

Lessons for the New Alliance and Land Transparency Initiative: Gender Impacts of Tanzania's Land Investment Policy

Executive summary

There are gender-differentiated impacts when land is harnessed for commercial investment. Land policy needs to address the gendered nature of power relations within families and land tenure systems, and the implications of rural social relations on processes of community consultation, land management and dispute settlement. Without this, land investment policies will not reach their goals of tenure security for all, agricultural productivity and increased revenue. From the outset the full participation of women as well as men, good local leadership and gender-sensitive business practices at the local level are needed, to ensure that the fruits of land-based investment deals in the countryside are gender-equitable.

Action points

- **Transparency of information and stakeholder consultation** on land and land-based investments is best achieved through networks and fora that actively ensure women's participation at multiple levels.
- **Gender dimensions of land tenure**, social power relations and attitudes to female land-holding and use need to be factored into policy proposals for acquisition and titling of land.
- **Models of good business practice** incorporating gender-sensitive company policies should be adopted to maximise the social and economic benefits of agricultural commercialisation for both women and men.

Policy context

From 'land grabbing' to 'food security' to 'land transparency', international policy discourses and debates on land are shifting as they continue to engage with the global challenges associated with pressure on land, climate change and economic development. Recent case studies on gender and land illustrate that the commercialisation of agriculture carries both potential benefits and risks for different socio-economic groups. Yet relatively little attention has been paid to the implications of land and agricultural commercialisation for women and gender equity.¹

At the G8 summit at Loch Erne in June 2013, the Government of Tanzania – along with six other African countries – signed a Land Transparency Partnership Agreement bringing together a number of stakeholder groups to meet global challenges concerning land, with a particular emphasis on land-based investment through large-scale land deals (G8 2013). In terms of women's land tenure and livelihoods, the Partnership Agreement includes a commitment to enhance women's land tenure security and develop models for benefit sharing, paying attention to vulnerable groups.

The Partnership Agreement aims to 'build transparency of land tenure conditions and procedures, and of land governance in Tanzania'. The overarching transparency and governance objective of the Partnership Agreement is guided by five aims:

- *Improve transparency and benefits of large-scale land deals;*

- *Promote investment that supports economic growth, poverty reduction and environmental sustainability;*
- *Enhance security of tenure for all land holders in Tanzania, including women and other vulnerable groups;*
- *Increase the efficiency and effectiveness of land administration in Tanzania to deliver services; and*
- *Stimulate greater participation and consultation on land issues. (Ibid: 4)*

The aims as a whole build on Tanzania's pre-existing commitment under the G8 New Alliance for Food Security and Nutrition initiative, which was signed by Tanzania and five other African countries in May 2012. Here the objective has been to increase agricultural productivity and technology transfer through public-private partnerships with local investors and multi-national corporations. In Tanzania the New Alliance initiative has been linked with the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) project of 2010 and Big Results Now – an ambitious national agricultural commercialisation plan focused on large-scale rice and sugarcane production.² From an investment perspective, acquisition of legal title to the land has been identified as a key factor that has delayed implementation of SAGCOT and Big Results Now.³ Accordingly, in the targeted areas this is to become the first step in the process. Meanwhile, priority areas under the Partnership Agreement include the completion of a public land registry of all land allocated to foreign companies or owned by domestic companies; the establishment of a Land Tenure

Unit for implementing activities; and a multi-stakeholder forum for consultation and oversight of land policy design and implementation (G8 2013: 4-5).

