



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
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ADDRESSING WOMEN'S LAND RIGHTS USING THE SDGS FRAMEWORK: EXPERIENCE FROM TANZANIA

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Abstract

In 2015, the global community adopted the Sustainable Development Goals (popularly known as the 2030 Agenda), a set of 17 global goals with 169 targets, to replace the Millennium Development Goals. In the same year, the African Union adopted Agenda 2063 as the continent's new long-term vision for the next 50 years. Both these international guides require States to commit to the protection of women's land rights and tenure security. This paper provides evidence of the progress made by the United Republic of Tanzania (Tanzania) to localize both 2030 and 2063 Agendas in its Five Year Development Plan 2016/17-2020/21. It further highlights some parallel efforts of non-state actors that complement the work of the government, with particular focus on the work of Landesa, a global non-profit addressing tenure security in developing countries. The paper calls for a more concerted efforts through a multi-stakeholder approach for effective implementation and monitoring of women's land rights SDGs indicators.

Key Words: Women's Land Rights, 2030 Agenda, Agenda 2063, Framework, Tanzania



INTRODUCTION

In September 2015, the global community adopted the Sustainable Development Goals (SDGs) (popularly known as the 2030 Agenda), a set of 17 global goals with 169 targets, to replace the Millennium Development Goals (MDGs). The goals and targets contain a broad range of sustainable development issues including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, gender equality and protecting oceans and forests. In the same year, the African Union adopted Agenda 2063 as the continent's new long-term vision for the next 50 years. It builds on, and seeks to accelerate, the implementation of past and existing continental initiatives for growth and sustainable development.

The SDGs are addressing gender equality and recognize that an important way to eliminate poverty is to increase number of men and women with documented land rights and number with increased perception of tenure security. The momentum generated around the land indicators process for SDGs and in advancing women's land rights over the last five years, has been laudable and is attributed to the collective efforts of individuals representing more than 50 institutions from across the globe, including UN Agencies, Inter-Governmental and Civil Society Organizations (CSOs), Academic and Research Institutions (Browne, 2017a).

In addition to the SDGs, the importance of securing women's land rights has also been identified by the African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa (F&G) as one of the critical areas for advocacy and action of the African member states. As part of this engagement, and within the framework of the African Union (AU) Agenda 2063, the African Land Policy Initiative (LPI) is negotiating member states' commitments in monitoring the progress of securing women's land rights and increasing to a minimum of 30% the amount of land allocated (individually or jointly) to women. The LPI has also played a key role in advocating for the African Union's recent endorsement of the Pan African Women's Charter on Land Rights. The Charter resulted from the Kilimanjaro Initiative, which has mobilized rural women from 22 countries across Africa. The Charter includes 15 specific demands addressing women's access to use, control, own, inherit, and dispose of their land and natural resources with the ultimate aim to help empower women across the continent (Mendelli et al, 2017).

The 2030 Agenda recognizes the importance of land and women's land rights. Out of 230 indicators, seven are related to land and three are related to women's land rights. Although many feel there is more



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that could be done it is a notable gain compared to its predecessor MDGs which were silent on women's land rights. Similarly, Agenda 2063 has mainstreamed some of the indicators on land and women's land rights stated in the SDGs in its aspirations. More specifically, paragraph 50 under aspiration six states *“the African woman will be fully empowered in all spheres, with equal social, political and economic rights, including the rights to own and inherit property, sign contracts, register and manage businesses. Rural women will have access to productive assets: land, credit, inputs and financial services”*. Therefore both agendas have put in place a regional and global framework to track and monitor land governance indicators.

Global custodians of land indicators, the national statistical agencies, civil society organizations, and other stakeholders are already working to establish monitoring systems, collect and track data, and report the data collected. In Africa, there is a specific project called Monitoring and Evaluation of Land in Africa (MELA), which is managed by Land Policy Initiative (LPI) and International Food Policy Research Institute (IFPRI) and currently piloted in a total of 12 countries from East, Central, West, and Southern Africa. Other than the MELA project, in Tanzania, several other organizations such as UN-Women, FAO, and Landesa are addressing land issues using the SDG framework.

