



Gender Gaps in Property Rights in Rural Communities of Tanzania: Challenges towards Achieving Sustainable Development Goals

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Abstract

Gender gaps in property rights have remained a concern in both developed and developing world. Gender equality in property rights has been given attention by the international community as one of the pillars of the sustainable development goals (SDGs). Despite the efforts made in achieving gender equality, Tanzania gender gaps emanating from societal norms in rural communities still persist. This paper explores the existing gender gaps in property rights in rural areas of Kyela district and the associated challenges in achieving the sustainable development goals. Data collection involved documentary review, interviews and focus group discussions. Purposive sampling was used to select study participants. The findings show that socio-cultural norms contradict the legal provisions aimed to bridge gender gaps in property rights. Nonetheless, some progress towards attaining gender equity was observed in context of land co-occupancy. An illustrative example was case of women whose names appeared in certificate of customary right of occupancy who the study noted were involved in decision making related to distribution of family land. Socio-cultural traditions do not offer equality in inheriting, controlling and transferring land. Gender inequality in opportunities for example education, limit women's knowledge about legal provisions which protect their property rights. The sustainable development targets in eliminating discriminatory practices against women will not be achieved if rigid societal norms remain undressed. In order to ensure that no one is left behind, there is a need to implement societal attitude change programmes.

Keywords: *Gender Gaps; Property Rights; Equality; Sustainable Development Goals; Tanzania*

1.0 Introduction

Gender is a social build concept. The concept of gender has been used for several decades as an optional word for sex which has been used by many scholars (Krieger, 2003). Gender defines different roles of men and women according to the societal norms (Subrahmanyam, 2016). Gender gaps emanating from socio-cultural norms, violate women's rights in many aspects. For example, gender violence and

stereotyping practices hinder women opportunities for education such as dropping out of school, formal employment as well as property rights (Subrahmanyam, 2016).

A property is a bundle of rights, which involves right to use, transfer and distribution of resources such as land (Ciriacy-Wantrup & Bishop, 1975). Property rights are rooted in institution whereby the responsibilities and obligations are assigned to different users (Libecap, 1989). Institutions are the structures or regulations (either informal or formal) which guide peoples' cooperation, and regulate behavior (Mahoney & Thelen, 2010; North, 1991). Institutions are characterized by the distribution of rights to either groups or individuals. Property rights are guided either by explicit or implicit rules spelling who can claim certain rights, and the conditions such as duration (Aikaeli & Markussen, 2017). Customary land tenure institution offers unequal property rights between men and women. Women hold discriminatory rights which are always secondary while men are assigned what is called primary rights. Gender gaps in property rights have been a global concern, calling for interventions to safeguard property rights of weaker groups particularly women.

There has been international support for realizing gender equality in property rights. The international community has raised voices to decrease/eliminate discrimination and promote equality as reflected in various human rights commissions/declarations. The efforts led to overt social initiatives such as the Convention on Elimination of All forms of Discrimination against Women (CEDAW), The UN conference on women (Mexico 1975, Nairobi 1985 and Beijing 1995). The Millennium development goals (MDG 3) aimed at promoting gender equality and empowering women. In Tanzania, there has been improvements in gender equality in education and political participation, for example balance in number of girls and boys enrollment ratio in primary and secondary schools. Women's representation in parliament reached 8 percent of elected members, 50 percent for nominated members and 100 percent for special seats members in 2009/2010 (URT, 2010). Despite such progress, gender equality between girls and boys remains far from being attained. In many cases, negative attitudes and norms against women contradict the efforts to attain gender equality of opportunities.

In rural communities, socio-cultural institution assign women weak property rights to land inheriting, transferring, controlling and owning. The gendered division of labour gives women heavy loads on reproductive roles. Gender gaps in property rights have stimulated the implementation of legal provisions such as land laws in Tanzania aiming to safeguarding property rights of both men and women. The National Land Policy of 1995 (section 4.2.6), Village Land Act of 1999 (section 20(2) and the Land Act of 1999 (section 3(2) provide for gender neutral property rights. Legal pluralism always focus on providing choices to claim property rights. Customary laws, statutory laws, religious laws for example the Islamic court regulate disputes in respect to their environment. Even where formal laws have been implemented, women in rural communities are still deprived of property rights. Although the progress towards safeguarding women's property rights has been observed such as co-titling of land and leadership positions, the problem of gender gaps in property rights persists. One of the questions is whether the reform programmes have altered soci-cultural norms which assign property rights. Gender equality has been one of the global agenda under the sustainable development goals (SDGs) with a vision to transform the world. Apart from the necessary efforts towards attaining equality, gender gap in property rights and other opportunities are still a critical problem in many societies.

