

Women's Legal Claims to Land in Arusha, Tanzania

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My research explores the legal context of one of the most important socio-economic issues facing women in Tanzania today: access to land. As pressure on land in fertile agricultural areas increases and land disputes arise, the consequences for women's access to land can be severe. This paper examines the extent to which the recognition of women's equal rights to land, enshrined in Tanzania's Land Acts of 1999, is being fulfilled in practice through legal processes of dispute resolution. My principal focus is the family and intergenerational level, since it is this scale of analysis which gives rise to the majority of legal disputes concerning women and land.

Drawing upon my legal background as a barrister and anthropological approaches to understanding law in practice, my study centres on Tanzania's new specialist land tribunals and examines what happens when women make claims to land through litigation. Following a year of ethnographic fieldwork in Arusha, Tanzania, I consider the circumstances in which women litigants are bringing and defending themselves against claims to land and how successful they are in realising their rights. I focus on the Ward and District levels of land tribunal, which, as part of Tanzania's plural legal system, are required to take into consideration both custom and formal law in the adjudication of land disputes. Drawing upon extended case studies including interviews with litigants, lawyers, tribunal members and community leaders, I reflect on the way disputes involving women's claims to land progress, from their genesis in society through formal legal processes. I consider the impact of non-legal factors such as gender, language and social status as well as legal factors in the litigation context and how different levels of tribunal negotiate and interpret laws and custom when faced with women's claims to land.

My paper will suggest reasons why women may be succeeding or failing in their claims, the practical, legal and evidential challenges women face, and ways in which legal processes could be reformed to ensure gender justice.