen are discriminatory. The few who bought land themselves can perhaps be considered to be owning their land outside customary tenures.

For the majority (70%) of our respondents in Ruhanga, their land holding has remained the same over the past five years. In 14% of the cases, the land has increased in size, and in 12% of the cases, it has decreased. For most of those whose land has decreased in size, the reason was confiscation or eviction. Indeed 45% of the respondents had experienced a land dispute in the past. These land disputes involved the dispossessing of the land from the victim or boundary alterations.

5.6 Land Development

From the above discourse, it would appear that most of the women had some kind of access to land which they could develop, although in most cases it was not theirs and they could be ejected from it. Much of this land was not developed. It was also found that some 54% of the respondents had their

land only partially developed; and in 14% of the cases, this land was only minimally developed. This was the case despite the fact that the average land holding of 1.3 hectares was relatively small, and should be easily managed⁴.

This is to some extent an indication that access to land alone was not the problem causing poverty among the respondents. In 59% of the cases of partially or minimally developed land, inability (rather than lack of security for example) to develop this land was cited as the cause of its non development. This inability was a result of physical weakness (e.g. old age or poor health); lack of assistance in terms of labour or finance; or lack of enabling means (for example to be able to hire labour). In only 2% of the cases was it reported that land was infertile or unproductive. Despite this latter observation 84% of our respondents in Ruhanga reported that they do not use any form of fertilisers (natural or artificial). Thus it was not the attributes of land or tenure that contributed most to land non development, which in turn leads to poverty, but rather it was the attributes of the respondents that appear to be the main reason of land non development.

Indeed the question of land comes into more perspective when we consider that when we asked our respondents to state their preference between getting more land, or getting enabling means (*uwezo*), 72% said that they would prefer more "*uwezo*", and only 27% preferred more land!.

This is not to say that there is no land problem in the area. Lack of land ownership among women was definitely a cause of concern to many. Indeed, 59% of our respondents asserted that they considered themselves to be having a land problem; and only 33% said that they had no problem. Nevertheless when asked what they had done about this issue, 84% of those who considered themselves to be having a land problem said that they had done nothing; and 6% said they had borrowed land or worked on a neighbour's land. Only 10% said that they had tried to get more land; although their efforts were being hampered by lack of money with which to buy the land. This is perhaps a reflection of the hopelessness of the women's situation and the possibility that they have a feeling of dejection, and sense they can do nothing about the situation.

5.7 Priorities Cited by the Respondents

Table 13 shows the findings with respect to what the respondents wanted the authorities to do urgently in order to uplift the situation of the women in the Village.

It can be seen from Table 13 that by far the most important priority identified was related to the ability to generate income, i.e. capital, development projects and loans. The concern of the respondents with the education of their children is also ranked highly. It will be noted that the question of land is given relatively little priority, although it must be assumed that when women insist on equality with men, they also imply equal access to land.

⁴

Collier *et al* (1986) found a mean land holding of 5 (2.3 hectares) acres in rural Tanzania, while the World Bank (1993) calculated that the amount of land per rural household in Tanzania was 4.43 hectares.

Table 13: Priorities as cited by the Respondents in Ruhanga Village

PRIORITY	% OF THE RESPONDENTS CITING
Make Available to Women, Capital, Development Projects, Loans	82
Lower or Remove Schoolfees, Help Orphans	28
Equality between Men and Women, Equitable Access to Assets, Equitable Allocation of Duties and Benefits	21
Direct Assistance (Food, House, unspecified)	12
Allow Women to Own Property, Give Women Land	12
Free Medical Services	8
Other	3

6.0 Some Tentative Conclusions

It would appear that the question of land should be looked at at two levels. At the primary level, possession of land is a basic requirement for subsistence, providing a locus from which to operate, and also on which to produce food, shelter, and income. Our research shows that the major concern with land among women is the danger of being deprived of this basic necessity; in other words, a person without land has basically nowhere to go. In terms of impoverishment, such a person would be impoverished unless they are able to turn to other ways of survival e.g. employment, an option which may not be readily available since mobility is required and sometime some education, skill or contacts are also required. Threats of deprivation, or disturbances in enjoying the basic right to land can result in impoverishment not only through discouraging investment, but also through lengthy litigations which are no doubt costly and beyond the reach of many women.

At the second level, however, many women have access to land and yet are poor. There are cases where the land occupied is too small or is infertile. But even in such cases it could be argued that there is land available which is underutilised and which could be used by those without land.