In Tanzania, where customary land tenure system is dominant, women have less access to land compared to men (Moyo, 2017). This remains a challenge for achieving the sustainable development goals. According to Global gender gap report 2022, it may take another 132 years to close the global gender gap. The objective of this paper is to explore the existing gender gaps in property rights in rural communities of Tanzania and the implication to sustainable development goals (SDGs). Now with 8 years left to achieve the sustainable development goals, the country is not on way. The paper covers efforts toward attaining gender equality in property rights and the barriers to attain such equality in rural parts of

the country. The real life situation from the practices in rural community (Kyela district) helps to justify the gaps between the theory and practice.

2.0 Literature Review

2.1 Property Rights and Gender

Studies on property rights recognize the role of gender in identifying different responsibilities and property rights to men and women (Subrahmanyam, 2016). Land is an important asset where human beings dwell for their livelihood, and source of economic development. Gender gaps in property rights are common under customary tenure. The African norm prohibits women to own land, however their relation to land depends on men (Akino, 2018). Inheritance is the main mechanism of obtaining land under the customary land tenure, however women either wives rarely inherit land of their husbands or daughters inherit their father's land (Knight, 2010). It is argued that, biased cultural practices cause sufferings to women who may lose property rights in case of marriage breakdown or death of a husband or father particularly in patrilineal societies (FAO, 2010; Moyo, 2017; Mary & Abiodun, 2005). Under the matrilineal system, women inherit land through their matriarchy. However, land is under the control of maternal uncle signifying that women hold dependency property rights. Because women lack direct land ownership they may be ejected from their home when a husband dies (UN-Women, 2015).

In Tanzania, customary land tenure is the dominant system of landholding, governed by customary laws. Data from the Economic Commission for Africa (2004) show that, 70 percent of land in Tanzania is under customary tenure while only 30 percent is under statutory tenure. It is important to acknowledge the role of societal norms and attitudes which create gender gaps in property rights. In Tanzania, similar to other African societies, women are the main users of the land. However, they hold limited rights to own and control it, and they have only user rights. The women working in agriculture account for 79 percent, however they have indirect access to land, increasingly men are the main decision makers on land matters (Moyo, 2017). These studies pay attention to property rights under the customary land tenure as a static institution while ignoring its dynamics.

Customary land tenure institution has undergone changes in response to global situations. It operates in a more formal way. Colonial legacy, population pressure, monetary economy and cultural changes have led to changes on how land was held traditionally (Cotula, 2007). For example, the emergency of HIV and AIDS brought about changes in social relations leading to undermining of women's secondary rights. In rural community of Makete district, Kessy et al (2008) observed land grabbing and harassment of widows by in-laws when the husbands died from AIDS. Due to increased land value, land transaction is mushrooming in areas where land was held customarily. It is argued that, gender relations impacts the ability of women and men to deal with the institutional change (Inge, 2011).

The new institutional arrangements may affect the bundle of property rights of weaker groups negatively. Since women depend on men to access land, they may fail to respond when rules of land transfer change hence they lose their property rights. It seems fair to argue that, gender relations emanating from the societal norms and values (normative rules) shape the women's property rights negatively. Gender gaps in opportunities may create difficulties for women to compete in land market due to lack of finances and low levels of education. The evolutionary theorists Barnes and Charles (2007), acknowledge the role of state in responding to the emerging issues in order to protect property rights of land users. The Tanzanian government engages in putting customary land tenure on records in order to safeguard the property rights of land users. The rights of occupancy help to protect property rights

through titling and issuing certificate of customary right of occupancy to individuals or jointly (husband and wife).