Some efforts have been made by different actors such as the Government of Tanzania and CSOs toward achieving the SDGs and the aspirations of Agenda 2063. They include putting in place reforms which recognize women's rights, such as the ongoing review of the National Land Policy, provision of tenure security for women in the form of joint or individual titling, and harmonization of conflicting laws. However, more needs to be done to address an unfinished reform agenda, allocate more land to women, and create reliable and accessible land registries that reflect these rights and claims.

This paper contributes to theme five of the 19th Annual World Bank Conference on Land and Poverty, “Progress with land governance performance monitoring, approaches to (gender) disaggregation, and Sustainable Development Goals.” Specifically, the paper seeks to define women's land rights indicators and aspirations in the context of Tanzania and document progress made by the Government of Tanzania in adopting the women's land rights indicators in the SDGs and the Agenda 2063. In doing so, the paper also takes stock of the role played by civil society organizations.

In this paper I argue that a concerted effort is needed to build the capacity of national CSOs, land-related governance agencies and ministries, national bureaus of statistics, and the national multi-stakeholder



platform to establish robust systems to collect, track and report on specific land indicators. With this goal in mind, I also share the experience of some CSOs, such as Landesa, in helping to facilitate this process.

Data used in this paper are mainly based on the desktop research. The paper is divided into five parts; the first part which is already presented provides an introduction and an overview on the SDGs. This is followed by the second part which focuses on SDG indicators that directly address women's land rights, and the progress made in developing these indicators. The third part presents progress made by Tanzania to localize women's land rights SDGs indicators into its five-year development plans and the current status of women's rights. The fourth part reflects on the work that Landesa is doing in Tanzania to advocate for women's land rights using the SDGs framework along with the work of other non-state actors. The last section sums up findings and presents concluding statements.

SDG INDICATORS ON WOMEN'S LAND RIGHTS

This section discusses three main SDG indicators that explicitly make reference to women's land rights. These are included under two different goals: Goal One "End poverty in all its forms everywhere" and Goal Five "Achieve gender equality and empower all women and girls." The section also points to ongoing work and progress made so far by the global community in the area of reclassifications and methodology for collecting data.

Under Goal One, SDG Indicator 1.4.2 makes reference to women's land rights. It states "*Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.*" Two other indicators fall under goal five. SDG Indicator 5.a.1 provides: "*Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and share of women among owners or rights-bearers of agricultural land, by type of tenure.*" SDG Indicator 5.a.2 provides: "*Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control of land.*"

One of the challenges for advancing the cause of women's land rights through the SDGs is that the key indicators were initially classified as Tier III, meaning there is no data and no internationally established methodology or standards for data collection are available. However, in terms of re-classifications of indicators, some milestones have been achieved and more work is needed to push all indicators into Tier I. For instance, in March 2017, the FAO, as custodian agency for SDG indicators 5.a.1 and 5.a.2 – in collaboration with other key global partners – was able to secure the upgrade of indicator 5.a.1 from Tier



III to Tier II, and the FAO is currently piloting the proposed methodology for indicator 5.a.2 (Browne, 2017).

UN-Habitat and the World Bank, as custodian agencies for indicator 1.4.2, have finalized development of a methodology for monitoring tenure security. The proposed methodology for indicator 1.4.2 explores the use of various household data collection methods, as well as administrative data sources – both of which are known to have their distinct advantages and limitations, as has been acknowledged by partners of the Global Land Indicators Initiative (GLII) and custodian agencies. (Browne, Ibid.) On Nov. 13 2017, in Bahrain, the Inter-Agency Expert Group on the Sustainable Development Goal Indicators voted to reclassify SDG Land Indicator 1.4.2 from Tier III to Tier II status. This is a significant win for GLII partners and global land community, and a validation that a coordinated effort from many different players can indeed make a difference (LPF, 2017).

