

Assessing the implementation and impacts of gender-sensitive by-laws in Kisarawe

Tanzania Women Lawyers Association

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Report written by Tanzania Women Lawyers Association

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Cover picture: A woman speaks out during a village assembly meeting in Vilabwa in the Kisarawe District.

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About TAWLA

Tanzania Women Lawyers Association (TAWLA) is a Non-Governmental Organization established in 1989 and registered under the Societies Act of 1990. The organization is compliant with the NGOs Act of 2002 and obtained NGO status in 2019. The aims and objectives of the organization are to advocate for gender equality and to promote human dignity and gender justice through policy, community action, media engagement, and legal and institutional reforms.

To this end, TAWLA envisages a society that respects, upholds, and enhances responsibilities and empowers women. Its mission is to collaborate with relevant stakeholders in creating a conducive legal and policy environment, providing diverse platforms on sectoral reform and ensuring access to justice through legal aid services, advocacy, awareness raising, strategic litigation, and research and publications on issues affecting women and children.

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Executive summary

Between 2015 and 2019, the Tanzania Women Lawyers Association (TAWLA) implemented an initiative in Kisarawe District aimed at strengthening women's voices in local land governance through the adoption of gender-sensitive village by-laws.

This report details the findings of a September 2020 study conducted in ten villages in Kisarawe, which assessed awareness of the by-laws' gender-sensitive provisions, as well as the degree to which they had been implemented and their impacts. These findings show that while the majority of respondents (69%) are aware by-laws exist in their villages, levels of awareness vary according to gender (78% men, 63% women), education level (higher education level equals greater awareness) and leadership position (90% awareness among interviewed leaders). Moreover, only 33% of respondents were cognisant of specific gender-sensitive provisions within the by-laws, suggesting they are not widely known among community members.

The majority of respondents (53%) who were aware of the by-laws became aware of them through participation in the initial adoption process rather than due to subsequent dissemination. Villagers appear to have limited access to copies of the by-laws, which are often unavailable at village offices.

Regarding implementation, it was found that none of the surveyed villages has as yet established a gender committee, as stipulated in the by-laws. Reasons given include lack of awareness, and lack of clarity as to who is responsible for setting them up. Moreover, gender quota provisions are not being observed due to the district council's failure to provide approved, signed and printed copies of the by-laws

As to impact, on the other hand, there has been a positive shift in terms of meeting attendance, with 87.5% of participants claiming to have attended a quarterly village meeting within the past two years. Furthermore, the number and proportion of women attending these meetings has increased since the adoption of by-laws, though they continue to be less active participants than men.

Finally, there has been a notable shift in perceived practice, with women now allowed to participate in land-related decisions at the family and community level. Despite the majority of participants associating this shift with the by-laws, the degree to which this stems directly from the intervention is uncertain. Nevertheless, the by-laws are perceived as a valuable tool with the potential to promote women's land rights and their participation in land governance.

Based on these conclusions, the report offers the following recommendations:

- TAWLA and Kisarawe District Authority should launch a campaign to raise awareness of the adopted by-laws among villagers, with a particular focus on gender-sensitive provisions.
- Kisarawe District Authority should ensure approved, printed and signed copies of all by-laws are returned to village authorities, thereby allowing them to be properly operationalised. Moreover, village and district authorities should ensure that printed copies are made available to villagers, and that by-laws are posted in conspicuous places around the village.
- TAWLA should conduct a capacity-building exercise aimed at district and village officials regarding the village council's role in ensuring by-laws implementation.
- Village authorities should ensure immediate and effective enforcement of by-laws, including establishing gender committees.
- Kisarawe District Authority should carry out sensitisation meetings with women regarding the role of the gender committee.
- Kisarawe District Authority and TAWLA should gain a better understanding of why women are rarely speaking out during village assembly meetings despite claiming to feel confident in doing so. Activities should then be developed to encourage women's active participation in meetings.

1. Introduction

1.1 Background and rationale

Across most of rural Tanzania, land forms the backbone of livelihoods, with agriculture and other land-based activities key to food security, income and employment. On top of this, land plays an important social and cultural role.

Over the past two decades, pressures on land have intensified in Tanzania, with global demand for agricultural commodities fuelling commercial interests. Such pressures have exacerbated tenure insecurity, resulting in many rural populations suffering dispossession and displacement (Massay and Kassile, 2014; TAWLA, 2015). Increased competition and reduced access to land impacts communities' economic development, threatens food security, and has significant consequences in terms of wellbeing and socio-cultural identity. Although these impacts are varied and context-specific, they tend to affect women more severely than men, as — despite attempts within legislative frameworks to ensure equality — women's access to land in Tanzania remains largely informal and indirect, depending primarily on relationships with male relatives or community membership. Women are also under-represented in land governance decision-making processes, preventing them from having a say when land is given away. This means land use changes resulting from investments often

lead to land traditionally used by women being taken away. As a result, women are more vulnerable to land dispossession and more prone to economic poverty.

Despite these issues, the Tanzanian legislative framework holds potential — through establishing local government bodies, gender quotas and democratic processes — for ensuring land-related community-level decision-making is participatory and inclusive (see Box 1).

In practice, effective implementation of the framework remains a challenge. Village authorities often lack funding and have limited knowledge of land governance processes or their responsibilities, while village assembly meetings do not always take place on a quarterly basis as stipulated in law. Moreover, although gender quotas for village council members are usually implemented, women are frequently absent from meetings and remain largely excluded from decision-making (TAWLA, 2015). They are also rarely present or actively involved in land administration or decision-making bodies such as village assemblies. This low participation is rooted in socio-cultural norms that dictate gender roles and the division of labour. Women are expected to fulfil more caregiving tasks than men, which takes up much of their time and limits their participation in community forums (Kisambu, 2016). Even when women are present at meetings, this does not guarantee active participation or that their voices will be heard (Misafi, 2014).