Land laws recognize property rights of both men and women, however societal norms contradict the legal provisions hence jeopardize women's property rights. This implies, that culture is instrumental in gender construction, where gender roles are learned from one generation to another. Land reform programmes in Tanzania have taken serious the agenda for gender equality. The Constitution of the United Republic of Tanzania of 1977, was amended in 1984 by Act No. 15, by adding a Bill of rights. This amendment addresses the issue of human rights including the property rights of both women and men. Every person has entitled to own and dispose property according to the rule of law (The Constitution of United Republic of Tanzania, 1977 article 24). Land and Village Land Act (1999) permit men and women to own land and encourage joint occupancy, yet socio-cultural norms particularly in rural communities do not give women such opportunities. Apart from inheritance, land laws permit other ways of obtaining land for example purchasing, still some women are facing difficulties in accessing land due to low knowledge of such laws emanating from gender gaps in opportunities. Persisting gender gaps on property rights may have effect on development.

2.2 Gender and Development

Gender and development are intricately linked. Gender is an important tool for realizing economic development (Abebe, 2015). In Kyrgyz Republic, there has been improvement of gender equality in education allowing both men and women to participate in economic development activities (Akbulaev, 2020). In many rural societies in Tanzania like other African countries, socio-cultural traditions do not provide equal status between men and women. It is argued that, when women access property, they are likely to participate in economic development (Mehak, 2007). Gender discrimination blocks women labour participation in economic development (Sarwar & Abbasi, 2013). It is reasonable to argue that, when all people are given chance to participate in formal sector, economic development would be realized. Due to gender disparities in opportunities, it is difficult for women to supply their labour for the economic activities.

In societies where cultures are resistant to change, it is difficult to ensure gender equality in economic activities participation. In many local communities, socio-cultural traditions that discriminate women from opportunities such as education and property rights may limit them from participating in economic undertakings (WorldBank, 2012). Globally, women focus on informal employment, earning an average of 24 percent less than men (UN-Women, 2015). In developing countries, 86 percent of women engage in the informal sector (Lemmon & Vogelstein, 2017). In Sub-Saharan countries such as Tanzanian, women concentrate on reproductive roles and they are using land for food production (Leavens & Anderson, 2011). Power relations in both developed and developing countries prevail, whereas socio-cultural norms give men power over many aspects versus women. Customarily, women are not allowed to own the land belongs to the male clan. Gender equality and empowerment of women are considered the critical elements for the development and have taken seriously in sustainable development goals.

2.3 Sustainable Development Goals and Gender Equality

In September 2015, 17 sustainable development goals were adopted aiming to transform the world by 2030. The sustainable development goal 5 (SDG 5) aims to achieving gender equality and empowering women, giving them equal rights to economic resources, ownership, control of land and inheritance of natural resources according to national laws (Leach, 2016). The targets for SDG 5 are to end all forms of discrimination among women and girls. It seeks to eliminate all forms of violence against women and girls and all harmful practices such as early marriage, and ensure women's participation in decision making. The question raised is how equitable are socio-cultural traditions?

Secure property rights also contributes to other SDGs for example poverty reduction (SDG 1) target 1.4: by 2030, men and women should have equal right to economic resources, access to basic services, land ownership and control, inheritance of natural resource and financial services. In cultural contexts, it remains questionable if women and men have equal rights to access resources which may diminish vulnerabilities against poverty. Globally, it was estimated that, by 2022 there would be 388 million women and girls living in extreme poverty compared to 372 men and boys (UN-Women, 2020). It is argued that, the poverty among women is embedded in gendered division of labour where men are the heads of families and controllers of the resources (Rakodi, 2014). If women had equal access to land, poverty would be significantly reduced around the world (UN, 2021). Tanzania, SDGs have been integrated into the National Five –Year Development Plan 2016/17-2020/21 and the Zanzibar Strategic for Growth and Reduction of poverty 2016-2020. However, the country is lagging behind in eradicating poverty (George, 2021). Hypothetically, women and men have equal legal rights to access property but this is not practical in many local societies where women have less rights. The situation of women's less rights is critical in sub-Saharan countries emanating from their low bargaining power (UN-Women, 2020).

