



**Women, Donors and Land Administration
The Tanzania Case**

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and Scholastica Haule

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ABSTRACT

Tanzania's land reform from 1999 has been evaluated as among the most gender-sensitive of its kind in Sub-Saharan Africa. However, there is a gap between the legal framework and what is happening on the ground. This working paper analyses the challenges related to the protection of women's rights to land in rural areas. It provides detailed information on reform implementation experiences so far by analysing a number of government and NGO interventions. It furthermore discusses the ambiguous role of donors. The paper makes it clear that the fight for women's rights has not been won just because the legal framework is right. Discriminatory practices persist at formal as well as at customary institutions, disadvantaging women's access to land. Women's rights should therefore be mainstreamed into every activity that relates to land, land administration and land dispute settlement, from policy formulation over implementation to evaluation.

INTRODUCTION

Tanzanian women access land in different ways. In rural areas most women still access land through their male relatives, but to varying degrees depending on their ethnic group, family relations and socio-economic status. These practices may not inhibit women from holding access and rights to land *per se*. However, in case a woman's relationship with her relatives changes, for instance, if her husband or father dies or if she is divorcing, her access to land may be endangered.

In addition, the competition for land caused by population growth, rising food prices and biofuel production is also felt by Tanzanian women. Government policies seek to attract investors, domestic and foreign alike, to the farming sector. Land policies have become increasingly market-friendly over the last 2-3 decades. Though policies are based on principles of non-discrimination, they may have gendered consequences, undermining the other gender-sensitive pieces of land legislation.

This working paper aims at outlining and discussing some of these changes with an emphasis on Mainland Tanzania's 1999 land reform, which overhauled the entire legal and administrative framework. The reform consists of the Land Act no. 4, governing land in cities and other areas, and Village Land Act no. 5, governing land in village areas. In 2002 came the Courts (Land Disputes Settlement) Act. It is the protection of women's rights to land in rural areas that is of key concern to the paper.

The working paper is part of a larger research programme (ReCom), coordinated by UNU-Wider and financed by DANIDA and SIDA, which examines what has been achieved through development cooperation across a number of sectors. The paper is one

in a series of country studies in the project on women and land and the role of development assistance in this respect. Throughout, there is a focus on the documented effects changes may have on women's rights to land.

Tanzania's land reform shares a number of characteristics with other sub-Saharan African land reforms – the 'new wave land reforms' – which have been introduced in the last couple of decades. First, it recognises existing rights to land, customary rights included. Secondly, it decentralises responsibility over land administration and land dispute settlement to the local level. Thirdly, it aims at facilitating a market in land through enabling registration of rights and the issuance of land title deeds, in village land areas called Certificates of Customary Rights of Ownership (CCROs). Finally, it seeks to protect the rights of women and some vulnerable groups, for instance through caveats on sales of customary rights to land.

The reform has been evaluated as among the most gender-sensitive of its kind in Sub-Saharan Africa (Knight 2010). It clearly abolishes customary practices that discriminate against women, entails affirmative action to include women in the administrative set-up and even makes it the work task of the state-backed village authorities to ensure and enforce some of these provisions. Thereby, it moves parts of the responsibility for protecting women's rights away from the women themselves.

However, despite elaborate gender provisions, women's rights to land are often not respected. There is a gap between the legal framework and what is happening on the ground, primarily due to custom. Women may experience particular problems like access to and control over land, participation in decision-making processes, and loss of land related to inheritance and divorce.

These problems are exacerbated by the slow and uneven implementation of the reform. Through their support to the implementation of the reform, donor influence may have worsened the situation in cherry-picking reform elements, while neglecting the reform in its totality. If not this duality between the legal framework and realities on the ground is borne in mind when reading about land in Tanzania, it is not possible to comprehend the discrepancies between reform promises and reform outcomes when it comes to women's rights to land.

The following section outlines the making of the reform, the much debated role of donors herein, and its outcomes in terms of the protection of women's rights to land. It is followed by an analysis of the formal and legal institutional set-up, which, in rural areas, is characterized by a far-reaching decentralization of responsibility. However, as the fourth section makes clear, customary law and practices cut across and sometimes undermines the state-prescribed legal framework. Finally, the last part of the paper analyses reform im-

plementation, both state-led and NGO-led activities, and the decisive role of donors herein.

THE MAKING OF THE REFORM

From the early 1980s onwards Tanzania witnessed a large increase in the number of land conflict. They were caused by diverse factors like the Ujamaa villagisations in the 1970s and their reversal in the 1980s, the opening up for private land ownership with a new agricultural policy in 1982/3, the establishment of state farms (as part of the National Agriculture and Food Corporation, NAFCO) and state ranches (as part of the National Ranching Company Limited, NARCO) in the 1960s and 1970s, followed by their privatization due to new investment policies from the early 1990s (Chachage 1993; Chachage 2009).

These major shifts in policies led to overlapping claims to land, which had been acquired by different persons during different legal regimes. Overlapping and often contradicting legislation lead to widespread confusion over which institutions had the right to allocate land, issue land title deeds and settle land disputes. It was further aggravated by a rapidly growing population, a land administration and land use planning system that had broken down due to lack of capacity, and by outright corruption. Already in the late 1980s it was clear that the ordinary court system was unable to handle the major part of land conflict cases (Sundet 1997; URT 1994, 101; Kombe 2000).

Tanzania's land reform, made up of the Land Act and the Village Land Act of 1999 and the Courts (Land Disputes Settlements) Act of 2002, has been described as a response to these challenges. A conflicting description

Box 1

Read more:

The *Let's Talk Land Tanzania* <http://letstalk-landtanzania.com/s/> website is a platform of information on issues related to land in Tanzania.

Mokoro Land Rights in Africa <http://www.mokoro.co.uk/land-rights-in-africa> is run by the land rights advisor Robin Palmer. It publicizes work on land rights in Africa, including from Tanzania.

African Women's Land Rights Email List womens-landrights@lists.oxfam.org.uk run by Oxfam, which publishes news from all countries in Africa, including from Tanzania.

Box 2. Tanzania, Gender and Land Legislation

CEDAW signature?	Yes, in 1985
Year of Land Reform	1999
Prohibition of Discrimination Against Women?	Yes
Affirmative Action in the Land Legislation?	Yes

sees the reform as a response to the increase in the demand for land and corresponding land administration services (Daley 2008, 72; Kombe and Kreibich 2006, 33). Some scholars have even described it as a vehicle for disempowerment and land grabbing by benefiting the local elites and marginalising the poor (Pallotti 2008, 231; Shivji 1998, 82).

The latter point of view was particularly propagated by Issa Shivji, a Marxist scholar and well-known critic of neoliberal reform, who in 1991-92 worked as the chairman of a government-appointed Presidential Commission of Inquiry into Land Affairs that had been set up to investigate the causes of the increasing number of land conflicts and recommend reform initiatives on the basis of it. Not all the Commission's recommendations were heeded and Shivji became critical of the entire reform process. He and likeminded scholars pointed to the donor influence, particularly that of the IMF, the World Bank and the British government, on the policy formulation processes and the subsequent market-friendly policies and laws (Shivji and Wuyts 2008, 1084; Manji 2006).