Box 1. Participatory and inclusive local land governance framework

Under the Village Land Act (1999), village land management responsibilities are allocated to local government bodies, namely, the *village council* and *village assembly*.

The village council — composed of 15–25 democratically elected members, including the village chairperson — is the village executive body. The council regulates its own procedures, with at least half its members required to attend meetings in order to validate decisions. The Local Government (District Authorities) Act requires that at least one-quarter of council members be women.

The village assembly is the highest decision-making body in the village, incorporating all villagers over the age of 18 who are ordinarily resident in the village. The assembly meets on a quarterly basis.

The village council is responsible for managing all land within the village's boundaries. This involves, among other things, designating and administering areas for communal use, and allocating plots to groups or individuals. The council also makes recommendations to the village assembly regarding 'village land' becoming 'general land', thereby allowing it to be allocated to an investor. The council is accountable to the village assembly, which oversees land management and allocation procedures (Schreiber, 2017).

1.2 The initiative

Between 2015 and 2019, the Tanzania Women Lawyers Association (TAWLA) implemented an initiative in Kisarawe District aimed at strengthening women's voices in issues related to local land governance (see Box 2). Technical and financial support for the initiative came from the World Resources Institute and the International Institute for Environment and Development (IIED).

The decision to work in Kisarawe District stemmed from a preliminary investigation undertaken in

Vilabwa and Kidugalo, two villages significantly affected by a land-based investment. The investigation revealed that the land acquisition had come as a surprise to many villagers, especially the women, who had largely been excluded from village-level discussions about the deal and in some cases were not even aware such discussions had been taking place. Following the acquisition, many women were prevented from accessing formerly communal land they had used for farming, worship practices and woodfire collection.

Box 2. Kisarawe District and the land sale controversy

Kisarawe is about 35 kilometres southwest of Dar es Salaam, on Tanzania's coast, its 66 villages forming one of the eight districts in Pwani Region. The majority of the district's inhabitants rely on small-scale crop farming — maize, cassava, cashew nuts, coconut trees — and pastoralism for their livelihoods. As such, when it comes to guaranteeing their economic and food security, villagers are highly dependent on land access/use.

In 2009, a biofuel company was offered a 99-year lease on 8,200 hectares of land in order to set up a jatropha plantation, affecting land held by 11 villages in the district (Salcedo-La Viña and Boehm, 2018). Although the project never became operational, the acquisition had long-term implications for local communities. First, the company cut down parts of the existing forest to make room for its

upcoming plantation, hindering several livelihood activities (Wise, 2014). Second, upon the land being allocated to the company, 'village land' became 'general land' on a permanent basis, meaning community members' rights of access, use and control were revoked. This latter point was not properly communicated to the villagers attending negotiations, who had assumed the land would remain accessible. As such, they were not in a position to give free, prior and informed consent. While expropriated land users received compensation, it was deemed insufficient. Following the failure of the project, land was not returned to villagers — instead, a national company involved in cattle-raising took over the lease. At the time of writing, villagers are still prohibited from accessing the land.

Based on these findings, TAWLA decided to develop an approach aimed at enhancing women's participation in local-level decision-making processes involving land. The envisaged approach was grounded in the opportunity provided by the national legal framework on the adoption of village by-laws (see Box 3).

Between 2016 and 2019, TAWLA supported the participatory adoption of gender-sensitive by-laws in Kisarawe's 66 villages. This was achieved through a bottom-up process involving the meaningful participation of both women and the wider community.

Box 3. What are village by-laws?

By-laws are subsidiary rules enacted at a local level. In terms of the by-laws referred to in this report, they can be regarded as locally defined agreements concerning the use and governance of natural resources, and encompass social and cultural relations (Granier, 2010; Williams *et al.*, 1999). In Tanzania, the Local Government (District) Authorities Act (1982) states that by-laws become legally recognised once they are approved by village and district authorities. A number of experiences indicate that by-laws can be an effective tool when it comes to addressing land-and-natural-resource-related conflict; promoting

peace-building; addressing gender inequalities; and strengthening rural communities' voices (as was the case in, for example, Zambia (Ajayi *et al.*, 2012) and Ethiopia (Yami *et al.*, 2013)). By-laws can also support gender-sensitive local governance through a consensual, written and legally recognised framework that promotes women's participation in village governance; clarifies land and natural resources governance rules; and increases local government transparency. Their adoption gives women and men the means to participate in, and claim ownership of, land governance processes.

The approach consisted of providing villages with technical support to develop and adopt by-laws promoting gender-inclusive land governance, in particular through enhancing women's participation in decision-making processes (see Sutz *et al.*, 2019). All community members were actively involved in the process, while community dialogue was facilitated in order to promote change in socio-cultural norms surrounding land ownership.

A variety of issues were addressed by the adopted by-laws, including local government accountability and transparency; governance of land and natural resource use; agricultural practices; livestock herding and grazing; and the inclusion of vulnerable community members — elders, youth, disabled, women — in decision-making. This report focuses specifically on the gender-sensitive provisions contained within the by-laws, such as the establishment of a gender committee — a safe space for women to discuss and agree agenda items ahead of village assembly meetings — gender quotas for village assembly meetings and quorums, and directives on when to hold village assembly meetings (see Box 4).

1.3 Objectives of the study

The overall objective of TAWLA's study was to assess the awareness, implementation and impacts of the by-laws' gender-sensitive provisions, and of the intervention more generally.