It seems difficult to reduce inequalities (SDG 10), targeting to eliminate the discriminatory laws. The customary land tenure system in agrarian societies for example Tanzania, is governed by customary laws which distinguish property rights of men and women. It remains unclear if these laws may be abolished and customary tenure continue survive. SDG 4 is about inclusive and equitable quality of education. Socio-cultural traditions limit women's rights to access education, hence failure to access information about laws which protect property rights. In Bangladesh, Mahbub (2022) found socio-cultural norms denied girls rights to education where many parents demand their daughters to work around the home. Gender inequality is still a challenge in transforming the world as there is a less outcome to balance opportunities between men and women.

Tanzania intends to achieve gender equality economically, politically and socially. The sustainable development agenda has been incorporated in the Tanzania's Development Vision of 2025. One of the attributes of the vision is high quality livelihood. Attention has been paid to bridging all forms of inequalities in society for example race and gender imbalances. Loud voices have been made by the activists who are mobilizing the women's rights. For example, Tanzania Women Chamber of Commerce (TWCC) engages in lobbying for Tanzania women empowerment economically and politically, engagement in income generating activities and legal opportunities in leadership positions. TWCC advocates for eradication of poverty among women.

There has been progress towards achieving gender equality in the country. For example the government engages in empowering women by raising awareness about gender equality in doing business. The National Economic Empowerment Council lobby for gender equality through sensitization programmes. There has been improvement of women who access bank loans through empowerment funds from 36 percent before to 70 percent after the sensitization (George, 2021). One of the critical areas stimulating debates about gender inequality is property rights. It is doubtful if sustainable development goals aiming at gender equality will be achieved. The critical question remains how social-cultural norms which undermine women's property rights can be transformed?

3.0 Research Methodology

3.1 Case Study Area: Kyela District

Kyela is a district located in Mbeya region in the Southern highlands of Tanzania. The district lies between 35^o41 and 30^o Longitudes east of Greenwich and 9^o25 and 9^o40 Latitudes south of the Equator. Kyela district borders with Makete and Ludewa districts in Njombe region, in the west with Ileje district, in the north with Rugwe district in Mbeya region and to the south with Lake Nyasa and Republic of Malawi (The Kyela District Investment Profile, 2019). According to the URT Census, 2012, Kyela had a population of 221,490 the number has reached 249,261 in 2022 as per URT Census 2022. The Nyakyusa who follows the patrilineal system is the main ethnic group in Kyela district. From the historical perspective, property rights in Kyela are complex. Gender gaps in property rights have been common since the chieftainship system before the 19th century when women depended on men to access land. Traditionally, widows access land in marital clan on condition that, they should marry one of the deceased relatives (Kurita, 1993). Due to cultural changes, this tradition is no longer practical leading to violation of women's secondary property rights. The study covered two villages which are Kateela in Makwale ward and Ngyekye in Matema ward (Mababu ward currently). These villages were selected through assistance of the Land Officer in Kyela district. The selection based on persistence of gender gaps in property rights apart from the implementation of land reform programmes particularly land titling.

The studied villages had a total number of 1351 households (Ngyekye=895 and Kateela =456).

The sample size of the study was calculated using the formula suggested by (Yamane, 1967)

$$n = \frac{N}{(1+N(e^2))}$$

Where “n” represents the sample size to be studied, “N” indicates the size of the population and “e” is the error limit of tolerance which Murray and Larry (1999) suggest to be 10%. It was expected to study about 93 heads of households. However, 73 respondents were involved in the study because some women refused to participate in the study fearing their husbands. The selection of the households based on the researcher's interest and the hamlet leaders helped to reach them. Research participants were selected purposely. The distribution of respondents in the studied villages is presented in table 1.

Table 1 Distribution of households studied (Numbers)

Village	Existed households	households studied
Kateela	456	24
Ngyekye	895	49

3.2 Study Design

A cross-sectional study using both quantitative and qualitative methods was carried. Data on gender and property rights were collected at a single moment. It was difficult to study the whole population in Kyela district; therefore, the studied villages were selected basing on the research interest. Different characteristics of the studied participants such as gender, marital status income and education in relation to property rights were learnt. The cross-sectional study allowed to explore what was happening at the time of the study.