DfID's and the World Bank's involvement in financing seminars, reports, policies and even the final drafting of land acts is remarkable. However, research into the processes and testimonies given by the foreign con-

sultants, including the British expert Patrick McAuslan, who was hired to draft the Land Acts, point to the decisive control exercised by Tanzanian policy makers in the Ministry of Lands, Housing and Human Settlements Development. Often the consultants sought to accommodate the Presidential Commission's recommendations, but were told to back off by the Ministry (Sundet 1997 and 2004; McAuslan 2010)¹.

Whereas the donor influence on the main outline of Tanzania's land reform is disputed, foreigners undeniably left their mark on certain elements. When it comes to the protection of women's rights to land, the influence was ambiguous. On the one hand, McAuslan reckons that he, in cooperation with Tanzanian women groups, was influential and went further than the Commission, which was not very clear on women's rights and had foreseen a larger role for customary laws and institutions. On the other hand, the World Bank seems to have put pressure on the Tanzanian government by imposing conditions on a poverty reduction loan. In order to protect spouses' or women's rights,

¹ Patrick McAuslan is a Professor of Law and renowned consultant in East Africa. He was involved in drafting the land reforms in Tanzania and Uganda before the turn of the millennium and, later, in drafting reform elements in Rwanda (McAuslan 2010). He has published extensively on land reforms in Africa.

the original Acts had reduced courts' ability to reopen the terms of mortgages in case of default. Upon the demand of the World Bank, these protective measures were changed with the Land Amendment Act from 2004 and the Mortgage Finance (Special Provisions) Act from 2008 (McAuslan 2010, 122).

Women's Influence on the Reform

The recommendations of the Presidential Commission of Inquiry into Land Matters to build on and reform customary laws and institutions steered up a debate about how to protect women's rights to land. The debate became even fiercer as it became clear that inheritance was to be governed by custom and that the issue of ownership of land between husband and wife had been excluded from legislation in the National Land Policy, which was approved by the National Assembly in 1995 (McAuslan 2010)

A number of women groups mobilised. They feared that this would undermine women's rights to land. Amongst them, to mention a few, were Tanzania Women Lawyers Association (TAWLA), Land Tenure Study Group (LTG), Women's Legal Aid Center (WLAC), the National Organisation for Children and Welfare and Human Relief (NOCHU), Tanzania Gender Networking Program (TGNP), Women Advancement Trust (WAT), Tanzania Home Economics Association (TAHEA), Tanzania Women Media Association (TAMWA), Women in Law and Development in Africa (WILDAF) and some women from the Institute of Development Studies at the University of Dar es Salaam.

In the process, a discord appeared among the women groups. In 1995, the Women Council of Tanzania, known by its Swahili acronym, BAWATA, was formed to advocate for gender equity in the land reform. It was

dissolved by the government in 1996, supposedly for being involved in 'political activism'. In 1997, it was succeeded by the Gender Land Task Force (GLTF) as an influential coalition with more than eight institutional members², coordinated by TAWLA and funded by the Royal Embassy of The Netherlands, Norwegian Peoples' Aid, the Finish Embassy, DANIDA, to name but a few (TAWLA 2012 and interviews with former NGO representatives 6 December and 27 December 2012). A competing women's group, the National Land Forum, sought to address land as a class issue (TAWLA 2012, 10), but its recommendations were not adopted by the government.

The women groups proposed the abolition of customary law and joint spousal ownership rights over land as an alternative. Indeed, according to Dzodzi Tsikata, who has analysed the debate, these women groups managed to achieve most of their aims; discriminatory practices were prohibited and joint ownership and joint titling were provided for (Tsikata 2003, 173). The consultant, who drafted the Land Acts, also takes some credit for the Acts' gender sensitivity, pointing to his translation of the Land Policy's general statements into specific legislation. In particular he points to securing women's representation in land administration and land dispute settlement, suggestions that were embraced and successfully campaigned for by the women groups (McAuslan 2010, 121).

The outcome of the process was the Village Land Act No.5 of 1999, governing village land in rural areas, and the Land Act No.4 of 1999, governing land in cities and other types

² National Coalition of Children and Welfare and Human Relief (NOCHU); Tanzania Home Economics Association (TAHEA); Tanzania Media Women Association (TAMWA); Tanzania Gender Networking Programme (TGNP); Women Advancement Trust (WAT); Women and Legal Aid Clinic (WLAC); Tanzania Women Lawyers Association (TAWLA); and the Women in Law and Development in Africa (WILDAF).

Box 3. Examples of NGOs Supporting Women's Rights Today

The Tanzania Women Lawyer Association (TAWLA) was founded in 1989 and officially registered in 1990. The organization was, and still is, the overall coordinator of gender-related land matters in Tanzania under the umbrella of the Gender Land Task Force (GLTF). TAWLA has continued to play an active role in monitoring the implementation of the celebrated enacted laws, awareness creation on the laws, and it influenced the changes of the consent of spouses' in mortgages clause in the Land Amendment Act, 2004, the Mortgage Financing (Special Provision) Act 2008 and the Unit Title Act (for more information on TAWLA activities, see Behrman, Billings, and Peterman 2013).³

Initially TAWLA's work was funded by the Royal Embassy of the Netherlands, but more recently it has attracted a number of donors including the Finnish Embassy, DANIDA, SIDA, and the World Bank, which just supported a study on Gender Land Tenure System.⁴

Community Research and Development Services (CORDS) – an NGO – has been actively engaged in advocating pastoralists' rights to land, women's rights included, in five districts in the northern part of Tanzania since 1998. In the first years, the focus was on securing communal rights to land. The land legislation was seen as a vehicle to those ends, in particular the land-use plans and the village land titles, which are preconditions for village governments to take over responsibility for the administration of land, but there was no plan to implement the Village Land Act in its entirety.

Initially, programme activities targeting women aimed at their empowerment through women's groups and income-generating activities. Only from around 2005 did CORDS broaden its focus to include women's rights to land. Later, and maybe as a consequence hereof, it was realised that women's rights to land in some situations might be better protected from land sales by male relatives through individual CCROs, something unheard of among pastoralist NGOs, who tended to see individualisation and titling as threats to the Ma-sais' communal grazing rights. However, in October 2012, no CCROs had been issued in Kiteto District. CORDS' main funder on land rights has been DANIDA through partnership with ActionAid Tanzania.

of land. Taken together, the Land Acts have been evaluated to be among the best and most gender aware reforms (Knight 2010, 211). In 2002 the Courts (Land Disputes Settlements) Act was introduced, which spelled out the Land Acts' provisions for a land court system.

Provisions to Protect Women's Rights to Land

More than most, Tanzania's land reform strikes a balance between recognising ex-

isting rights and institutions and protecting the rights of vulnerable groups. Already the constitution from 1977 provides for equal property rights and prohibits any forms of discrimination against women. These provisions are spelled out in much more detail in the Land Acts. Though the Land Acts recognize customary land rights and institutions, they also prohibit discriminatory customary practices:

Any rule of customary law and any decision of land held under customary tenure, whether in respect of land held individually or communally, shall have regard to the customs, traditions and practices of the community (...),

³ Interview conducted with a former TAWLA Officer 28 December 2012.

⁴ Interview conducted with a former Gender Land Task Force (GLTF) Officer 27 December 2012.