Many women have access to land but get very little from it as a result of poor productivity, inability to work all the land, lack of capital, and lack of manpower in terms of capable household members or hireable labour. Lack of reliable markets has also made agriculture a less attractive investment so that young people now resort to trading rather than working the land. Lack of ready markets and low productivity make returns from land rather low, and merely having land may not mean poverty reduction.

Access to land is therefore a basic need for subsistence but poverty reduction, requires more in terms of social and economic reforms.

In terms of the hypotheses to be tested, it would appear that there is ample evidence to conclude that the situation of the women has deteriorated in the past few years. Nevertheless it does not appear that women have been doing much about this situation so that it is difficult to determine whether men have been resisting change to ameliorate the situation of women, or not. It has also been found that access to land alone would not lead to poverty reduction, but that other social and economic issues must be addressed at the same time.

In terms of research objectives, the struggles that women have been doing to get more control over land would appear to be limited. In a number of cases, women have resisted losing land by resorting to the village governments or to the courts; but these cases are limited. Options to get themselves out of clan land, like buying their own land would appear to be limited presumably since buying land is expensive.

It has been identified that steps to assist women to get a better deal in the area of land tenure involve changes in laws, procedures and attitudes towards the position of women in inheritance and in marriage. It has also been identified that to bring about poverty reduction, other important inputs related to land like credit, technology, extension services, fertilisers, human capital and markets must be addressed

7.0 Emerging Policy Options

Findings from our study reveal that one of the main problems facing women is social instability. Laws and practices related to marriage and inheritance, and the resulting social relations, all together bring about a situation that makes the position of women very precarious. Thus one area where reform is required is with relation to practices of marriage and inheritance so that the position of women is made stronger; and this in turn will bring social stability which in turn is necessary when considering measures of poverty reduction.

Our study established that many poor women did not own the land which they were occupying, and yet inheritance remained the major way through which women could get land. Women could get themselves out of clan land by acquiring land through purchase, but this is not an option open to many since it is expensive and wrought with complications of transacting in clan land. There is therefore a need to expunge the customary system of inheritance which discriminates against women. An education campaign will be necessary to convince society to adopt changes in their attitudes towards land inheritance by women.

Our study found out that there was concern among the study population about access to social services. Action is required to make the cost of educating children and getting medical services affordable. Again it would appear that some kind of social security, particularly for the aged and the infirm is a necessary ingredient of poverty reduction, particularly so as the traditional systems of social security based on kith and kin breaks down or gets strained.

There is no question that the AIDS source has brought a lot of havoc to the lives of many women and is the major cause of their being widowed (Weiss 1993). Any social stabilising measures need to take cognizance of the precarious situation which faces women who may be victims of the disease.

There is need to take deliberate social action to enhance the position of women. Our study found that society had made women to see themselves as being too dependent on the men. Thus an education, confidence building and empowering campaign is required.

On the other side of the coin, action is required to improve the economic status of women. Many expressed the need for economic projects, and for capital and other viable financial arrangements to improve their earning power. Such arrangements must involve the training of women in business management, and other education that can make any ventures undertaken a success. It may well be that institutional arrangements are necessary to bring women together to increase their viability and reduce their vulnerability.

General institutional arrangements are required to increase the economic stake of rural areas. There is for example the need to expand the markets for rural products whether they be the traditional cash

crops, whose marketing arrangements have deteriorated in recent years, or whether they are the non traditional ones like foods. Lack of transactions in markets is one major cause of rural poverty.

At this stage and moment it can be seen that action required to reduce poverty must be taken at various levels: at the central government level, at the local government level, at the community level, and the level of donors and NGOs. Addressing the land question is only one of the areas that needs attention.

Reform of the women's position in rural society is necessary, such that women whether married or alone will have equal potential with the male members of the society for earning both subsistence and cash income from their own labour. As long as land is considered an individual right, women must have equal opportunity with a man to hold title to the land she cultivates, if left alone. If married she must share equally the toil and cost related to the case of the family. When divorced she must be provided with sufficient land or with cash to enable her buy a shamba.

Our study can therefore be said to have illucidated on a problem pertaining to rural poverty, and if the ameliorative action suggested is taken, then women in vulnerable positions and in poverty stand to benefit. Ways considered for disseminating these research findings include the holding of various seminars and workshops and the linking up with NGOs like TAWOVA, which are active in the Bukoba area in matters of women rights.

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