3.3 Data Collection

Data used to inform this study were collected from secondary and primary sources. The secondary data were obtained through reviewing the documents related to gender and property rights including previous reports, legal provisions and land laws. Articles from the previous studies provided empirical evidence on existing gender gaps in property rights and the roles of societal norms in assigning

property rights to both men and women. Legal provisions and laws generated data on legal recognition of property rights of men and women as well as efforts taken in order to realize gender equality. Primary data were obtained through structured interviews with heads of households, in-depth interviews with officials dealing with land issues including District Land Officer, Ward Tribunal Secretary, Ward Executive Officers, Village Executive officers and members of the Village Land Councils. Key-informant interviews were conducted with clan leaders and community members. Focus group discussions were held with both men and women. Interviews with community members and group discussions were designed to capture data related to disparities between men and women in owning, transferring and making decision on land matters, and ability of land users to claim property rights in Kyela were obtained.

Specific questions were how do men and women access land? How do property rights vary across gender? How do community members knowledgeable about land laws? And how do men and women participate in economic activities? Data analysis involved descriptive statistics and content analysis. For the quantitative aspect of the study, data were checked for inconsistencies. Data analysis was done through the assistance of computer software namely, the statistical package for social sciences (SPSS version 20) where the frequencies and percentages were drawn. For the qualitative data, the field notes were organized and summary memo were prepared followed by coding of the data. Frequency queries were drawn with the assistant of the Nnivo software.

4.0 Findings and Discussion

4.1 Demographic Characteristics of Respondents

More females than males (55 and 18 respectively) participated in the study due to the fact that, women always stayed at home to perform domestic activities. Out of 73 respondents, 53 had received primary school education or below while 20 had secondary school education or above, 71 of the studied population were married while 2 were single. The income of the respondents varied where 52 people earned 160,000Tshs or below (low income) and only 21 earned 161,000Tshs or above per month. Out of 73 respondents, 48 held the family land, 21 individual land and 4 held the clan land.

4.2 Sources of Property Rights

The findings show that, there were disparities between men and women in acquiring land whereby 31 land users (16 males and 15 females) inherited land, 24 (22 males and 2 females) purchased land, 16 females and none men rented land, 1 female was gifted land by the close relatives and 1 female acquired land through allocation by village Council. None of the male was gifted land or gained it through allocation.

4.2.1 Inheritance

It was noted that, in Kyela customary laws were strong and land inheritance was found to be the main source of property rights. Clan and family land were the main categories of land in the district, although individual and rented land existed. Traditionally, land is a clan's property which is inherited through the paternal relationship. While the sustainable development goals emphasize the importance of gender equality in inheriting land, gender gap in land inheritance was observed and in most cases, women had low bargaining power. The study noted that, married women had accessed the land inherited by their husbands or purchased. Patrilocality originating from socio-cultural norms hindered an opportunity for women either daughters to inherit land of their fathers or wives to inherit that of their husbands. Under the family land, daughters were found to inherit land of their fathers, although daughters were getting less

share than sons. Section 59 of the law of marriage of 1971, recognizes property rights of spouse to acquire, hold and dispose property rights.

In Tanzania, like other African societies, gender gap in property inheritance is common under customary laws. Under the customary law Declaration order (CLDO) No. 4 of 1963, succession involved three degrees; first degree (first son), second degree (other sons) and third degree (daughters). The amount of land inheritance differs where first degree get larger share, followed by the second degree then third degree get less share. Under the Islamic law in case the deceased had only one son and a daughter, the son gets a half, the daughter a quarter and the widow one eighth and the rest goes to the deceased relatives. In Kyela, men were found to be custodians of land and could inherit property despite the legal provisions offer equality in property rights. One female participant namely Tumpale (false name) in Ngyekye village demonstrated this when she said that:

“When our parents died, my brothers decided to divide the family land and did not offer me anything. I reported the case to the clan leader. The leader found it difficult to resolve the case because it was related to family. He advised that my brother should give me at least a portion of the land. Finally, they gave me a small piece of land on which to construct a house and for garden, while they took a big part at least 1 acre”.