While at the global level there are promising developments, these will not have meaningful results if they are not translated into the national level policies, strategies or plans. In the next part, I discuss the extent to which these indicators have been localized by the government of Tanzania

SDG LOCALIZATION AND CURRENT STATUS OF WOMEN’S LAND RIGHTS

In pursuit of “economic transformation and human development” in Tanzania, the Ministry of Finance and Planning, through the National Bureau of Statistics, is coordinating the reformulation of the indicators of the National Five-Year Development Plan 2016/17 – 2020/21 (FYDP II), to align, to the extent possible, with the indicators of the SDGs. A total of 282 indicators from the medium-term development plan have been proposed for national monitoring, which will establish the baseline to measure progress towards sustainable development (UN-Women, 2017). Of the 244 SDG indicators, 243 have been identified as potentially applicable to Tanzania¹. Whereas 163 indicators have already been mapped, 80 are unmapped. Of 163 mapped indicators, 88 are primary and 75 secondary (URT, 2017).

Women’s land rights SDGs indicators are among those that have been mapped into the National Five Year Development Plan 2016/17-2020/21. For instance, SDGs indicator 1.4.2 is translated to and can partially be monitored by indicator 2.3.6.3 of the FYDP II which reads “*number of property owners in unplanned settlements with residential licenses.*” Although the scope of indicator 2.3.6.3 is very narrow compared to SDGs indicator 1.4.2, efforts are being made to modify the indicator to capture information required by SDGs indicator 1.4.2.

¹ Only indicator 13.a.1 under Tier III is considered not applicable to Tanzania.



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Moreover, SDGs indicator 5.a.1 can be monitored fully using the FYDP II indicator OII 1.14a which reads “*proportion of total agricultural population with ownership or secure rights over agricultural land, by sex and (b) share of women among owners or right-bearers of agricultural land, by type of tenure.*” The only concern is the OII is not a country priority and is less likely to be monitored. Moreover SDGs indicator 5.a.2 can partially be monitored using the FYDP II indicator 2.3.6.8 which reads “*households which own houses they live in.*” The FYDP II indicator 2.3.6.8 will require modification and funds for implementation to capture information which can directly respond to SDGs 5.a.2

These indicators provide a concise framework that can be used to collect data on tenure security. The current situation shows that women farmers in Tanzania own significantly less land compared to men. Only 24% of women report that they own land either alone or jointly with someone, while a mere 9% of women have sole ownership of a house or land (NBS, 2016). Smaller female land holding is exacerbated by a growing scarcity of land, with only 46% of all land being cultivable, this leads to an average household ownership of 0.5 hectares or less. Much of this land is subject to customary tenure systems governed by conflicting laws, where over 80% of all land in the country is held in village settings rendering women unable to inherit land from husbands and/or fathers (UN-Women, 2017).

At the same time, 90.4% of active women in Tanzania are engaged in agricultural activities and producing about 70 % of the country’s food requirements. These figures reveal the relevance of targeting women in efforts to transform and expand the agriculture sector by providing them with the necessary resources, tools, technologies, infrastructure and institutions. As primary interlocutors with natural resources to support livelihoods, women’s access to, use of and control over land is an important aspect of realizing sustainable livelihoods and human progress in the framework of the FYDP II and Tanzania’s plan to implement the SDGs (UN-Women, 2017).

In 2008, an initiative to reform marital and inheritance laws in Tanzania was launched. However, these reforms have not been realized. In 2015, the Review Committee of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) concluded that Tanzania has fallen short on meeting the agreements of the convention with respect to the right to own land. It recommended that women’s land tenure be strengthened and discriminatory laws, policies and practices eliminated. Since the CEDAW recommendations in 2015, the government proposed national plans to enact a new legal system that will provide more protections for women and will ensure that only those parts of customary law that are consistent with formal law are implemented.