[but shall be, ed.] void and inoperative and shall not be given effect by any village council or village assembly or any person or body of persons exercising any authority over village land or in respect of any court or other body, to the extent to which it denies women, children or persons with disability lawful access to ownership, occupation or use of any such land. (URT 1999, Section 20, 2)

Overall, the land acts recognize that women have the same rights to own land and property as men. Furthermore, the Village Land Act moves some of the responsibility for protecting rights away from the women and vulnerable groups themselves. It is made clear that the village councils, which are vested with power over the administration of village land, should protect women's rights (Ikdhahl et al. 2005, 42). It also obliges purchasers of land to ensure that the seller's spouse has consented to the transfer of land rights. Finally, it recommends joint registration and titling: unless one party requires to be registered solely, both names should be put on documents as owners of the land (Ikdhahl 2008, 53; Knight 2010, 181).

The reform has been recognized as a big step forward for gender equity (Hilhorst 2000, 191), but some scholars consider that more could be done to protect the rights of widows (Knight 2010, 182; Manji 1998, 659; Tsikata 2003, 179). Because family and marriage are largely regulated by custom and marriage law, Yngstrom (Yngstrom 2002, 34) argues that the interests of women would be better protected through changes in the Marriage Law.

That changes in marriage law may matter is hard to argue against. However, the Land Act no. 4, which is the supreme law when it

comes to land related matters, explicitly states that in case of conflicts in regards to any other laws governing land, the Land Acts will prevail. It is the interpretation of customary law more than the Marriage Law that poses the bigger problem.

In a more general critique of the reform, Odgaard (Odgaard 2006, 37) recommends that the focus be redirected from the formal land administration to the recognition of customary authorities, making them responsible for protecting the rights of women and other vulnerable groups. Pedersen, on the other hand, emphasises that both the formal institutions, which are getting more important in mediating access to land, and the less formal ones, should be addressed (Pedersen 2013).

In the end, however, the reform's most important contribution to strengthening women's land rights may not be legal and institutional, but social, as Helen Dancer concludes in her doctoral dissertation *'Shamba ni langu' (The shamba is mine): A Socio-Legal Study of Women's Claims to Land in Arusha, Tanzania'*. Dancer points to the strengthening of the equal rights discourse as its major feat:

...this discourse was not created by the legislation, but rather strengthened by it. It is this discourse which in turn carries the power to bring a deeper moral sense of justice into legal decision-making (...) In Tanzania rights, freedom and justice are encapsulated in the national discourse of haki. Arguably, it is when rights are part of such an everyday moral discourse that they hold the greatest potential to gradually change social attitudes and legal processes of decision-making: there is power in the

discourse of rights itself. (Dancer Unpublished, 171)

THE ADMINISTRATIVE SET-UP

The Village Land Act, which governs village land in rural areas, decentralises responsibility for the administration of land to village authorities. It gives villagers the option to register rights to land individually or communally, and it sets out the procedures for how village authorities can administer these processes. Responsibility for registration processes is vested in the village assemblies and village councils (Ik Dahl 2008, 49; Sundet 1997 and 2004, 123).

It is part of the same, broader trend towards decentralisation of responsibility for the delivery of public services which has been ongoing in Tanzania for more than 30 years. It is a continuation of the establishment of villages as a unit in the local government system in 1975 and the reintroduction of district councils in 1982 (Max 1991, 100; Pedersen 2012).

Formerly, higher-level authorities played a role in land allocation and land titling in rural areas (URT 1994, 1992), but now their role has been circumscribed and district authorities are only supposed to advise villages on land management (Wily 2003, 14). A new Land Use Planning Act from 2007 recentralised some responsibility by strengthening the districts' roles in overseeing village-level land administration and endorsing land use plans, but it does not significantly move control away from the villages.

The reform also provides for a new decentralized system for land dispute settlement. The body at the village level – the village land councils – are given mediating

power (Sundet 2005). The next level, the Ward Tribunals, is restricted to cases involving land or property valued at three million shillings or less. A more professionalised body – the district land and housing tribunal – is prescribed at the district level to handle disputes over more valuable plots of land and with the possibility of appeal to the High Court (Land Division) and the Court of Appeal at the national level (URT 2002; Sundet 2005).

Overall, with its far-reaching decentralization, the reform seeks to describe how to create better administrative systems in order to secure rights and facilitate a market in land (Fimbo 2004, 18). Implementation is envisaged to last for decades and not much of the reform is mandatory for the villages.

Women's Representation in Land Administration

Women have a significant representation in the villages' governance of village land. The Village Council which is vested with the overall daily responsibility for administering village land must include at least one quarter of female members under the Local Government Law (1982). Furthermore, women are to comprise at least 4 of 9 members of the elected Village Adjudication Committee, which investigates and determines boundaries prior to land registration, and at least 3 of 7 members of the Village Land Council, which deals with dispute settlement. Similar provisions can be found for women's representation at the higher-level ward tribunals and district land and housing tribunals (Wily 2003, 48; URT 2002).

Only sporadic research has been carried out to investigate whether the reform affects women's access to land in practice.

Box 4. Ujamaa and the Gradual Transformation of Customary Authorities

In 1962, the year after Tanzania's independence, the office of the chiefs was abolished in Tanzania, discredited by their cooperation with the colonial administrations. Distant, but democratically elected, district and town councils were now the key institutions in the local government structure, but the former chiefs often retained a role in land management (Max 1991; Fimbo 1992, 39; Oppen 1996).

The strengthening of the *village* authorities gained speed with the Ujamaa villagisation programme in the first half of the 1970s, which further weakened the customary authorities. However, Von Oppen, in his analysis of land conflicts in Western Handeni – today probably Kilindi District – describes the way the new village institutions were contested. Their ability to handle land conflicts, he writes, was being 'hampered by a constant lack of legitimacy in the eyes of the villagers' caused by their establishment during the deeply unpopular period of forced and sometimes violent Ujamaa villagisation (Oppen 1996, 101; Schneider 2003, 428).

In many places, customary laws, institutions and practices have retained a role in land administration at the local level until this day, interwoven with various colonial and post-colonial policies. Elders are often involved in allocating land and settling disputes over land, following customary laws (Odgaard 2006; Gastorn 2008). However, the role of the more formal village authorities generally seems to be on the increase in these matters (Pedersen 2013).

OTHER LAWS AFFECTING WOMEN'S RIGHTS TO LAND

Tanzania's legal framework is marked by some inconsistencies and uncertainties when it comes to the protection of women's rights to land. There are overlaps between state and

customary laws, especially when it comes to family matters. Because they may touch upon a woman's relationship with her male relatives, these issues are also decisive for most women's access to land.

Thus, the extent to which divorced women get parts of the property or inherit in case their husband dies, depends on local circumstances. Not only may local customary laws and institutions disadvantage women. Formal courts also have discretionary power to choose between customary, Islamic or statutory legal frameworks.

Other State Laws and Institutions

The Law of Marriage Act (No. 5 1971) has a bearing on the division of property in that it prescribes that marital property should be divided according to the parties' contribution. It has, however, proved difficult to measure the actual contribution (Ikdahl 2008, 52).

A number of landmark High Court rulings have strengthened women's position over the years. A High Court judgment in 1990⁵ rejected a plaintiff's reference to the Customary Law Order and emphasised the principle of non-discrimination in Tanzania's Constitution. In addition, it rules that no laws should be allowed to violate this principle of non-discrimination.

