

Customary Land Tenure in Matrilineal Societies of Tanzania: Does Inheritance Matter? Experience from Morogoro Rural District

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Concepts

- Customary Land Tenure :Landholding system based on cultural rules (Traditions and customs)
 - Customary laws are unwritten
- Matrilineal system: A clan based social organization traces decent through maternal line
 - Marriage is matrilocal
- Inheritance: The practice of passing on property rights & obligations to other individual

Customary Land Tenure in Tanzania

- Is the main form of tenure in rural societies
- Operates under either patrilineal or matrilineal systems
- Women hold lower social positions
- Those under the matrilineal system have more tenure rights
- There has been a re-interpretation of customary land tenure in Africa

Drivers for the changes

- state policies rooted from colonialism
 - Freehold System = land is public
 - Formalization of land tenure
- Integration into monetary economy
 - altering production relations
- Demographic change
 - land scarcity, increased land transactions

Land Reforms in Tanzania

- Modern system of property rights
 - Individualism=titling and registration
- Post colonial –land is public under the control of the president
 - The National Land Policy 1995
 - The 1999 Land Act No.4
 - The Village Land Act No. 5
- Right of occupancy is common
- Customary Rights of Occupancy is legal

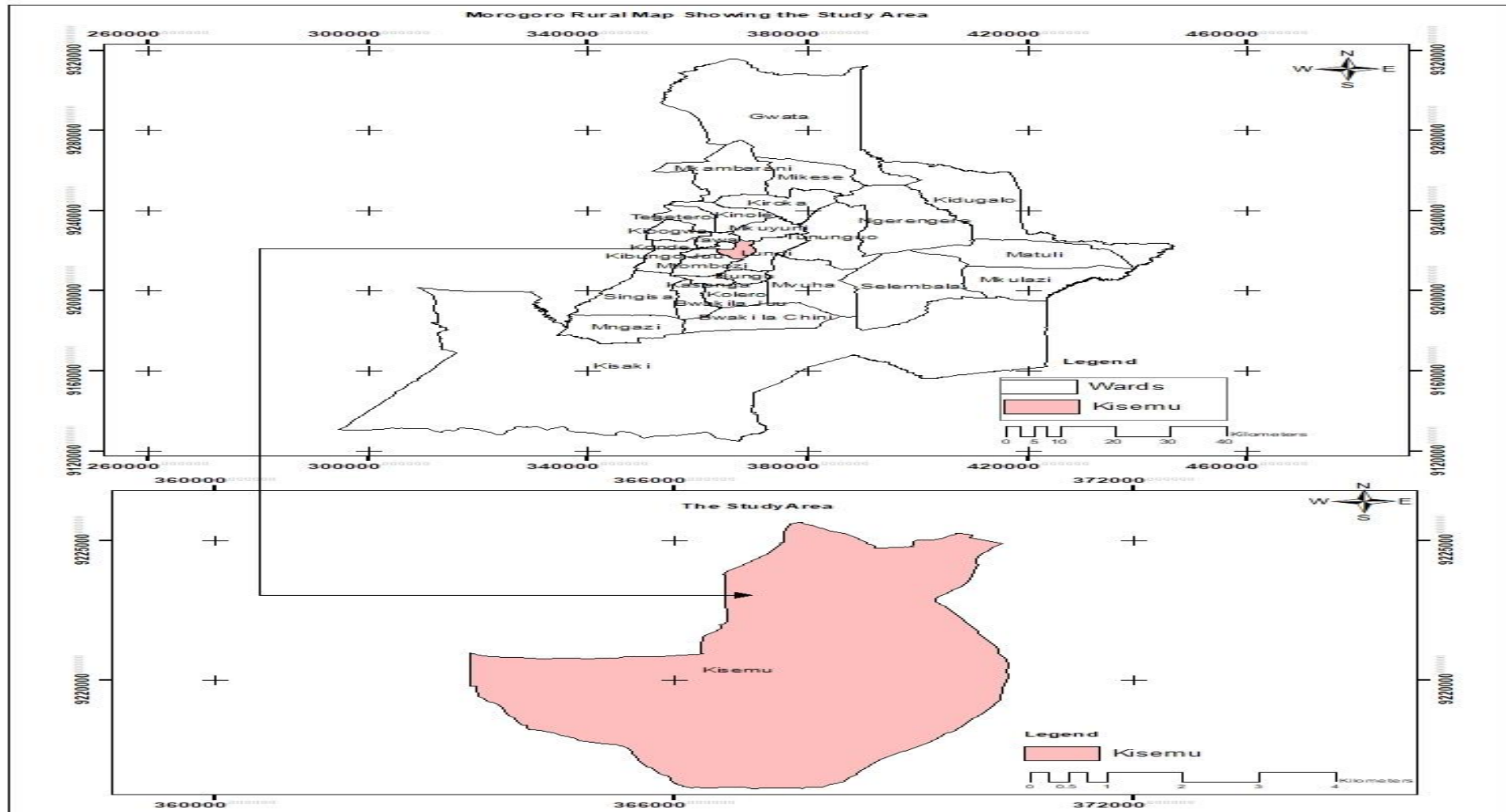
The case study Area: Morogoro Rural District