More specifically, the study's objectives were to:

1. assess the level of awareness regarding by-laws and their gender-sensitive provisions;
2. assess the level of implementation of by-law provisions concerning women's participation in local meetings;
3. assess the impacts of the by-laws' gender-sensitive provisions — as well as the overall intervention — on women's participation in land-related decision-making, and on socio-cultural norms surrounding women's land ownership.

The evidence and knowledge generated through this process will, it is hoped, help shape more effective gender-sensitive local land governance.

1.4 Methodology

In September 2020, TAWLA collected quantitative and qualitative data in ten villages in Kisarawe, selected through simple random sampling from the district's 66 villages.

A mix of quantitative and qualitative research methods were employed to collect the views, opinions and perceptions of Kisarawe men and women. TAWLA interviewed a total of 333 respondents (58% women; 42% men) using household surveys, focus group discussions and key informant interviews (see Table 1).

Household survey respondents were selected according to their location in the village, with one house selected from every 8–10 houses, starting from the village's central point and moving outwards.

Box 4. Key gender-sensitive by-law provisions

Village assembly meetings

Women shall constitute at least one-third of the village assembly quorum for ordinary meetings, and one-fourth of the quorum for extraordinary meetings.

The village assembly's meetings shall be scheduled for a time and place reasonably convenient for both women and men to attend.

Village council

Women shall constitute at least one-third of village council members.

The quorum for village council meetings shall be 15 where there are 20 or more members, and 10 where there are less than 20 members.

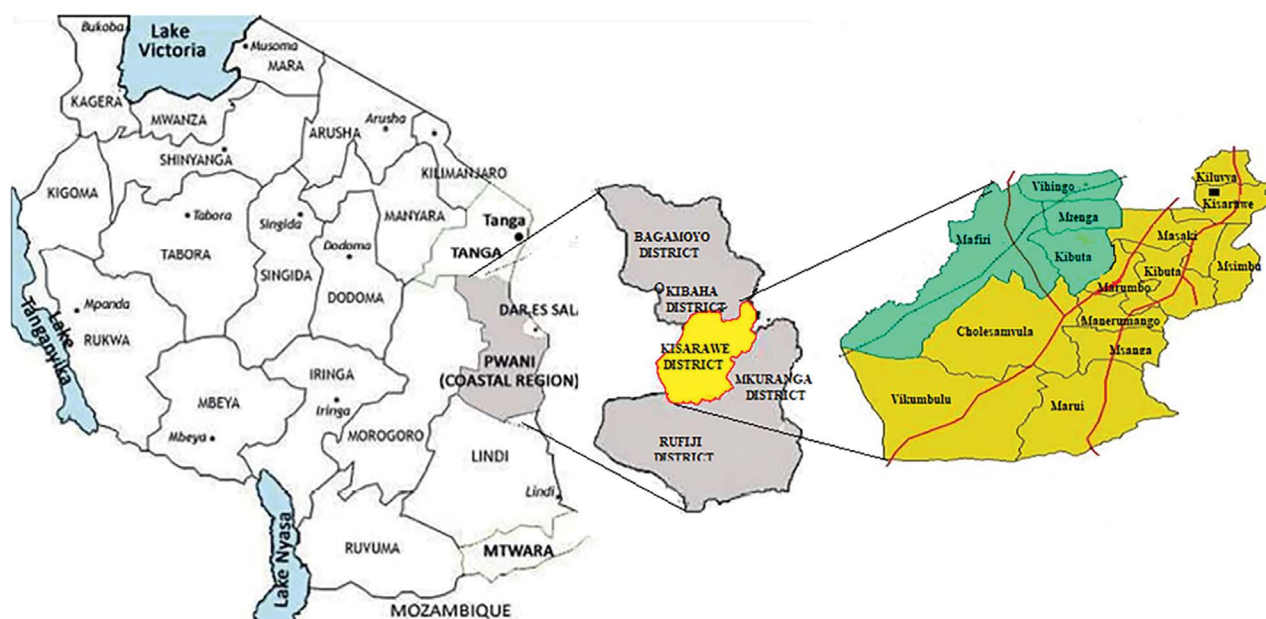
Regardless of the required quorum for village council meetings, women shall constitute not less than one-third of those present.

Decisions of the village council shall be made by a simple majority, where not less than half the council members present arrive at a given decision.

Gender committee

A gender committee shall be established to, among other things, conduct women-only meetings prior to village assembly decision-making meetings.

Figure 1. Location of Kisarawe District



Source: Creative Commons Attribution 4.0 International

Table 1. Number of respondents per data collection method

	WOMEN	MEN	TOTAL
Household surveys	166	101	267
Focus group discussions	27	30	57
Key informant interviews	1	8	9
Total	194	139	333

Table 2. Number of respondents interviewed through household surveys in Kisarawe District

VILLAGES	POPULATION ESTIMATE	NUMBER INTERVIEWED	NUMBER OF WOMEN	NUMBER OF MEN
Chakenge	1,144	24	17	7
Kibuta	2,128	28	18	10
Kwara	1,679	22	13	9
Masaki	2,978	30	18	12
Mhaga	1,254	25	11	14
Mitengwe	2,422	22	15	7
Mtamba	1,475	30	18	12
Palaka	925	30	18	12
Vikumburu	1,215	28	20	8
Yombo-Lukinga	860	28	18	10
Grand Total	16,080	267	166	101

2. Key findings

This section presents the study’s key findings in terms of awareness, implementation and impacts of the adopted by-laws (and the wider intervention) in Kisarawe.