The High Court has provided other landmark judgments that improved women's access to land (Ikdahl et al. 2005, 40; Shivji et al. 2004, 97). These views are reflected in the 1999 land acts' abolition of discriminatory practices. In general, written law trumps customary law (Shivji et al. 2004, 19).

⁵ The case *Ephraim Bernado vs Holaria Pastory (1990) LRC, 757* made it clear that Tanzanian law must conform to the Universal Declaration on Human Rights and other instruments that prohibit discrimination based on gender.

Customary Laws and Customary Practices

The land reform explicitly recognizes customary law and customary authorities, but it is ambiguous about their exact roles. The lack of definitions may leave the communities in some confusion. Who are these authorities and what do the customary laws prescribe? Furthermore, though customary authorities are allowed to participate in dispute settlement, the laws paradoxically 'lean towards homogeneity of customary laws' with their prohibition of discriminatory practices and streamlining of administrative structures (Knight 2010, 187; Gastorn 2008, 217). Scholars differ on whether the homogenization should be welcomed or not.

Customary law applies only in civil matters and is important for succession, inheritance and family matters. A Customary Law Order was introduced in 1963 to regulate marriage and succession that could delimit women from inheriting or owning land in patrilineal areas. A codification of customary laws was carried out in a number of districts, but was soon abandoned. Though still applicable, the law code seems not to be in much use (Yngstrom 2002). The village land act does not provide for a new codification of customary laws (Fimbo 2004, 21).

Despite the legal changes, custom remains decisive for inheritance practices in Tanzania, often with the aim of keeping clan land undivided. This may have serious negative consequences for women, particularly, where patrilineal succession is predominant, that is, in more than 80 percent of all communities. These broad observations cover a number of inheritance varieties among Tanzania's ethnic groups. In some communities, widows are dispossessed of all property, whereas in others they become custodians

of their deceased husband's property until the sons can take over (URT 1994). Women in matrilineal societies are obviously better situated (Englert 2008), though to varying degrees.

Customary laws and practices are constantly evolving. There is some evidence that women may get better off. A couple of studies have shown that men may be changing practices, partly under the impression of formal legal reforms. Furthermore, there is evidence that women increasingly are seeking redress through the formal legal system despite its shortcomings (Isinika and Mutabazi 2010, 142; Odgaard 2006, 31). However, research carried out prior to the introduction of the land reform indicates that it is particularly well-off women, who can follow this trajectory (Daley 2008). Gender equality in terms of access to land remains a distant goal in most places.

REFORM IMPLEMENTATION

From a legal point of view, the Land Acts were applied from the day they came into force. From that day they were to be used by courts to settle disputes. The implementation in terms of the establishment of institutions for land administration and land dispute settlement in rural areas has been much slower. Decentralization means that the Ministry of Lands, Housing and Human Settlements Developments feels less responsible. Implementation has therefore largely been left to village and district authorities, who do not have the required resources in terms of funding and skills (Pedersen 2010; Sundet 2005, 7).

The lack of a realistic plan bears a part of the blame for the slow and uneven implementation. It was not until 2005 that the Strategic

Plan for the Implementation of the Land Laws, SPILL, was finalised by the Ministry of Lands, Housing and Human Settlements Developments, after it had been called for by a new Agricultural Sector Development

Strategy under the Ministry of Agriculture (Ministry of Lands (unknown date)). The making of SPILL was financed by the EU. From the outset, it was severely under-funded, its implementation estimated to cost 300

Box 5. Investments and Large-Scale Land Acquisitions

The belief that investments are required to improve the productivity of Tanzanian agriculture, including that of small-holders, is widespread among Tanzanian policy-makers. Typically, the stated aim is to strengthen both small-scale and large-scale farming. However, the balance between small-holder interests and large-scale investors is disputed. Scholars evaluate the outcomes differently.

On the one hand, some scholars find that Tanzania has received fewer large-scale investments and experienced fewer incidents of land grabbing than other African countries, largely due to a sound legal framework. Thus, the investments that have been realized seem to have been 'developed with due accord to Tanzania's legal framework, and there is no evidence that has been brought forward of corruption being involved, or even of 'secret' local Tanzanian business partners playing a key role as is the case in many foreign business dealings' (Nelson, Sulle, and Lekaita 2012, 12). A World Bank report also finds that the strong protection of customary rights in Tanzania is a likely explanation for the comparatively low level of large-scale land acquisitions (World Bank 2010).

Project documents from the *Southern Agricultural Corridor of Tanzania, SAGCOT*, which is part of the Kilimo Kwanza initiative, supports this interpretation. SAGCOT aims at boosting agricultural productivity by attracting investments and promoting clusters of profitable agricultural farms and businesses. Its appendix 3, which deals with 'Land development', thus complains that the protection of the villagers' rights to land is too strong and makes it very difficult to find land for investors. It therefore points to acquiring the former state farms and ranches as a better alternative for investors (URT 2010).

On the other hand, some scholars focus on the distributional aspects of large-scale land acquisitions and their lack of legitimacy at the local level. Chambi Chachage, for instance, criticises the privatization of state farms and ranches from the late 1990s onwards and points out that investors are often not using the land optimally. Local citizens, he writes, who lost the land due to colonial and post-colonial land alienation practices, could use it more effectively (Chachage 2009).

In a similar vein, other scholars point to irregularities and point out that though land deals may be legal, the pressure exerted on village leaders and villagers to comply with government interests hardly makes them voluntary (Massay 2012; German, Schoneveld, and Mwangi 2011). The new legal and institutional framework may be difficult and expensive to access for ordinary villagers (Askew, Maganga, and Odgaard 2013). Godfrey Massay points to the procedural weaknesses in the Land Acts, where the signing of a contract between villagers and an investor is *not* required. Consequently, villagers are often promised benefits by investors and government representatives on village meetings prior to the land deals, which they find hard to enforce later on.

In the light of the heated debate, the Tanzanian government's position on land demonstrates some ambivalence towards large-scale investments. The government has, repeatedly, complained that the Village Land Act makes it too hard to acquire land for investors. For instance, in the Kilimo Kwanza and SAGCOT document referred to above, it has announced that it should be made easier. However, so far, the government has not introduced any significant changes in the legal framework.

Overall, Ingunn Ikdahl's remark that the Tanzanian state, at the same time, may improve tenure security and provide the single biggest threat to tenure security, regardless of gender, seems well placed (Ikdahl 2008, 56).

billion Tanzanian shillings out of which only 3 billion would come from the ordinary government budget (Hakikazi in Collaboration with Experts from the Ministry of Lands July 2006, 19).

Though SPILL has been described as ‘gender aware’, the challenge of translating it into concrete action remains (Ahikire and Kassim 2012). Its fundamental principle no 15 states that ‘The right of every woman to acquire, hold, use, deal with, land shall to the same extent and subject to the same restrictions be treated as a right of any adult man’ (Ministry of Lands 2005, 86). It also encourages that all CCROs are granted in the name of all spouses (p. 24). However, when it comes to implementation, Ahikire and Kassim identify serious gender-blind spots. Women are thought of primarily as receivers of information about women’s land rights. The Plan contains no more specific measures to strengthen women’s rights to land.

The lack of funding for implementation means that donor support has been decisive for most implementation activities. Whereas the term ‘donor-driven’ may not be adequate for descriptions of the policy-formulating processes, it is well-placed when it comes to implementation. Projects and programmes are largely initiated when there is donor funding and donors have a major influence on their scope and content (Pedersen 2010, 2012; see also Knight 2010).