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Although the Land Act (1999) and relevant formal laws guiding property rights recognize equal rights to land of men and women, the Customary Law Declaration Order (1963) remains in force. This law protects patriarchal and religious practices that enable men to continue to discriminate against women's rights to own, use and exercise control over land and productive resources and so undermine the full implementation of national legal codes. Currently, the Customary Law Declaration Order allows only for patrilineal land inheritance. Customary practices thus create a burden for the attainment of women's land rights, imposing a significant obstacle for women to access land and durable assets. Even with the ongoing review of National Land Policy 1995, these challenges are still not fully addressed.

The current draft of the National Land Policy note that women cannot be excluded with respect to individual and joint access to, use and control over land. In practice, however, decision-making power on land and physical property in Tanzania is skewed towards men. Furthermore, although the formal law promotes the equality of men and women in their rights to land, it emphasizes ownership as the only form of tenure, with limited attention given to other forms of tenure security that may be important for women's empowerment and gender equality. Systems such as communal property regimes, which define collective rights to land for communities, often do not recognize the equal rights of men and women to the land they hold, and women usually tend to acquire their rights to use the land through their male relations. Another important regime that creates barriers for women's empowerment is polygamy, for which gender equality advocates are incorporating appropriate messaging to ensure the review process takes this marital system into account.

The Secretary General of the United Nations, in his report for the Commission on the Status of Women (CSW) 62nd Session titled **Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls** dated 20th December 2017 (UN, 2017), recognizes the challenges that rural women face and puts high hopes in the SDGs. He says *“for rural women and men, rights to land and natural resources are fundamental, and land is perhaps the most important household asset. Yet women farmers have significantly less access to, control over and ownership of land and other productive assets compared with their male counterparts. **The rights of rural women to land are compromised by inadequate legal and policy frameworks, ineffective implementation at the national and local levels and discriminatory gender norms and practices, which targets 5.1. and 5.a are aimed at redressing**”*²[Emphasis mine]. He further recommends states to *“undertake legislative and administrative reforms to protect and promote the right of rural women and girls to land and land tenure security and*

² Paragraph 20, page 7 of SG Report



ensure their equal access to and control over productive resources and assets, other forms of property, inheritance, natural resources and financial services and technology³”

On the positive note, there are ongoing land formalization projects in several parts of the country which are having good results securing tenure for women. The Land Tenure Support Program⁴ has facilitated provision of customary certificates in three Districts. As of December 2017, 24% of land parcels were owned by women on their individual capacity and 29% jointly owned with their husbands (LTSP, 2017). Similarly, under the Land Tenure Assistance program,⁵ 47.75% of land parcels were claimed by women (USAID, 2017).

Continued consultations with national statistical offices (NSOs) and other stakeholders will be critical to address specific limitations, and to develop a consensus on robust, coherent, and complementary proxies for monitoring tenure security and other women’s land rights indicators. It is in recognition of the importance of consultation with statistical agency, land related government departments and civil society organization, that Landesa initiated a project in Tanzania that seeks to work with all actors to strengthen women’s land rights. The Tanzania project is discussed at length in the subsequent section.

LANDESA’S PROJECT IN TANZANIA AND OTHER EFFORTS

At the country level, the opportunities provided by the 2030 agenda are huge and the demand for work will likely surpass the sector’s current capacity. For this reason, Landesa chose to engage at the country level by piloting replicable, scalable and sustainable models to convene and equip local stakeholders so that they can make the most of the advocacy and accountability opportunities provided by the 2030 agenda. We intend to work through convening events that bring these myriad government actors (including those responsible for the data generation) to the table, together with a network of civil society organizations who are fully aware of the agenda and equipped to leverage it.