2.1 Awareness of by-laws

2.1.1 Overall, villagers are aware of the by-laws’ existence

Having village by-laws in place does not automatically make them an effective tool. For this to be the case, by-laws must not only be known and understood by community members, but pro-actively implemented and enforced. As such, a high level of awareness among community members is key.

Data from the assessment indicates that community members are relatively well aware of the existence of village by-laws and the process leading to their adoption, with 69% of all respondents cognisant that by-laws are in place in their village. This level of awareness varies by gender, however: 78% of men declared themselves aware of the by-laws, compared to only 63% of women. This suggests that, overall, men are better informed about local governance matters than women.

Education level also has an influence on by-law awareness, with the data in Figure 2 indicating that a higher level of education corresponds with greater awareness of by-laws. As shown in Figure 3, though, women remain less aware than men of by-laws regardless of education level.

Figure 2. Awareness of by-laws by education level

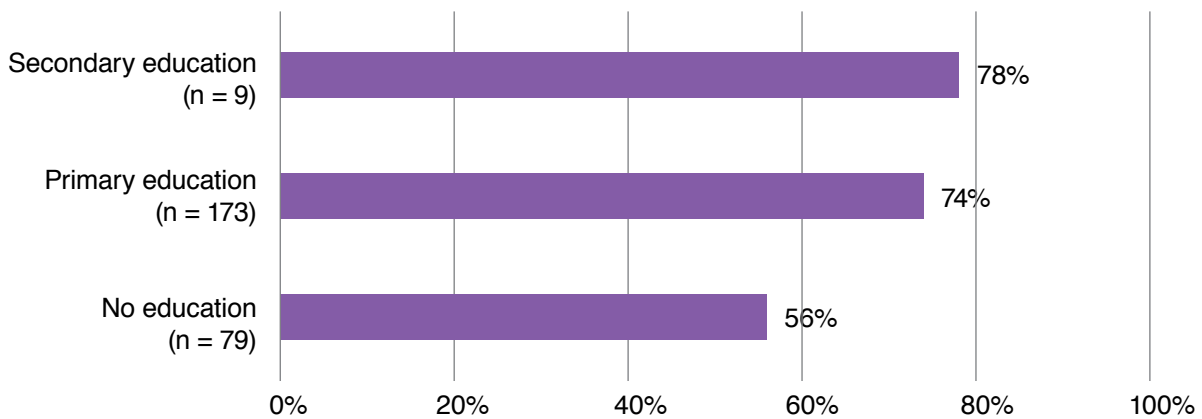
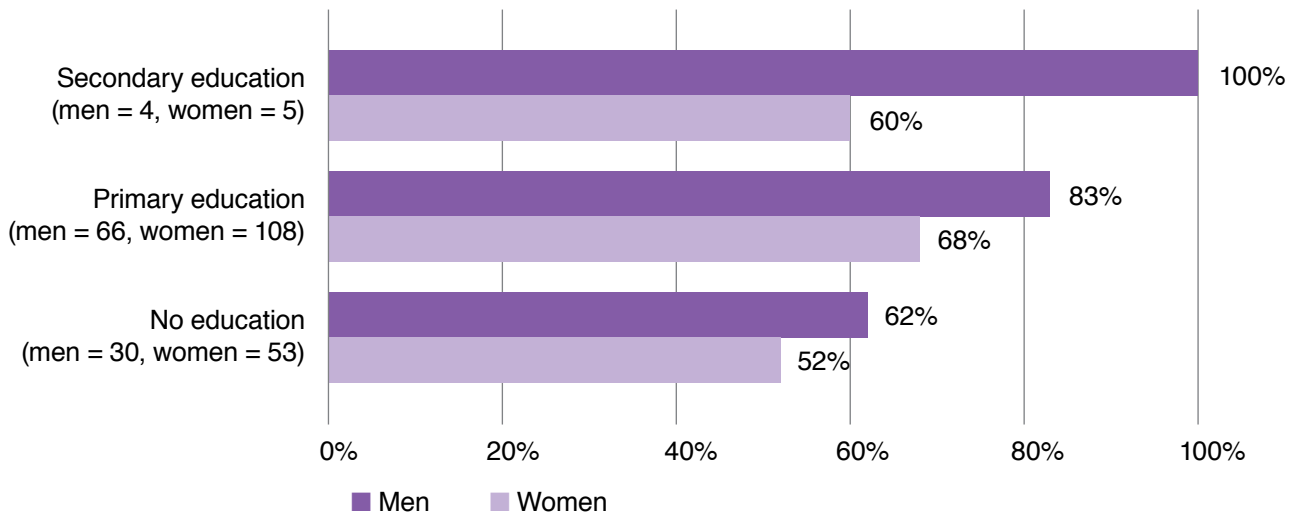


Figure 3. Awareness of by-laws by education level and gender



Finally, those holding a leadership position in the community (one-fifth of respondents) were found to have significantly greater awareness compared to their fellow villagers (90% compared to 63% for non-leaders). Again, gender makes a difference, with women leaders' awareness standing at 85% compared to 95% for male leaders.

2.1.2 Knowledge of gender-sensitive provisions within by-laws could be stronger

As mentioned in section 1, the by-laws adopted in Kisarawe District included progressive gender-sensitive provisions, such as the establishment of a gender committee, gender quotas for village assembly meetings and quorums, and directives on when village assembly meetings should be held (see Box 4 on p 9).