Ministry officials are currently talking about making a new Programme for Implementation of the Land Laws (PILL) to implement the SPILL. Such a programme was envisaged in the SPILL (interview 5 October 2012. See also Ministry of Lands 2005, xvi). Whether it will make up for the implementation deficits remains to be seen.

GENERAL IMPLEMENTATION INITIATIVES

This section outlines a number of initiatives to implement Tanzania’s land reform. It is followed by sections on more direct donor supported interventions, which largely fall in two categories; one that targets the reform’s land titling element, carried out by the Ministry in cooperation with the districts, and another focusing more broadly on tenure security through dissemination of information about laws and rights, making of land use plans and on facilitating local-level dispute settlement, carried out by NGOs.

In 2004 the first customary title deeds, Certificates of Customary Rights of Occupancy (CCROs), were issued during a EU-financed pilot project in Mbozi District. Since then, a number of pilots, typically financed by foreign donors, have been carried out, testing different approaches (Pedersen 2010, 2012; Knight 2010; Kosyando 2007, 2008). Implementation is envisaged to last for decades. The reason for the slow progress is not only a lack of funding, but equally important the decoupling phenomenon that reflects an unclear division of labour within the land administration structure. Implementation is too complex for the villages to handle on their own, not high on the agenda in the districts and outside the reach of the responsible Ministry of Lands, Housing and Human Settlements Development.

As a contrast to the project-driven implementation, some national-level interventions, initiated by Tanzanian decision makers, deserve to be mentioned. First, in 2004-5 the Permanent Secretary for Regional Administration and Local Government in the Prime Minister’s Office issued a circular ordering district authorities to establish village land councils (Ministry Official: 27 April 2010).

The establishment of a system to settle land disputes is a major feature of the Tanzanian land law reform. We cannot take it for granted that all councils are working. Still, we can assume that a large number of Tanzanian villages do have functioning village land councils (see, for instance, Gastorn 2008, 112 and 127; Pedersen 2012, 278).

Another major achievement is the large number of villages which have received a village land certificate, which is the precondition for village authorities to take over responsibility for administering land. A village land certificate requires the adjudication and surveying of village boundaries and the making of a village map. In July 2012, 9,460 villages out of 11,817 registered villages had received such a certificate, up from 4,227 in 2010 (Ministry of Lands 2012, 2010b). A combination of a minister of Lands, Housing, and Human Settlement Development, who a couple of years back started a project for making aerial photographs of rural areas, and additional funding from a World Bank project made it easy for districts to finish the job in cooperation with villages.

Somewhat slower has been the making of village land use plans, that is, the plans under the 2007 Land Use Planning Act that prescribe and manage land for different purposes in a village (URT 2007). A land use plan does not only designate land for production purposes, but also for recreation, road-building, waste disposal and maybe areas protected for environmental purposes. Often, land use plans are made when land is needed for certain purposes, for instance the protection of forests or the sale of land to investors. They are also a prerequisite for the issuance of CCROs. In 2012, approximately 1,500 plans had been made, up from 705 in 2010 (Ministry of Lands, personal communication 1 March 2013; Ministry of Lands 2010b).

Finally, the President's high-profiled *Kilimo Kwanza* initiative is an example of an overarching initiative, aiming at developing the agricultural sector, that sets its own goals. It has the strengthening of the land administration system as one of its ten pillars, largely focusing on titling and attracting investors (Tanzania Business Council 2009). It entails different initiatives that have their own funding channels and mechanisms, though their extent is unclear. In February 2010 the Tanzanian newspaper the Citizen reported that seven villages in Korogwe would be surveyed and 1,000 title deeds issued as part of *Kilimo Kwanza*.

The mentioned successes relate to land governance and have no direct bearing for women's rights to land. However, because village authorities are tasked with the protection of women's rights to land, their gradual strengthening, which is a likely outcome of such initiatives, may affect gender equity. If this will indeed be the case remains to be seen. More research is needed.

DONOR-SUPPORTED INTERVENTIONS AIMED AT TITLING

The implementation of the reform's titling aspect has primarily been carried out as pilot projects, that is, limited in time and geographical scope. After the pilots, registration of rights and issuance of CCROs continued in the affected districts to various degrees. The pilot projects of a certain scale all involved people from the Ministry of Lands, Housing and Human Settlements Development. They all recognised women's ownership rights to land and encouraged joint titling, though to a varying degree.

The BEST Project

By far the largest implementation project since the passing of the land acts is carried out by the Ministry for Lands and Human Settlements Development. It started in 2006 as part of the Business Environment Strengthening for Tanzania (BEST) Program, which was funded jointly by a credit from the World Bank and by DfID, SIDA, DANIDA, IDS and the Government of the Netherlands, and coordinated from the Prime Minister's Office. Officially, it sees itself as a continuation of SPILL, the Strategic Plan for the Implementation of the Land Laws, and particularly focuses on the activities that will increase private sector competitiveness. Thus, the programme's focus on improving the business environment is likely to have affected the character of its land sub-components.

The overall purpose of the BEST program is to reduce the burden on businesses by eradicating as many procedural and administrative barriers as possible and to improve the quality of services provided by the government to the private sector. The goal of the land sub-component is to 'reducing land disputes and the time taken to allocate and register land and mortgages from more than 60 days to less than 30 days' to the benefit of small and medium size enterprises (Ministry of Lands 2006, 1).

The gender aspect is not high on BEST's agenda. Apart from the mentioning that the Land Acts increase the recognition of women's rights on page 57, there is no mentioning of women or gender in the Project Implementation Manual. Similarly, the evaluation of the land sector sub-component mentions gender and women only a few times (Ahikire and Kassim 2012, 19).

The project was scheduled to be carried out in 15 rural districts and in a number of unplanned urban settlements through capacity

building and improving of infrastructure for surveying, mapping and registration. Later, it was decided to carry out pilot projects in Babati and Bariadi Districts in two phases, the first phase including systematic demarcation and titling in nine villages in each of the districts, and the second phase a roll out to all villages (PMO 2008, 6). The first phase finished in 2010, and it is still being discussed whether to continue to the second phase (interviews with donor representative 12 September 2012 and Ministry Official 5 October 2012).

BEST Implementation. Outputs and Outcomes

On the surface and according to the Ministry of Lands, Housing and Human Settlements Development itself, the project in Babati and Bariadi was a major success. More than 30,000 CCROs were produced, almost 90 percent of the target. In terms of gender equality, a draft evaluation report also notes progress and emphasizes that the information campaigns mean that communities, traditionally restricting women's access to land, have 'changed their attitude' (Ministry of Lands and Bank 2010/1, 47).

Figures are contradictory. An unpublished data sheet from 2010 shows 1,031 female and 2,315 joint titles out of a total of 16,421, that is, around 20 percent female and joint ownership. An unpublished evaluation from the last half of 2010 shows higher figures, namely 3,212 female and 945 joint titles out of 16,429 issued CCROs, that is, around 25 percent female and joint ownership (Ministry of Lands and Bank 2010/1, 47; Ministry of Lands 2010a).