This implies that, gender equality is yet to be realized as societal norms still distinguish the property rights of men and women. This is consistent with Moyo (2017) who observed that, in rural communities of Tanzania, customary laws particularly in patrilineal communities give men priority in inheriting land. It is fair to argue that, the claim of the sustainable development goals on empowering women to inheritance natural resources seems a challenge due to strong societal norms. Purchasing was found to be the optional way of acquiring land in Kyela.

4.2.2 Purchasing

Although land purchasing was mushrooming in Kyela, some women lacked the ability to compete in land market due to low levels of income and education. The study findings indicate that, in average 50% men earned high levels of income while only 22% of women had high income (161, 000 Tshs or above). Socio-cultural norms limit women’s opportunity in education which has implication to their earning. Findings show that, more women (49) than men (6) had low levels of education (primary or under). One female in Kateela village remarked that:

“Purchasing land is very expensive, at least one million Tanzanian shillings for an area which is not very big. My income is very meagre, at least 40,000 Tshs per month, which is not enough to buy land and so I am renting land from my friend and pay less after harvesting”.

In Kyela district, women were not prohibited to purchase land, but they were constraints by financial ability. This is the case in coastal region where Kongela (2020) observed that, societal norms do not restrict women from acquiring land by themselves but the financial ability was the concern. Socio-cultural norms undermine women opportunities in education, also assign them reproductive roles. Women find themselves rarely engaging in economic activities to increase their earnings then compete in land market.

4.3 Decision Making on Family Land

The study observed some improvement in women involvement in making decision on distribution of family land in Kyela, however there was a big gender gap. A large number of the study participants 61 (43 in Ngyekye and 18 in Kateela village) reported that, the decisions on the distribution of family land were made by husbands, 10 (5 in Ngyekye and 5 in Kateela) said that decisions were made jointly

(husband and wife) and 2 (1 in Ngyekye and 1 in Kateela) provided that decisions were made by wives. This creates hardship in attaining gender equality due to societal norms oppression against women in communities and households. It is difficult for women to be involved in deciding on land matters because they do not own land. Under customary laws, women are not considered as land owners (UN-Women, 2015). There has been a contradiction between customary and statutory laws. Gender balance in property rights and making decision on land matters have been recognized in Tanzanian land laws. According to the provision of Land Act of 1999 (section 3(2) women have the right to acquire, hold, use, and deal with land the same as men.

Despite the legal support, the mentioned opportunities have not being realized among women due to persisting customary attitudes and stereotyping which undermine their property rights, giving men power to control land. This is similar to the conclusion made by (John & Kabote, 2017) in Tanzania; women's land ownership and control rights are undermined by customary laws. Tanzania land laws recognized customary tenure which operates in more formal way. Section 161 (1) of the Land Act provides, joint land titles allow both spouses to claim property rights. In Kyela district out of 27 community members who had land titles, 7 of these title was held jointly and only 2 women held joint titles were involved in decision about distribution of family land. This shows that, apart the land reform programs emphasis joint titles, some women do not enjoy such opportunity due to low knowledge about their rights. The sustainable development goals claim in lobbying for the women's rights to control property are being constrained by the societal norms.

4.4 Land Transfer

It was observed that, women's relation to land was influenced negatively by commoditization of land. Land sales were observed, something which undermined women's secondary rights. Due to increased land value, people were migrating from other areas for example Iringa region and Mbeya town to seek the agricultural land in Kyela district. Out of 73 studied people, 49 were Nyakyusa and 24 comprised of other ethnic groups including, Kinga, Nyiha, Kisi, Sangu, Nyasa and Pangwa. The migrants were not allowed to inherit land, but they obtained it through purchasing. Since women depend on social relations to access land, it becomes difficult for them to claim property rights when land is sold. Land transaction involved signing of sales agreement between the seller and buyer. Men were found to be the main signatories of land transactions when land was purchased or sold.

Out of 13 people who sold land, 7(3 in Ngyekye and 4 in Kateela), 4(2 in Ngyekye and 2 in Kateela) land sales agreements were signed by husbands, 1 agreements in Kateela were signed by husband and wife, and 1 agreement in Ngyekye was signed by unmarried man. Tanzania, while land laws allow every person to acquire, hold, make decision and control land, socio-cultural norms block women from owning and controlling land and other productive resources (Carpano, 2010). Although men and women act as signatories of certain transactions, there is a big gap between husbands and wives as signatories. Such practice may be a barrier for achieving gender equality and empowering women.