The collected data shows that, despite fairly good awareness of the existence of by-laws, knowledge of their gender-sensitive provisions could be stronger. Overall, only a third of respondents (33%) were aware of these provisions. While it makes sense that those who were unaware of the existence of the by-laws would have no knowledge of the specific provisions within them, it was anticipated that most of the villagers who were aware of the by-laws would also be cognisant of the gender-specific provisions. In fact, only half (49.5%) the people who are aware of the by-laws claimed to know that they contained

gender-sensitive provisions on women's participation in village governance. One respondent who was aware of the provisions observed:

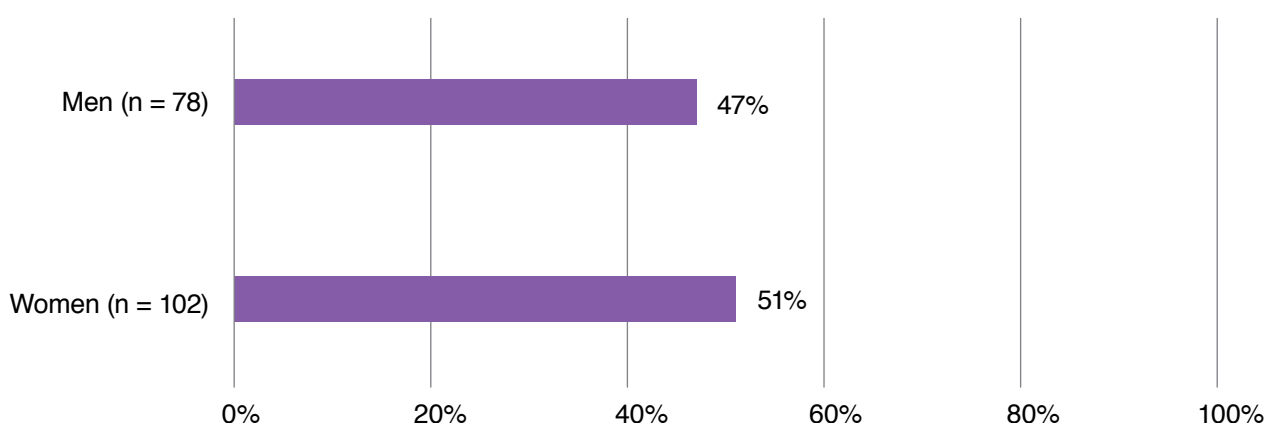
“During the by-laws development process, I remember we discussed and adopted a provision that establishes a gender committee though they are not yet constituted. Also provisions that introduced gender quota within the quorum for village assembly meeting and appropriate time for holding village assembly meetings were discussed and adopted.”

Given this, the reasons why only half the respondents who declared themselves aware of the by-laws also knew about the gender progressive provisions are unclear. Nevertheless, it points to a need for greater awareness-raising and training on specific by-laws provisions.

Here, it should be noted though that levels of awareness regarding progressive gender provisions are higher among village leaders and women. 50% of the village leaders interviewed (27 individuals) claimed to be aware of the provisions, while 51% of the women interviewed declared themselves aware compared to 47% of the men (see Figure 4).

Next, we turn to the factors likely to have influenced levels of by-law awareness: participation in the initial adoption process and accessibility of by-laws following their adoption.

Figure 4. Awareness of gender provisions by gender (among respondents aware of the by-laws)



2.1.3 Fair participation rates in the by-laws adoption process

The study's assumption is that participating in the initial by-law adoption process — though possibly insufficient to ensure awareness of content — contributes to a certain level of by-law awareness.

Overall, 53% of respondents had participated in their village's by-laws adoption process since 2017. When this figure is broken down according to gender, however, it can be seen that only 48% of women had participated compared to 62% of men (see Figure 5). Data indicates that 67% of those who claimed to be aware of the by-laws had participated in the adoption process.

A greater proportion (80%) of those holding a leadership position — both men and women — participated compared to non-leaders.

2.1.4 Limited by-law accessibility

If by-laws are to be effective, they should be made public in a way that is accessible to community members, especially those who did not participate in the initial adoption process.

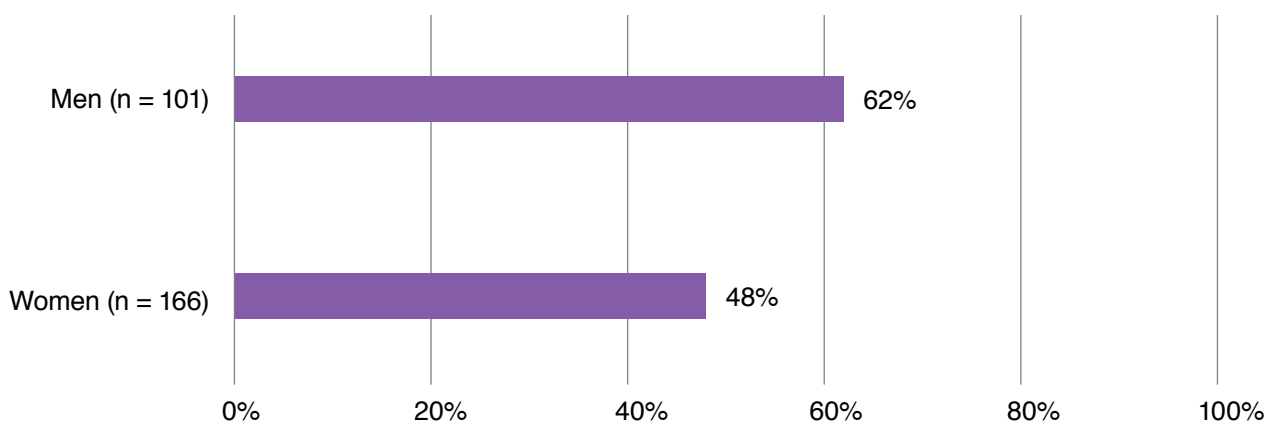
Only 41% of those who were aware of the by-laws said that they had been made public in their village, while 47% claimed they had not been made public. Regarding how by-laws were made public, the vast majority of respondents (90%) said they were read out to villagers during village assembly meetings, with a few respondents saying they were displayed on notice boards or other conspicuous places within the village.