Social context

Policy-making needs to recognise that women's claims to land can be undermined if the implications of rural social relations on local land management and dispute settlement processes are not addressed (Whitehead and Tsikata 2003). It remains the case that the majority of rural land in Tanzania is untitled and held according to local land-holding practices. These vary across families and communities, but are often intrinsically linked with marriage and inheritance. Gendered kinship relations are often the foundation of land claims for women and men. This in turn affects the extent to which women participate in decision-making over land, both within the family and in their interactions with local land management and dispute resolution systems. Where land is acquired on the basis of gendered kinship relations and remains untitled, claims to land will often tend to be substantiated by male family elders or local community leaders. In addition, there is often reluctance from both sexes to register women's names on land titles (Dancer 2012). Policy-making therefore needs to address the implicit male gender bias in social and legal processes of land acquisition and titling in the areas where accelerated land titling is proposed.

The degree of autonomy that an individual and their wider family have over the use of land and its disposition is affected by the mode of acquisition – whether by cultivation, purchase or inheritance. For example, a woman who purchases a plot of land with her husband

during their marriage, or who inherits a portion of land from her own father, is likely to have much greater control over its use and disposition than land that is apportioned to a couple by the husband's father upon their marriage. Whether the land is titled or not, the Land Act of 1999 gives spouses a legal interest in land that they have cultivated which is not held in their own name.⁴ However, in practice a wife may have less input into decision-making on land use, titling and disposition than her husband. Social power relations between a woman and members of her family may shift throughout her lifetime – as a daughter, wife, mother or widow – and this shift is often closely linked to the acquisition, use and allocation of land. In land tribunals in Arusha, many legal claims to land brought by or against women are the result of land disputes following life changes which shift the balance of gendered power relations within the family against the woman litigant – whether following the death of a husband or father, or the breakdown of a relationship (Ibid).

In the context of large-scale land acquisition, women who are in weak positions of power within their own families are at a particular disadvantage. They are likely to be excluded from community consultation and administrative processes for demarcating and registering customary land titles. However, whilst patriarchal attitudes to local land tenure practices endure, there is also evidence of changing perspectives on women's land tenure rights and growing acknowledgement and awareness of the principle of equal rights to land for men and women amongst local community leaders and family elders (Ibid). Yet, without substantive educational intervention and good local leadership there is a risk that in many cases women's involvement in the process of registering land is likely to be curtailed.

A gender analysis of key stages of policy implementation

Consultation and participation

Tanzania's Partnership Agreement includes the establishment of a multi-stakeholder forum representing government, civil society and the private sector on land investment. The aim is to improve transparency and to engage stakeholders from an early stage of policy design and implementation. For consultation to be meaningful it is important that processes engage with civil society and the communities directly affected at multiple levels. Moreover, consultation and the establishment of data indicators for promoting transparency and accountability should take place *before* legal processes of large-scale land acquisition commence. Consultation with national NGOs is critical for democratic accountability and public participation; however, local communities and institutions, workers' organisations and individuals in areas targeted for large-scale land investment also need to be empowered to voice their interests directly from the earliest stage. In order to ensure that issues of gender-differentiated impact are substantively addressed, women's participation and women's voices must be reflected and heard both within the multi-stakeholder forum and in its constituent organisations, including organisations that do not have an explicit 'gender' focus. In the context of women's participation in land governance following the Land Acts, simply providing procedural rules for participation in institutions does not automatically persuade women to put themselves forward (McAuslan 2013).

Developing gender-differentiated impact indicators on land investment

One alternative to the multi-stakeholder forum model which could be adapted to enhance consultation and transparency in the land sector is the 'Making the Forestry Sector Transparent' programme (MFST), which was implemented by Global Witness between 2008 and 2013 in seven African and Latin American countries. In the MFST, civil society engagement took place through multiple networks and fora rather than a single multi-stakeholder forum. The focus of the initiative was on working with local communities to develop a set of legal framework and data indicators for monitoring forest governance that were relevant to the forest peoples most directly affected (Locke and Henley 2013; Global Witness 2010). Indicators of gender-differentiated impact could be integrated into the proposed indicators of success in land transparency initiatives, including proportion of land titles held by men and women, levels of employment created, revenue flows to farmers and mean household income.