4.5 Land Uses

In Kyela, land was used for agriculture despite using it for business was practical as the result of monetary economy. The main economic activity in Kyela district is agriculture, accounting 80 percent. The majority of land users are small-scale agriculturalists who use hand hoes to cultivate food crops, including paddy around the shores of Lake Nyasa, maize, beans bananas and maize. The district contains 1,118 hectares of agricultural land surrounding Matema, Kafundo, Kanga, and Makwale areas. The study found that, land was also used for cash crops (for example growth of Cocoa and Palm trees). In the district, agriculture remained the important resource for women who were the main users for farming particularly for food production. Out of 54 land users who dealt with agriculture, 51 were women and

only 3 men. Women were found cultivating small gardens surrounding their households for subsistence and few for exchange with other needs such as clothes, while men grow cash crops. There existed disparities in using land for both agriculture and business, 10 and 3 men and women respectively. There were 5 men who engaged in business activities alone and only 1 woman did so. This is attributed to gendered division of labour where women were caring for their families, therefore their labour was directed to food produces.

Despite the fact that women produced few crops for selling, men were the controllers of the cash received. The equal treatment of men and women was lacking. This implies that, socio-cultural norms hinder enabling environment for women to own land which they are working on, however they have only user rights. Women's user rights are temporary, may lose in case of divorce or death of a husband or father. Cultural changes have undermined women's property rights in Kyela district, for example widow inheritance system is being challenged by HIV and AIDS, as the result widows fail to claim property rights in marital clans. One female participant in Ngyekye village explained:

“Few days after burial of my husband, nobody was talking about inheriting me, instead in-laws told me that, this is a clan land and nobody would inherit you, so you have to go”.

Cultural practices have negative implication to women's rights as they do not have a freedom to choose the way of life to live after death of their husband. There is what is called usufructuary rights, limiting property rights for women. Forced eviction of daughters after death of their fathers had also observed in Morogoro rural district (Urassa, 2022). This contradicts the claim of The United Republic of Tanzania Constitution of 1977 which advocates equitable property rights for both men and women. Closing gender gap in property rights is far, and there is lack of progress to think about eliminating gender discrimination by 2030. The situation is worse in rural societies where discriminatory customs and traditions are strong, women have low knowledge about their property rights and land laws.

4.6 Awareness of the Legal Provisions Protecting Property Rights

4.6.1 The Concept of Land Rights

Community members in Kyela had different opinions about the meaning of the concept of land rights (Table 3). Apart from various perceived meaning of land rights, user rights was commonly mentioned by both men and women. There were variations between women and men who had no idea about the concept of property rights. This opinion varied with the levels of education whereby 11 people with primary education or below and 2 with secondary education or above had no idea about the concept of land rights. Women with low levels of education were not informed about any concept related to land rights. This is attributed to gender gap in opportunities where few women attended higher levels of education (secondary or above).

Table 2 Perceived meaning of land rights (numbers)

Meaning	Women	Men
Use Land	16	7
Ownership by husband and wife	12	6
Don't know	13	0
Possession of land	9	3
Registered land	1	1
Sell land	1	1
Provide economic status	1	0
Follow the procedure to acquire	1	0
Right to do anything	1	0

Total

55

18

4.6.2 Awareness of Applicability of Land Laws

In Kyela districts, all participants in the study had heard at least of one of the legal provisions including law of marriage, inheritance law, United Republic of Tanzania constitution, Land and Village Land Act, customary law, Islamic law and statutory law. The problem was knowing on how laws are applied leading to lose of property rights when challenged. There were variations by gender and levels of education. Women and people with primary education or below were less informed about the applicability of land laws than men and those who have attended secondary education or above (Table 4).