When compared to previous evidence from Kenya, where Shipton, based on figures from 1982, reports only 7 percent female ownership after a titling exercise (Shipton

2009, 151) and Nyamu-Musembi concludes that ‘only men end up registered as owners of land’ (Nyamu-Musembi 2007, 1471) the above numbers are significantly higher.

Still, the Tanzanian figures may be inflated or not reliable. During a field visit to a Bariadi village carried out to prepare this report, no villagers had received a title deed, even though a significant number had been reported from there in the Ministry’s internal evaluation. According to people in the district, the main reason was the many mistakes that had been made during implementation, which had mixed up people’s identities, photos and plots. Consequently, the CCROs were held back, including those of women. In October 2012, there were no funds for finishing the project, the project data base with the information about the plots had been sent to the ministry to be serviced and the district had no computer literate person employed, who could maintain the system (interviews with Ministry Official 24 October 2012 and District Officer 18 October 2012). The maintenance of equipment and skills appears to be a general problem at the end of pilot projects (Nyarubaji 2013).

Furthermore, when compared to land allocations and issuance of CCROs to women elsewhere in Tanzania, the numbers in Babati and Bariadi are quite low. In a village in Handeni District, which had undergone a similar pilot titling project under the MKURABITA programme in 2006-2007, around 35 percent of all CCROs issued at the end of 2010 had been joint titles in the name of at least a man and a woman, and around 20 percent were in the name of one or more women. In another village, which had undergone NGO-led implementation activities, around 35 percent of all allocations of land were to women in a land allocation round in 2007 (Pedersen 2013).

BEST and the Importance of the Implementation Approach

This section, based on a field visit and interviews carried out for this report, discusses some of the explanations for the irregularities and the relatively low number of CCROs issued to women.

Generally, the BEST project was rushed through at the local level. The speed and the number of title deeds were the most important success criteria (Ministry of Lands and Bank 2010/1; PMO 2008). They are also important factors behind the irregularities and the low number of women getting registered. The number of CCROs issued to women or as joint titles was not really an important objective during implementation. Other indicators point in the same direction.

For instance, the monitoring instrument for reporting female ownership was only introduced in the middle of the project, meaning that the gender of many recipients had to be identified after the issuance of the CCROs. According to some ministry officials, the reporting of female ownership was only introduced on the request of the World Bank (Interviews with Ministry Official 28 September 2012 and District Officer 18 October 2012). However, already in 2006, a project document prescribed that the proportion of CCROs issued to women was to be reported (Ministry of Lands 2006, 42). A more likely explanation, therefore, is that the reporting of women ownership was simply forgotten or it was not deemed important.

This interpretation was confirmed by the responsible officer in the Prime Minister’s office, who coordinated with the Ministry of Lands, Housing and Human Settlements Development, who was obviously annoyed by the attention that World Bank officials in Washington paid to women’s rights:

If you say, that you want to see women's CCROs, they (the ministry officials and implementers in the field, ed.) will jump a few men's pieces of land and find those women and bring them to you. If that is what you want in Washington, Sir. But don't do that! Don't force things which are not natural on the ground! This first round of adjudication is done to get the picture of who is using that square meter of land (...). Then the second round of planning and development will come up with these things. (...) Let us not mix development with the situation on the ground. If we plan a development that brings more women in, let's go there and acquire the land properly and let us redistribute it. But we cannot force the cultural distribution to include more women.

The project's emphasis on achieving as many CCROs as possible could be observed at all levels. The procedure of the project was as follows: Some district officials were selected for receiving training in implementation. Then, pilot villages were selected – seemingly top-down without much consultation with the village leaders themselves – and a team was set up, consisting of people from the district and around 30 people from the Ministry of Land and Human Settlement Development. The team was later subdivided into groups with different assignments; a group went to educate people on the land laws and land use planning; a group for surveying and preparation of customary certificates; a group for issuing certificates to the owners (personal communication, District land Officer 18 October 2012).

The education activity was carried out in each village as a village assembly. Village leaders and land committee members, who also

assisted in the surveying in the village, were given some extra training. Women were represented in the various committees in accordance with the laws (interviews with Ministry Official 28 September 2012, District Land Officer 18 October 2012 and Village Leaders). Generally, people were told that women also had rights to land on an equal footing with men. They were also encouraged to do joint titling. The implementing teams did not, however, go as far as the Land Acts prescribe, namely automatically go for joint titling unless otherwise wished for. That, it was claimed, would have undermined the entire project (interview, District Land Officer 18 October 2012).

It all happened over a short period of time. When combined with a rather conservative male-dominated culture, the speeded up approach seemed counterproductive for the protection of women's rights to land. In Bariadi District, the majority population is from the Sukuma ethnic group (Bariadi District Profile 2011), a people practicing mixed farming of agriculture and cattle herding are considered very conservative in terms of women's rights (interviews with Ministry Official 28 September 2012 and District Officer 18 October 2012). This was confirmed by village interviews, where it was explained that land traditionally belonged to the men. Therefore, it was largely up to the men to decide if they would accept the names of their wives on the certificates:

There are some men who did not want to share ownership with the women. In such situation it is only men who were registered (women focus group 17 October 2012).

Still, it was also acknowledged that this was changing, however slowly, and that inher-

itance practices were likely to be affected by the fact that women, now, according to Tanzania's laws, could own land on an equal footing with men:

In the past, when the father died, a woman was not allowed to inherit land. Now they are allowed to inherit the property of their father. When the father and mother die, me and my brothers can inherit together (a woman during focus group discussion 17 October 2012).

Thus, in spreading ideas, the project may have had some effect. That cultural change takes time was acknowledged by officials in the Ministry of Lands, Housing and Human Settlements Development and in the Bariadi District Office. The rushing through of the project, then, seems counter-productive for the goal of increasing female ownership. Still, the approach is not untypical. The way the project was rolled out at the local level was similar to previous ministry-led implementation projects, though speeded up and adjusted to new technologies (Interview, Ministry Official 28 September 2012).

BEST vs. NGO-led Implementation

The importance of the implementation approach is confirmed by the significantly higher figures of female land ownership during an implementation project in another highly conservative area, Kiteto District, mentioned in Box 3, which is predominantly Masai. Since 2003 an NGO had been actively engaged in a number of villages focusing on securing pastoralists' communal rights to land and empowering women.

Women's rights to land had been an integral part of land rights activities from the

beginning, though introduced slowly. The NGO had come back to the villages year after year to conduct training, both of villagers and village leaders, in land laws and land rights:

... we started with development activities. Then slowly we also started on the land, but it came last. Because no one thought that women could take it seriously. The men did not think that women could handle it. That was how it happened (interview with NGO Representative 19 May 2010).

Subsequently, more women applied for – and were allocated – land. In 2007, during a land allocation round in one of the villages, around 35 percent of all allocations of land were to women, a figure that would be hard to imagine without the continuous training on land rights, which had preceded the allocations (Pedersen 2013).

In the other pilot with a higher number of CCROs for women, that of MKURABITA in Handeni District, it was noticed that 'the programme facilitators tried their best to mobilize women's involvement in this regard with a varying degree of success'. Maybe the gender-sensitive approach was influenced by the NGO representatives, who had also been invited to participate (Kosyando 2007, 18).

