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Ensuring women's participation in land governance: "bringing the law home" in Tanzania

Despite Tanzania's progressive legal framework on land rights and governance, many women are often left out of community decision-making due to social and cultural norms that persist in some areas of the country. Isabella Nchimbi discusses a participatory initiative in Tanzania that's helping women make their voices heard when it comes to land governance.



Guest blog by [Isabella Nchimbi](#)

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Women discussing draft by-laws, among other issues, at the Women Forum in Msanga ward, Kisarawe district in Tanzania (Photo: copyright Kennedy Rwegarulila)

Tanzania has a progressive legal framework when it comes to women's land rights and women's participation in land governance.

The Constitution of the United Republic of Tanzania recognises equality to own property for all citizens. The 1999 Land Act, revised in 2019, establishes several principles that help to safeguard women's land rights, and the 1982 Local Government (District Authorities) Act establishes the village council which requires that a minimum of one-fourth of village council members be women.

The village council is the executive body vested with power in respect of all village affairs, including managing village land. Decisions made at the village council are then subject to approval from the village assembly – a village's highest decision-making body, which includes all villagers.

These provisions hold great potential for ensuring that community-level decision-making about land is participatory and gender-inclusive – and in particular that women are involved in village-level processes. But ensuring that such legal framework has an actual impact has been a major challenge.

This is the third blog in a [series looking at ways to strengthen women's access](https://www.iied.org/what-works-for-womens-land-rights) [to and control over land in Africa](https://www.iied.org/what-works-for-womens-land-rights)

Bringing progressive national provisions to local governance practice

In rural areas - although quotas for village council membership are usually met – in practice women remain largely absent from local governance and decision-making and are rarely actively involved in land administration.

Women members do not always attend village council meetings – nor their participation is poor at village assembly meetings. Even when women are present in decision-making forums, they may not actively participate or be listened to.

This lack of active participation is rooted in social and cultural norms that determine gender roles and division of labour (such as the disproportionate time women are expected to spend on caregiving).

These practices are negatively affecting women as they result in them not having a say when tracts of village land are leased out to investors – which often leads to land traditionally used by women to cater for their social needs, like collecting firewood or fetching water, being given away.

In 2015, the [Tanzania Women Lawyers Association \(TAWLA\)](https://www.tawla.or.tz/) undertook a preliminary study into two villages affected by a large-scale land acquisition in the Kisarawe District. It revealed that the acquisition had come as a surprise to many villagers, and particularly women, who had been excluded from discussions about the deal and in some cases were not aware of it at all.

The study prompted TAWLA to start a process to “bring the law home”, by supporting the adoption of gender-sensitive village by-laws in the affected villages and other villages to

ensure that the national provisions that support women's participation in land-related decision-making in principle were understood and effectively implemented in practice.

Creating gender-sensitive local rules

Village by-laws are local-level rules defined by community members themselves. They guide how local society is run and can clarify governance questions linked to natural resource management, land use, farming, social and cultural practices, and more, depending on a community's specific needs.

TAWLA's approach to supporting the adoption of by-laws is bottom-up and participatory based, all community members being actively involved in the process. TAWLA encourages community dialogue on the content of by-laws and on women's access to land more generally, offers technical support on legal aspects and facilitates the review and discussion of provisions to be adopted – with a particular focus on women's participation in decision-making.

To ensure that the by-laws considered gender, TAWLA developed model provisions that promoted women's participation in land governance, which community members debated during the adoption process.

The model provisions reiterated various rules that already exist in national laws, but they also included new rules on community-wide participation in decision-making processes, emphasising the inclusion of women in particular.

Promising results – and growing demand

Over the past five years, TAWLA's approach has yielded positive results – and even significant social change. In Kisarawe, a preliminary assessment on the effectiveness and impact of by-laws shows that in a number of villages women are more present and vocal in village meetings, participate actively and share their views in decision-making assemblies covering land issues and more.

Better still, these women also report that men are now listening: "Our views are heard. They are implemented," says Mariam Daud Said, a 41-year-old woman, who lives with her four children in the village of Vilabwa.

The approach was initially piloted in six villages in Kisarawe and proved so successful in delivering positive (and rapid) effects on local governance and social cohesion more broadly that it was extended to all 64 villages across the district at the request of local authorities. TAWLA has now replicated the process in 72 villages within 6 districts across four regions in Tanzania.

This is not to say the approach has not faced challenges: initial findings from a 2020 review show that in some villages in Kisarawe, local government leaders that were newly elected in the 2019 elections did not know about the by-laws and implementation had therefore stalled.

TAWLA is therefore continuing to work with the Kisarawe community and has developed a new phase of the programme that will, among other things, look to increase knowledge of the by-laws, with a particular emphasis on women's participation in village and natural resource governance.

About the author

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