Table 3 Awareness of applicability of land laws, sex, and education cross tabulation

Variable	Aware of application of land laws (numbers)	
	Aware of application of laws (n=28)	Unaware of application of laws (n=45)
Sex: Men	18	8
Women	10	37
Education: Primary or below	9	42
Secondary or above	19	3

Awareness of land laws helped to protect property rights and react when facing challenges. In Kyela, common land disputes were associated with inheritance, illegal sales, land grabbing, and boundaries. Disputes were resolved through traditional legal institutions (families and clans), Village Councils and Ward Tribunals. A ward Tribunal secretary in Mababu ward explained:

“The land disputes commonly reported to this tribunal are those relating to inheritance, boundaries, and sales where transactions do not involve land officials. Other cases relate to land grabbing particularly from widows”.

Women who were knowledgeable about their rights and legal provisions were able to protect such rights through reporting land cases to legal institutions (see the case of Tumpale in section 4.2.1). On the other hand, those who were not aware of their rights and land laws lose their property rights. This situation was also the case in Morogoro rural district Urassa (2022) and in Makete district (Moyo, 2017). In Kyela, the Village Land, Ward and District officials were informing people about their property rights and laws protecting them. However, the problem was women’s low levels of education as well as gendered division of labour where in most cases they were not attending village meetings but stayed at home performing domestic activities. The Village Executive Officer in Kateela village explained:

“We try hard to inform people about their rights and land legal provisions but the problem is women’s low levels of education and poor attendance to the village meetings”.

Within legal pluralism, some women kept silent when deprived their property rights. Therefore, they lose their property rights. Achieving gender equality seems to be harder since gender imbalance in

property rights persists. Women are lagging behind in opportunities, protecting and claiming property rights.

Conclusion and Recommendation

Understanding of gender gaps in property rights has been enhanced by the unique opportunity to use real-life situation of patrilineal community in Kyela district. The paper explored gender gaps in property rights in rural communities of Tanzania and the associated challenges toward achieving the sustainable development goals (SDGs). In Kyela, land was owned through societal norms which distinguish property rights of both men and women. As a norm, women access land through men either husband or fathers. These rights are lost in case of death of men or breakdown of social institution. For example, widow inheritance practices were diminishing, then some widows failed to access property from marital clans. Women's participation in economic development activities was limited by their position in the society and low bargaining power on property rights.

Attaining gender equality which has been stipulated in legal provisions and sustainable development goals seems to be difficult in rural communities of Tanzania. Apart from being the main users for land, women's land rights continue to be weak and they mainly hold user rights, while men take charge to control and make decision on land matters. Under land reform programmes, there has been improvements on women's land rights for example joint titles safeguard property rights of both husband and wife. From the experience in Kyela, while socio-cultural norms restrict women to make decision on land matters, joint occupancy allows the co-occupies to make decision on distribution of land at households.

The majority of rural societies of Tanzania best represented by Kyela district practice small scale farming using hand hoes. Majority of community members have low levels of education as well as low levels of income which is critical to women than men. The most immediate problem associated with customary land tenure is gendered division of labour. In Kyela women were engaging in agriculture particularly for consumption and caring for families. They had less rights while men were controllers of land. This situation is rooted from socio-cultural traditions which limit women in opportunities. Customary land tenure has undergone changes and other mechanisms of obtaining land apart from inheritance such as purchasing are in place. The financial ability constraint women to compete in land market due to their low levels of education and income. Increasingly, in Kyela, socio-cultural traditions offer women discriminatory opportunities where more men than women have ability to purchase land.

The state has intervened in order to attain gender equality and protect property rights of weaker groups particularly women. The National Land Policy (1995), Land and Village Land Act (1999) stipulate property rights of both men and women. Land disputes such as inheritance challenges, land grabbing and double sales persist in rural societies for example Kyela. Some women fail to respond and lose their property rights due to low levels of knowledge about their rights and laws protecting such rights. Creating gender equality and empowering women is not promising because socio-cultural norms continue to define property rights of men and women in rural societies of Tanzania.

In reality, it is difficult to transform/change culture and it is also difficult to separate women from the society where they live. In order to transform the world and realizing gender equality in property rights in rural areas, more reforms are needed specifically to change community attitudes. Community members should be informed about the property rights of both men and women as well as the importance of gender equality on development. Changing community attitudes that are resistant to constructive social changes and development should be an integral part to achieve sustainable development goals. There is a

need for the state to facilitate the implementation of platforms, discussions and seminars targeting local communities to enlighten them about the advantages of bridging the gender gaps in property rights.

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