- A field study was carried out in March 2017
- Morogoro is in the Northern East of Morogoro region
- Morogoro region is located in Eastern Tanzania
- This area is inhabited by Waluguru who traditionally follow the matrilineal system
- The economy of Morogoro Rural district is dominated by agriculture
- There has been a steady increase of population

Methodology

- The study was conducted in Kisemu ward in Matombo division
- Apart from agriculture, this area is
 - rich of minerals- sand, gravel and stones
 - the village community Bank (VICOBA) has been implemented

Map showing the study area



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- women were interviewed and experiences through stories in land tenure were drawn.
- Officials (Village and land Executive Officers) participated in the study
- Purposeful/judgmental sampling was used to select 10 women out of 104 who owned land

Results

- Four mechanisms of obtaining land were common
 - Inheritance
 - Purchase
 - Rent
 - Given Gift
- Among Waluguru –land has remained a maternal clan property for centuries
- Husbands access land through their wives

Present situation

- Contemporary, matrilineal is just a name
- Property transfer is no longer matriarchal
- Sons are in a better situation, they inherit directly from their fathers
- Some women are becoming landless
- Others inherit a very small share of land
- Women increasingly purchase and rent land to cope with insecurity of tenure

Access to land among participants

No.	Case name	Age (year)	Ways of accessing land
1.	Shida	48	One parcel inherited from father
2.	Tatu	50	One parcel inherited from father
3.	Tausi	75	Two parcels inherited from uncle
4.	Zawadi	72	Three parcels inherited from mother
5.	Kibena	43	Two parcels inherited from parents, 1 parcel purchased
6.	Anastazia	48	Two parcels rented
7.	Ngalele	83	One parcel inherited from mother, one from uncle
8.	Esta	58	One parcel inherited from parents, three parcels purchased
9.	Chausiku	39	One parcel rented
10.	Regina	35	One parcel rented

Cont....

- Inheritance system was complicated
- -land was being inherited from mother, uncle, father or parents
- Old women had an opportunity to inherit land through maternal line
- Daughters had twice as much opportunity to inherit land
-they inherit land from uncles or mothers and others from their parents

Cont....

- Inheritance through paternal line is becoming common
- sons are considered first while daughters are considered the second
- Absence of a son in the family, gives a daughter an opportunity to inherit land from their parents
- Women do inherit land through paternal line at the same time they purchase
- Purchasing and renting of land is constrained by low income

Cont....

- Income does not allow women desire to purchase/rent more land
- Women who inherited land through maternal line could retain their land in case of divorce or death of a husband

Transformation of land inheritance practices

- Inheritance is contrary to the rules of matrilineal system
- Land is becoming a family property instead of clan property
- Men have changed their attitude-they transfer land to their sons instead of their sister's children
- Men have criticized the idea of matrilineal residence
- Women tenure rights are lost upon divorce or death of their husbands
- They often face in-laws harassment

Factors influencing land inheritance practices

- Education- has facilitated interaction with population with different practices i.e coping behavior
- Stigma- Men who shift to their wives were labelled as slaves of the in-laws
- Monetary Economy – increased land sales
 - 85 percent of participants reported increased land purchase leading to land scarcity and individualism
 - Rich people tend to purchase land from the poor

Cont....

- Land reforms

- The village Land Act No.5 is being implemented
- Formalization of land result into individualism

- Urbanization

- Lead to intermarriages

Discussion

- The land holding system in Morogoro Rural District is a product of culture
- For several decades inheritance has been celebrated in guaranteeing women tenure security
- Patrilineal ideology has absorbed and transform the matrilineal relations
- The elderly women have more tenure security via inheritance compared to young ones

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- The young women are affected by the on-going transformations
 - This helps predicting the critical situation in the future
- Women tend to purchase and rent land but they were constainted by financial problems.
- Women with financial resources were in the position to buy land than their counterpart

Cont....

- Urbanization has lead to intermarriages hence cultural mix
- Women who were socialized in matrilineal system meet men in patrilineal system hence ignore their culture

Recommendation

- Women empowerment is crucial
- This is even articulated in Sustainable Development Goals (SDGs) –to achieve gender equality and empower women and girls
- This will widen their opportunity to obtain land through purchasing and renting rather than depending on inheritance which objects them to gender disparities in resource allocation and distribution

Conclusion

- In matrilineal societies, inheritance has for several decades be the main mechanisms for obtaining land
- Currently, inheritance has lost its superiority
- Land purchasing and renting are crucial
- Changes in customary land tenure practices have marginalized women
- Other study is needed to validate these findings

Thank you for your attention