In terms of obtaining copies of a by-law, 30% of respondents said they could be easily acquired from their village government offices or the ward executive office. On the other hand, 24% said that by-laws were not easily accessible, as the village office did not provide them to villagers, and that only village leaders held copies.

During field visits, TAWLA noticed that the majority of village offices did not have copies of by-laws. The reason given for this was that despite approval having been obtained three years previously, the district authority had not made printed copies of the adopted and signed by-laws available to village offices. In the absence of copies being available at the village office or made accessible to the public, and considering the frequent leadership changes that occur at a village level, there is a risk that by-laws may be forgotten or become unenforceable.

It seems that the majority of people who are aware of by-laws gained their knowledge through participation in the adoption process, with only a minority of people becoming aware due to physical copies being shared or made available in village offices. Given that villagers who attended the adoption process may not live in the same village in a few years' time, it is crucial that copies of by-laws are printed and circulated, and that by-law provisions can be recalled and consulted during village meetings.

Figure 5. Share of respondents participating in the by-law adoption process since 2017, by gender



2.2 Implementation of by-laws

Below, the report explores levels of implementation for some of the by-laws' gender-sensitive provisions. The data reveals that, despite by-laws being adopted by village assemblies, they had yet to become operational in any of the assessed villages due to Kisarawe District Authority's failure to return approved copies. As a result, most provisions have not been properly implemented.

2.2.1 Implementation of gender quotas for village assembly meetings

As previously outlined, the by-laws aim to ensure gender inclusivity through gender quotas for village assembly meetings. Such quotas were introduced to complement the legal quorum, and require that for ordinary meetings at least one-third of those present be women, with this minimum reduced to one-quarter of participants for extraordinary meetings. Data indicates that the majority of villages are not strictly observing gender quotas for village assembly meetings due to the approved copies of the by-laws not having been returned to the villages.

2.2.2 Gender committees have not been established

The adopted by-laws provide for a gender committee tasked with promoting women's participation in decision-making. In particular, the committee should ensure that village meeting agendas are shared among committee members prior to being considered at the village assembly, thereby providing a safe space for women to discuss issues they may feel uncomfortable speaking about during the wider meeting.

The study's findings indicate that none of the relevant villages has so far established a gender committee. In villages under new leadership, leaders appeared unaware that they were required to establish gender committees, while elsewhere village leaders indicated they were awaiting guidance from the district authority on how to establish gender committees. Thus, the absence of progress seems to revolve around lack of awareness and lack of clarity regarding responsibilities. Moreover, it seems that no female village members pushed for such committees to be adopted, perhaps indicating poor ownership of these provisions.

2.3 Impacts of the TAWLA intervention and gender-sensitive by-laws adoption on local practices in Kisarawe

As mentioned above, TAWLA's intervention was ultimately intended to improve women's participation in local decision-making bodies, particularly village assembly meetings (TAWLA, 2015). While attributing observed changes directly to the adoption of by-laws is far from a clear-cut process, this section nevertheless attempts to assess changes in local practices following TAWLA's intervention.

2.3.1 Village assembly meetings are held in accordance with the law

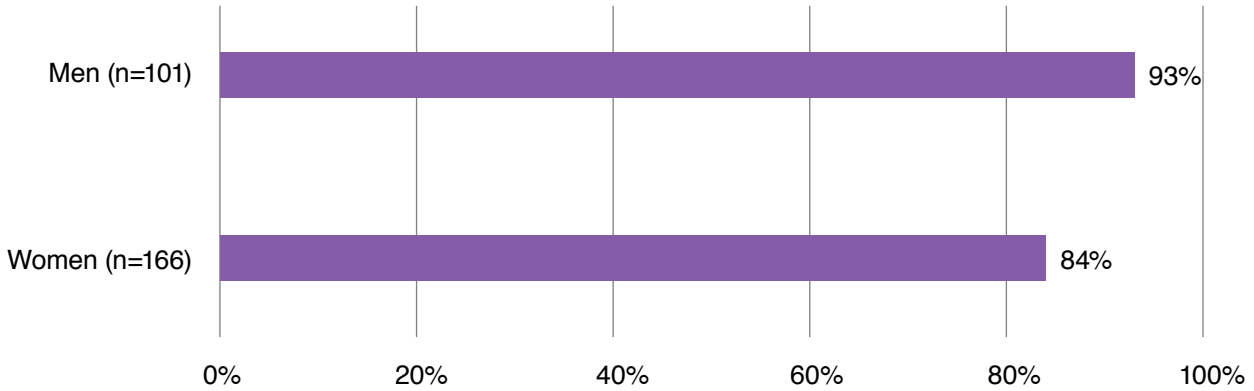
As mentioned above, the village council is mandated to convene village assembly meetings every three months — a requirement that was not being respected when TAWLA began working in Kisarawe. Since the intervention and the adoption of by-laws, however, TAWLA has observed an improvement in practices, with village assembly meetings now being held on a quarterly basis, as per legal requirements. Data also indicates that 87.5% of respondents had participated in village assembly meetings over the past two years.

2.3.2 Women are now attending village assembly meetings in greater numbers

A noticeable change following TAWLA's intervention and the adoption of village by-laws has been the increased number of women attending village assembly meetings (as well as other village meetings). A 2015 study conducted by TAWLA in Kisarawe, prior to the by-laws being adopted, revealed that such meetings were dominated by men, with relatively few women attending (TAWLA, 2015). The reasons driving this lack of attendance were manifold: some women were prohibited from attending meetings by their spouses; some found the timing of the meetings conflicted with their family and social responsibilities; and some did not feel the meetings were meant for them given that decisions are customarily made by men in the community.