Our aim with this country-level work is to generate discussions and exchanges that encourage and support the government to take responsibility, to act, to act more effectively, and/or to act more quickly to support women’s land rights. This project is currently piloted in Tanzania with the intention to replicate its approaches in a handful of other countries. More specifically, the project:

³ Paragraph (d) page 15 of SG Report

⁴ A program funded by DFID, DANIDA and SIDA in Malinyi, Kilombero and Ulanga Districts

⁵ Program funded by USAID in Iringa Rural and Mbeya Districts



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- *Strengthens capacity and supports a platform for civil society organizations:* Strategically, the project identified strong land rights advocacy organizations and provides them with training on women’s land rights and the SDGs. Moreover, the project provides CSO leaders and members with training on the art of advocacy, supporting participants to jointly identify specific advocacy issues on women land rights and to create an effective advocacy campaign to advance women’s land rights using the SDGs. The project aims to strengthen the NGO platform “Tanzania Land Alliance,” and to facilitate regular convenings where discussions on SDGs are conducted, which would in turn generate sustained interest from the CSO sector to engage in advocacy using SDGs.
- *Trains Statistical Agencies and Government Land Officials:* Considering the key mandates of these officials in developing methodology, collecting, analyzing, reporting, and disseminating SDG-related data, the program intends to train them on the importance of women’s land rights and why data can be a useful tool to advocate for change in the land sector. Having statisticians and government officials who are well-informed on the importance of secured women’s land rights is a critical step towards a needed data revolution.
- *Establishes a National Multi-stakeholder Forum on Women’s Land Rights and SDGs:* The National Multi-stakeholder Forum on Women’s Land Rights and SDGs will be a platform where government officials, representatives from the statistical agency, and members of the civil society organizations will have meaningful exchanges to foster transparency and accountability on progress in collecting data specific land indicators.

Although this project is still at the initial stages of implementation, there is already buy-in from the actors involved. We are hopeful that the results from this project will provide lessons which will further improve advocacy work to strengthen women’s land rights in Tanzania. The SDG framework will also serve as an essential tool in monitoring progress on the implementation of other land tenure guidelines in Tanzania such as the UN Food and Agricultural Organization’s (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the National Context of Food Security (VGGT), the African Union’s Framework and Guidelines on Land Policy in Africa, and the AU commitment to ensure that women have access to 30% of lands



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In addition to Landesa's project, as stated in the introduction, other organizations are also working in the area of women's land rights and SDGs. FAO, in collaboration with the Ministry of Health, Community Development, Gender, Elderly and Children, has finalized the development of gender mainstreaming guidelines and is testing SDG indicator 5.a.2 (UN-Women, 2017). Moreover, the Global Property Rights Index (PRIndex) is working with the National Bureau of Statistics and other stakeholders to test a new survey module on Perceptions of Land Tenure Security. The first report of their work was published in March 2017 (Gallup & PRIndex, 2017) and the latest published in February 2018. According to the latest report, in Tanzania, 72% said they did not think there was any possibility of losing the right to stay in their current property for the next five years, while a much lower 53% stated they were confident they could stay in their current property for the next five years (PRIndex, 2018). More work which involves wider stakeholder consultation is currently ongoing. Furthermore, the UN-Women has just completed situation analyses in Tanzania, Kenya and Ethiopia and have convened stakeholders from three countries to discuss preliminary findings of their research works.

CONCLUSION

Throughout this paper, I have made an attempt to paint the picture of women's land rights, SDG indicators, the global development and national efforts in Tanzania. I have also shown that different actors, including civil society organizations, are working to advance women's land rights using the SDG framework. There are still many challenges to achieving these goals, ranging from legislative and institutional constraints to customary, limited scope of national indicators and financial barriers hindering these efforts. Therefore, a stronger public-private alliance needs to be forged in the spirit of "leaving no one behind" to advocate for a much stronger tenure security for women and men in Tanzania and around the globe.

Already, at the global level, the 'Friends of the Custodians', comprising donors, CSOs, and funders such as DFID, Global Affairs Canada, Omidyar Network, International Land Coalition and GLTN, have shown the way to help coordinate action across different stakeholder groups to ensure that land indicators are up and running by 2020. Now, the challenge is to ensure that this collaborative approach is cascaded to the national level. Women's land rights and SDGs multi-stakeholder platform which Landesa intends to establish, is one of the ways to foster collaborative approach at the national level.



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