The contrast to the BEST implementation project, mentioned above, and other pilot projects carried out by the Ministry of Lands, Housing and Human Settlements Development is clear. The fact that the Ministry projects have been parts of other sector programmes is likely to have influenced project design and outcomes. The Strategic Plan for Implementation of the Land Laws and the first pilot projects

in Mbozi District were a response to a need for land titling, which had been identified during the implementation of an Agricultural Sector Strategy. And the BEST titling project was part of a larger Business Environment Strengthening Programme. The Land Acts' more gender sensitive elements were not a major priority in these projects.

In sum, project priorities and project design seem to be important for a more equal access to land during implementation. This paper points to some of the effects that

have been observed related to specific implementation interventions after the enactment of Tanzania's Village Land Act. However, more knowledge is needed about how culture and the different versions of customary laws and practices may interrelate with such interventions to avoid unintended consequences. Overall, if a more equitable distribution of land is desired in practice, it should be planned for.

Box 6. Other Pilot Projects Aimed at Land Titling

The first *pilot projects* aiming at registration centred around *Mbozi District*, renowned for its high-value agricultural production. The first project was initiated by the Ministry of Lands, Housing and Human Settlements Development and aimed at developing registration techniques. In 2004 it resulted in the first issuances of CCROs in the entire country, the first of which was to a woman (interview with Ministry Official 12 February 2010). In 2010 a total of 15,901 CCROs had been issued in Mbozi District, out of which 1,930 (12%) were in the name of women and 3,161 (20%) were joint titles (Ministry Fact Sheet, personal handout).

The Mbozi pilot was followed by a couple of other pilot projects carried out by the Ministry of Lands, Housing and Human Settlements Development, expanded to a number of other districts and financed by the European Union as part of its support to a new Agricultural Sector Development Strategy (Mkumbwike and Ministry of Lands 2007; Mnyanga and Ministry of Lands 2007, 2008).

One of the best known initiatives not carried out by the Ministry is the *Property and Business Formalisation Programme*, in Swahili known as *MKURABITA (Mpango wa Kurasimisha Rasilimali na Biashara Tanzania)*, placed under the President's Office. MKURABITA's main purpose is to empower the poor majority of the population in Tanzania by improving access to formal financial markets and other services through formalisation of property rights and businesses. Though implementation of the land acts is not the only goal of MKURABITA, it has been among its major activities. It was decided upon in 2004 and funded by Norway in the first years of its existence. MKURABITA has carried out a number of projects using the land acts as the framework for formalisation.

In rural areas MKURABITA has carried out two major pilot projects; in Handeni at the end of 2006 and in Bagamoyo 2007-8 (NORAD, URT, and Claussen 2008; Kosyando 2007, 2008), both aiming at testing innovations within land use planning and registration of rights in order to come up with a more efficient methodology for implementation of the Village Land Act. In one of the case villages, Mzeri in Handeni District, around 35 percent of all titles issued at the end of 2010 had been joint titles in the name of at least a man and a woman, and around 20 percent were in the name of one or more women (Pedersen 2013). The project in Bagamoyo was delayed and no CCROs had been issued at the end of the project (Kosyando 2008). Since these pilots, MKURABITA has stopped carrying out full implementation and now only carries out training and capacity building and provides equipment for the districts it is engaged in.

Box 7. NGOs working on Land and Gender

There is a plethora of NGOs working on land and women's rights to land. This box introduces some of the different ways some NGOs have worked on implementing Tanzania's Land Acts:

HakiArdhi (the Land Rights Research and Resources Institute) is among the strongest Tanzanian organizations focusing on small land holders. At the national level, it is perceived as a resource centre for information about land matters as well as for advocacy activities for improved land policies. It hosts Tanzania Land Coalition and is therefore expected to coordinate NGO responses to policy reforms, especially with the current pressure on land and grabbing of land for investment.

HakiArdhi has been working in building the capacity of the local institutions in land governance and administration and citizen entitlements when rights are violated, legal aid, and assistance in the processes of land conflict resolution and litigation. Its main donors are DANIDA, ActionAid and the Foundation for Civil Society, which is a local organisation, but funded by foreign donors.

ActionAid Tanzania has also played an active role on the implementation of Land Acts. At the national level, it has lobbied for improved security of tenure for the small land holders versus investment policies. At the local level, ActionAid's main focus has been on citizen awareness about their basic rights to land. Furthermore, the organisation has focused on citizens' ability to influence land administration accountability, access information and improve transparency of land transactions

ActionAid often works through partner organisations in different districts, which carry out activities aiming at strengthening land administration institutions, including trainings of village leaders on their roles in managing village land, and the making of land use plans and the construction of the land registries. ActionAid's main funders include DANIDA and DfID.

The Land Management Programme (LAMP) has also affected implementation of the Land Acts in several districts in the northern part of Tanzania. It ran in two phases from 1992 until 2007 with a third post-programme phase until June 2010. Initially the programme focused on natural resource management, with an emphasis on participatory forest management to conserve forest cover, but broadened the scope of its activities to include the making of village land use plans and training activities.

During the programme, in 2003, gender became mainstreamed into LAMP's programme activities. However, the gender aspect seems to have been more on the programme consultants' agenda than on that of the district managements and politicians, who focused on more short-term benefits and capital investments (SIDA 2008, 14). LAMP was coordinated by the Department for Regional Administration and Local Government at the Prime Minister's Office and implemented by the district councils and lower local government levels in the concerned districts. It was financed by SIDA (SIDA 2008; Orgut Consulting 2010; Kosyando Undated).

DONOR-SUPPORTED INTERVENTIONS AIMED AT IMPROVING LAND DISPUTE SETTLEMENT

The Ministry of Lands, Housing and Human Settlements Development has come some way in implementing the land dispute settlement aspect of Tanzania's 1999 land reform.

In particular, it has established a number of district land and housing tribunals, sometimes related to the pilot titling projects outlined above. The district authorities under the auspices of the Permanent Secretary for the Regional Administration and Local Government in the Prime Minister's office have also done their bit by facilitating the establishment of ward tribunals and the village land councils.

However, when it comes to training of the lay people and lower-level officials with little formal schooling, who staff these institutions, NGOs have been at the forefront. NGOs typically carry out implementation activities with a broader focus on tenure security. The scope of NGO activities and the approaches applied vary according to each organisation's particular profile. Most NGOs working with land rights are limited to working in a few districts. Typically they see dissemination of information about the legislation and about citizens' rights, including women's rights, as key, and rarely aim at implementing the full reform package (Kosyando Undated). Sometimes they also facilitate the making of land use plans and the establishment of dispute settlement institutions.

No comprehensive survey of NGOs and their activities exists, but the number of organisations and the scope of their activities are on the increase (for more about the most important NGOs involved in securing women's rights to land, see annex).

CONCLUSION

Women in rural Tanzania access land in different ways. They are affected by changes in the legal framework accordingly. This working paper has outlined and discussed some of these differences and changes with a focus on ownership rights. It has done so in the light of the experiences with Tanzania's 1999 land reform, which overhauled the land laws and also touched upon women's rights to land.

The reform is a balancing act between, on the one hand, recognising existing rights to land, customary rights included, and, on the other, promoting women's rights to land. Whereas the former entails recognition of

customary laws, institutions and practices, the latter prohibits gender-discriminatory, customary practices and seeks to extend women's rights to land through a number of gender-progressive elements.

However, much depends on implementation. It is still not very clear how to make one of the world's most gender-sensitive new wave land reforms work in practice. The local-level institutions to whom responsibility over land administration and land dispute settlement has been decentralized rarely have the capacity to carry out their new work tasks, also when it comes to protecting women's rights to land.