The findings indicate that, despite quotas for village assembly meetings not being formally implemented, women were attending village assembly meetings in similar proportions to men at the time data was collected in September 2020: 84% of women compared to 93% of men (see Figure 6). While it is impossible to directly attribute this change to the

Figure 6. Share of respondents who have attended a village assembly meeting in the last two years, by gender



intervention — especially given that knowledge of the by-laws’ gender progressive provisions seems limited — the fact that this positive trend took place within the timeframe of the by-law adoption process should be acknowledged.

2.3.3 Women are still not actively participating during meetings

Before the by-laws were adopted, the few women who did attend village assembly meetings tended to remain in the background and not actively participate (TAWLA, 2015). This passiveness prevented them from raising concerns, defending their views or advocating for their rights.

While the study found that 83% of respondents now claim to feel free to speak during meetings (see Figure 7), 54% of respondents say they never do so (see Figure 8). There is therefore a discrepancy

between the perception of feeling comfortable talking and the practice of actually speaking up.

Among those who never speak during meetings, 72% were women and 28% were men, revealing a sharp gender divide in levels of participation. Overall, 62% of female respondents said they never speak during meetings, despite 80% claiming to feel free to do so, again evidencing an important gap between perception and practice.

These findings suggest that, regardless of an improvement in attendance rates, the by-laws intervention has not succeeded in making women active participants at village assembly meetings. Although having greater numbers of women attend meetings represents an important step, more needs to be done to ensure their concerns are taken into account, with efforts made to build women’s capacity and provide them with the confidence to advocate for their rights.

Figure 7. Proportion of respondents who report feeling comfortable speaking at village assembly meetings, by gender

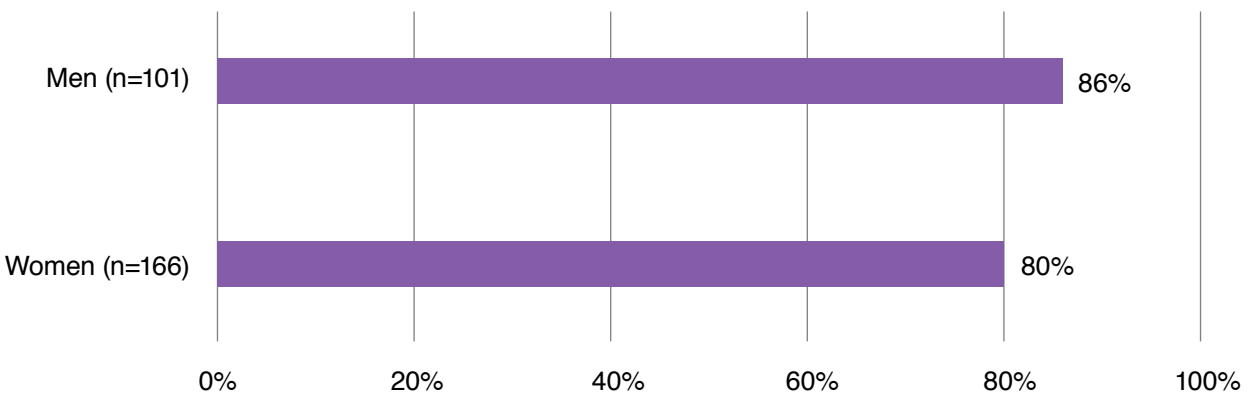
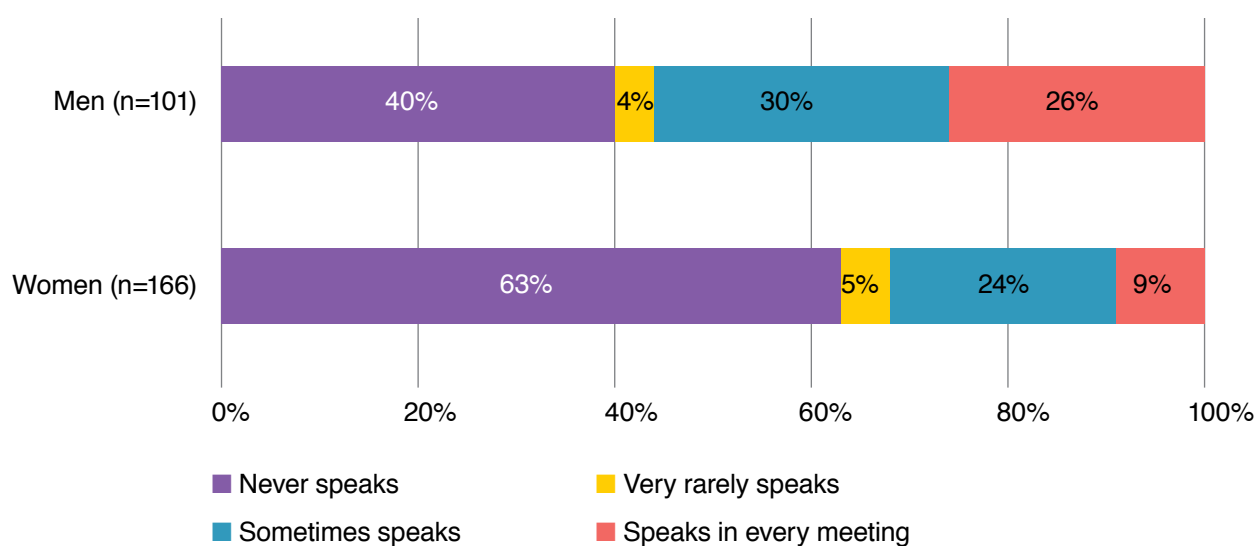


Figure 8. Frequency of intervention during village assembly meetings, by gender



2.3.4 Possible shifts in social norms around women’s ownership of land and participation in family decisions on land

The approach developed by TAWLA for supporting the adoption of gender-sensitive by-laws aims, among other things, to create social change through promoting community dialogue around women’s land ownership.