Processes of land acquisition and titling

Acquisition of legal title and the creation of a central government-administered 'land bank' and 'land for equity' scheme for investment are high on the land investment policy agenda. The proposals include accelerated titling, underpinned by surveying and mapping to support participatory land use planning and identify land for investment in earmarked areas. However, formalisation in the context of large-scale land acquisition in Tanzania has already

resulted in documented instances of dispossession, tenure insecurity and high levels of violence (Stein et al. 2013). A locally-based 'land for equity' model where villages retain the land and negotiate directly with investors is a viable alternative to the proposed centralised acquisition of land for investment through conversion of village land to general land under the Village Land Act.⁵ There is a growing body of research reporting that well-planned local community land titling and law reform initiatives that actively promote gender equality can produce positive results for female participation and recognition of women's land rights (Knight 2011; Ubink 2011). However, this is work that cannot be carried out quickly. Community land titling requires significant educational engagement with local communities to explore local social norms and agree on institutional structures. In the context of policy proposals for accelerated land titling in areas earmarked for investment, it is therefore critical that community engagement initiatives and titling processes take full account of inequalities in decision-making and economic autonomy within families, as well as the power asymmetries between individuals and local land management structures. Such inequalities lead to gender-differentiated impacts in land tenure and titling.

Wholesale titling within a local area carries potential risks and benefits for women – depending on how it is approached. A recent study of titling implementation projects in Tanzania provides some statistical evidence of the impact that different approaches to titling may have on the proportion of land titles held in women's names (Pedersen and Haule 2013). The study contrasts pilot projects conducted under the Business Environment Strengthening for Tanzania (BEST) programme with an NGO-led project under which titling in female or joint names was at least 10% higher. Business interests were the primary focus of the BEST

agenda, in contrast to the NGO-led project where women's land rights had been integrated into the title implementation activities from the outset. The educational aspect of the NGO-led project had been on-going for a number of years, in contrast to the BEST project which was reportedly rushed through at the local level.⁶ A further empirical illustration is the two-year community land titling intervention led by the International Development Law Organization (IDLO) in Liberia, Mozambique and Uganda (Knight 2011). The study found that paralegal support and monthly legal education and training were most successful for completing the titling initiative and protecting the land rights of women and vulnerable groups. Good local leadership, community cohesion and spaces for debate – including women-only spaces – were also critical factors.

The timescales envisaged for local land-titling in areas identified for large-scale investment in Tanzania are relatively short in comparison with both the IDLO and NGO-led project examples. Experience shows that if titling initiatives are rushed, they tend not to recognise women's land rights. A longer-term process of community engagement in the targeted areas may be necessary to ensure women's landed interests are recognised and protected. In the IDLO study, legal education and training took place over a period of fourteen months and was facilitated by a field team, including a project lawyer, as well as elected community-based 'land paralegals'.

Business models and livelihood impacts

There are a limited number of empirical studies on the impact of different commercial farming business models on women's land use and livelihoods.⁷

It is observed that historically 'large-scale rural development schemes involving technical change and new farming systems or practices often negatively impact on women'(Daley 2011:11), with women generally disadvantaged in contracting arrangements (Schneider and Gugerty 2010). Equally, over-generalisations about the impact of commercial agriculture on women are to be avoided. For example, increased mechanisation has the potential to open up more opportunities for female employment in some sectors (Rossi and Lambrou 2008), yet women may have farther to walk for fuel and water or lose livelihood opportunities in marginal lands as a consequence of excessive mono-cropping (World Bank et al. 2009).

An International Land Coalition global study conducted in eight countries in Africa and Asia found that, at times of rising commercial pressures on and competition for land, there is a combination of potentially positive and negative impacts on women (Daley 2011: 45). In Northern Tanzania, land-related investments have different outcomes for women and men. Here, local farmers are contracted as out-growers or wage-workers in the jatropha seed collection, vegetable and horticulture sectors. Across all business models, good business ethics and working conditions offered by companies were important for men and women. Good practices include facilitation and support with start-up costs and contract negotiation for local groups of out-growers. Individual out-growers could be supported by field officers, contracts in individuals' names and provision of inputs up-front. Family-friendly policies, such as flexible working hours, awareness of sexual harassment in the workplace and company support for Savings and Credit Cooperatives (SACCOs) and schooling subsidies, also facilitate women's

access to employment opportunities (Daley and Park 2012).