The paper makes it clear that the fight for women's rights has not been won just because the legal framework is right. Discriminatory land administration practices persist, disadvantaging women's access to land. In particular women, whose marital status changes because of the death of a husband or a father or because of divorce, are vulnerable.

To change this sorry state, women's rights should therefore be mainstreamed into every activity that relates to land, land administration and land dispute settlement, from policy formulation over implementation to evaluation.

The discrepancies between gender-progressive policies and discriminatory practices in Tanzania are not out of design. More likely, they are caused by the approaches to implementation that have been applied. If the wish to strengthen women's rights to land is sincere, the engagement with local communities should be on a longer term. Improving women's rights to land is not done with a one day workshop, as was attempted in a large World Bank land titling project analysed in this working paper. Citizens and local leaders need information about the national legal framework and continuous training in how to implement it.

The paper has paid special attention to the role of donors, who have been involved throughout the Tanzanian land reform process, from policy formulation to implementation. In particular, donors have exercised influence on the content and scope of implementation activities through their financing power. Thus, donor influence has contributed to making things move. However, though donors have often been important allies for women groups, their impact on women's rights is ambiguous.

Some donors are important funders of the NGOs, who do the slow, but crucial work of changing people's attitudes towards women holding land. Other donors finance activities aimed at issuing land titles, which may undercut women landownership if pushed through too hastily. Gender is rarely part of the implementation projects and programmes aimed at issuing land titles. Such programmes typically aim at improving the environment for doing business. Thus, donors have contributed to fragmentation because of cherry-picking among reform elements. The implementation of the reform in its entirety has been neglected.

Donors can only push the agenda if their Tanzanian counterparts share the interest in women's rights, for instance as part of an overall agenda of improving tenure security. If land titling is a part of this, it should be an end stone, not the point of departure of activities. If gender is not an integrated component of activities, donors could consider supporting other activities.

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ANNEX. ORGANISATIONS WORKING WITH LAND RIGHTS IN TANZANIA

<i>S/N</i>	<i>Name of Organisation</i>	<i>Target group</i>	<i>Core business on land rights</i>
1.	PINGOS FORUM (Arusha)	Pastoralists and hunter-gatherers in Tanzania Mainland	<ol style="list-style-type: none"> 1. Policy advocacy for pastoralist land rights 2. Land use planning 3. Legal aid on land rights 4. Conflict resolution 5. Building capacity of institutions working to implement the land laws
2.	Women Legal Aid Clinic, WLAC (Dar es Salaam)		<ol style="list-style-type: none"> 1. Provide legal advice, counselling services, court representation 2. Conduct seminars, workshops, and undertake study tours and exchange visits, between Tanzania and other countries 3. Conduct trainings to paralegal groups to support women and the marginalised groups 4. Build network with other NGOs 5. Lobby for discriminatory laws and policies change
3.	Women in Law and Development in Africa, WiLDAF (Dar es Salaam)	WiLDAF as a network facilitated research on the Impact on Customary Inheritance Laws on widows and Orphans in the Regions of Kilimanjaro, Arusha, Kagera, Iringa, Mbeya, Mtwara, Lindi and Singida	<ol style="list-style-type: none"> 1. To establish and facilitate communication among network members in the areas of legal services and further clarify 2. Provide training in legal programmes and strategies 3. To monitor, document, research and publicize violations of human rights of women in Africa
4.	HAKIKAZI CATALYST (Arusha)	Coverage: National but with concentration in Northern Tanzania Target: Marginalized groups	<ol style="list-style-type: none"> 1. Policy advocacy 2. Promotion of participatory mechanisms in policy making and development planning 3. Research 4. Facilitated the popular version on the national Land Policy and the Land laws, SPILL
5.	Morogoro Paralegal Centre, MPLC	Coverage: Mvomero, Ulanga and Morogoro Rural and Morogoro Rural Target group: Women, children and rural communities	<ol style="list-style-type: none"> 1. Land rights education to women and rural communities 2. Advocacy against prohibitive and oppressive traditional customs 3. A legal clinic since 1993 in Morogoro urban, now extended to Mvomero, Ulanga and Morogoro rural districts 4. Trained over 100 paralegals and has helped constructing village land registries

(ANNEX)

<i>S/N</i>	<i>Name of Organisation</i>	<i>Target group</i>	<i>Core business on land rights</i>
6.	Tanzania Women Media Association, TAMWA	Coverage: National Target: All Tanzanians	1. Land rights education 2. Policy advocacy 3. Research and information dissemination
7.	Community Research and Development Services, CORDS (Arusha)	Coverage: The Districts of Kiteto, Monduli, Ngorongoro and Simanjiro Target: Pastoralists and agro-pastoralists	1. Demarcation of village land 2. Village land use planning 3. Adjudication of plots 4. Conflict resolution 5. Education of land users 6. Policy advocacy 7. It has worked with and secured 71 Village Land Certificates since 1999
8.	The Legal and Human Rights Centre, LHRC (Dar es Salaam)	Coverage: The whole of the united republic of Tanzania Target: The human person and especially those likely to be deprived of their human rights	1. Land Rights education 2. Advocacy for better and equitable policies which guarantee human rights 3. Building capacity of local institutions for governance and administration 4. Research, documentation and information dissemination 5. Legal aid and land rights litigation
9.	HakiArdhi (Dar es Salaam)	National Target: small producers/ small land holders	1. Knowledge creation 2. Land rights education 3. Policy advocacy 4. Building the capacity of local institutions of land governance and administration 5. Conflict resolution 6. Legal aid 7. Litigation 8. Land rights publication and documentation
10.	MVIWATA (Morogoro)	Coverage: The whole of the United Republic of Tanzania Target: small-scale farmers	1. Facilitating organization of small-scale farmers into group organization 2. Capacity building of small-scale farmers on leadership, economic skills and land rights 3. Lobbying and advocacy for issues of interests to small-scale farmers 4. Collecting and disseminating of information to farmers through publications and radio 5. Organising farmers' dialogue and forums and discussion of rights-related issues

(ANNEX)

<i>S/N</i>	<i>Name of Organisation</i>	<i>Target group</i>	<i>Core business on land rights</i>
11.	Tanzania Women Lawyers Association (TAWLA)	Coverage: National Target Group: Women	<ol style="list-style-type: none"> 1. Reaching over 2 million people by raising legal rights awareness through the media and training of paralegals 2. Providing legal aid directly to more than 10,000 women and children 3. Helping to bring legal reforms including giving women the right to own property 4. Coordinating the Gender Land Task Force (GLTF) 5. Assisting women to resolve inheritance issues by promoting will writing 6. Mobilize lawyers to help vulnerable people through legal aid clinics 7. Creating a network of 450 women lawyers
12.	Tanzania Gender Networking Member		Tanzania Gender Networking Programme (TGNP) is fundamentally an activist organization, non partisan, non denominational and non governmental civil society organisation committed to the goal of contributing to the building of a vibrant transformative feminist movement that challenges patriarchy and neo-liberalism at all levels, and advocates for gender equality/equity, women's empowerment, social justice and social transformation in Tanzania and beyond
13.	ActionAid Tanzania (Dar es Salaam)	Partner organisations and villagers	See text box 7