The experience of Northern Tanzania shows that women and men are affected differently in terms of labour, income-generation opportunities and access to, control over and use of land. The socio-economic environment and the business model of the investment lead to different impacts on individuals.

- **Women who have the resources** to enter into individual out-grower contracts themselves may benefit from the increased financial security this brings alongside growing maize. However, this does not necessarily lead to greater economic or decision-making power for women within the household, particularly for married women.
- **Group-based out-grower arrangements** provide more opportunities for income-generation than casual labour for both sexes. They also make it easier for women who might otherwise be unable to participate directly as individuals, to share the benefits and cost of inputs in these schemes.
- **Permanent employment contracts** with good working conditions (as opposed to the temporary, exploitative and low-paid jobs that are often associated with female employment in the commercial agricultural sector) may also carry benefits for women in terms of financial autonomy and household decision-making.

Generally, however, women's workloads for remunerated and domestic activities as a whole increase whether working as out-growers or employees due to pre-existing gendered divisions of labour within the family (Ibid). This

must be recognised in policy and steps taken to counter it. Challenging gender divisions of labour would help, as would securing women's rights to strengthen their status within households. Providing labour-saving technologies would also help.

Recommendations

Land policy which is designed to raise revenues and improve agricultural productivity, tenure security and livelihoods for women and men, needs to address the gendered nature of power relations within land tenure systems, family relationships and commercial business models.

- **Transparency of information and meaningful stakeholder consultation on land and land-based investments is best achieved through networks and fora that actively ensure women's participation at multiple levels.** Social attitudes and practical factors affecting women's participation in local communities and consultation fora need to be factored into the design of participation and consultation models. At a local level mobilisation requires good local leadership and/or the support of community-based or civil society organisations, to open up spaces for debate to women – including women-only spaces – and to connect with policy-making fora. The aim should be to ensure that issues of gender-differentiated impact are substantively addressed and integrated into indicator measures of success.
- **Gender dimensions of land tenure, social power relations and attitudes to female land-holding and use need to be factored into policy proposals for acquisition and titling of land.** Appropriate timescales for educational engagement, good local leadership and administrative procedural

safeguards are needed to ensure that policies to promote security of tenure do not have the opposite effect for the most vulnerable.

- **Over-generalisations about the impact of commercial agriculture on women are to be avoided. Models of good business practice should be adopted to maximise the social and economic benefits for both women and men.** Thorough local social and environmental impact assessments are therefore of considerable importance. Good business ethics and working conditions, family-friendly policies and initiatives such as group out-grower arrangements that are well facilitated and supported, are important factors in creating positive business opportunities for women.

End notes

¹ Daley (2011) provides one of the earliest commentaries on the lack of attention to gender in the literature and policy-making. See also Daley and Park (2012).

² For a critique of the New Alliance and SAGCOT initiatives see Sulle and Hall (2013).

³ Official websites for SAGCOT and Big Results Now: www.sagcot.com; <http://www.pmoralg.go.tz/quick-menu/brn/>.

⁴ Land Act No. 4 of 1999, section 161 (2).

⁵ For a detailed discussion and critical reflections on the proposals see Nshala et al. (2013).

⁶ The highest unpublished figures indicate that up to 25% of titles under the BEST project were registered in female or joint names, although field research suggested that this figure may be inflated or unreliable. This contrasts with 35% of titles in female or joint names in the NGO-led pilot project.

⁷ One example on biofuel investments is Rossi and Lambrou (2008).

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