Despite Tanzania’s progressive laws on land ownership, social and cultural practices rooted in patriarchy mean that many rural women only have indirect access to land through their male relatives. As such, most rural women in Tanzania have very limited tenure security and can lose access to land when their personal situation changes (eg divorce, death of husband or father). TAWLA, through its work and legal aid interventions, found this to be the case in Kisarawe when the organisation began working in the district in 2014 (TAWLA, 2015).

Interestingly, the data collected in Kisarawe indicates a trend away from such discriminatory practices, with 79% of respondents asserting that social norms in their communities are now supportive of women’s land rights: this includes 55% affirming that social norms are increasingly supportive of women accessing and owning land, although men still have the priority whereas 24% stated that women are now allowed to access and own land in the same way as men. Furthermore, 93% of respondents said that women in their communities are now participating in land-related decisions at the family level, with decisions jointly made by both male and female members, while 85% of respondents indicated that their society or community allows women to participate in decision-making on land. While these are just perceptions and cannot be directly attributed to the intervention or by-laws, it is nevertheless encouraging to note this positive direction of travel.

3. Conclusion and recommendations

Overall, the data collected shows that although a majority of respondents (69%) were aware of the existence of local by-laws in their villages, only 33% were cognisant of the gender-sensitive provisions within them. This suggests that such provisions are not widely known by community members.

The study also shows that the majority of respondents (53%) who were aware of the by-laws became aware of them through participation in the initial adoption process, rather than due to subsequent dissemination. In fact, villagers appear to have limited access to copies of the by-laws, which are often unavailable at village offices. Delays in copies of by-laws being sent to village authorities following approval and printing, which is done at a district level, was the main reason given for by-laws not being available.

Regarding implementation, the findings show that despite by-laws being adopted, in most cases they are yet to become operational due to the district authority not having provided approved copies. As a result, most provisions had not properly been implemented when data was collected in September 2020. This included quotas for village assembly meetings, while the stipulated gender committees had not been established in any of the villages surveyed. In terms of the latter issue, the absence of progress was ascribed to lack of awareness of the provision, as well as lack of clarity on who is responsible for establishing such committees.

Despite this lack of implementation — particularly the gender-sensitive provisions — the findings suggest that in practice a positive shift has taken place regarding village assembly meeting attendance. Specifically, the data suggests that the number of women attending these meetings has increased since the intervention commenced. Despite claiming they feel comfortable speaking publicly at the meetings, however, women are still not actively participating, highlighting a clear disparity between perception and practice. This indicates that actual social change may require more than legislative interventions. Finally, the study's findings highlight positive changes in community perceptions around women's ownership of land and women's participation in land-related decision-making, although it is difficult to assert with any certainty whether this stems directly from the intervention.

Based on these conclusions, the following recommendations are offered with the aim of improving awareness and implementation of the adopted by-laws, as well as improving their impacts within local communities and villages.

Awareness of by-laws

- TAWLA and Kisarawe District Authority should launch a campaign — incorporating community conversations and sensitisation meetings — to raise awareness of the adopted by-laws among villagers, with a particular focus on gender-sensitive provisions.
- Village and district authorities in Kisarawe should ensure that printed copies of the by-laws are made available to villagers, and that by-laws are posted in conspicuous places around the village.
- Kisarawe District Authority or any other stakeholder interested in the work on by-laws in Kisarawe should carry out further research into the relationship between gender, leadership position and education with regard to by-law awareness, as these dimensions have been shown to create variations in community awareness levels.

Implementation

- Kisarawe District Authority should ensure approved, printed and signed copies of all by-laws are returned to village authorities, thereby allowing them to be properly operationalised. The district authority should also ensure sufficient copies are publicly available.
- In collaboration with Kisarawe District Authority, TAWLA should conduct a capacity-building exercise aimed at district and village officials regarding the village council's role in ensuring by-law implementation. Particular focus should be given to the establishment of gender committees and gender quotas for village assembly meetings.
- Village authorities should ensure immediate and effective enforcement of by-laws, including establishing gender committees.
- Kisarawe District Authority should carry out sensitisation meetings with women regarding the role of the gender committee, and how to hold village leaders accountable for establishing such a committee.

Impacts of by-laws

- Kisarawe District Authority and TAWLA should gain a better understanding of why women are rarely speaking out during village assembly meetings despite claiming to feel confident in doing so. Activities should then be developed to encourage women's active participation in meetings.

It should be noted that in response to this study's preliminary findings, TAWLA organised a refresher training in October 2020. The training included sessions aimed at increasing community members' knowledge of the by-laws, particularly regarding women's participation in village governance, control

over resources, and the role of the gender committee. The training also included capacity-building sessions for village authorities. This was intended to strengthen leaders' awareness of their role and obligations, especially concerning their legal and operational responsibilities; knowledge of laws and policies governing land rights in Tanzania (specifically women's rights and participation in decision-making bodies); and familiarity with the contents of the by-laws, including the gender-sensitive provisions.

We believe that such training sessions contributed to improve community members' awareness and understanding of the by-laws and in particular of the gender-sensitive provisions.

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Between 2015 and 2019, the Tanzania Women Lawyers Association (TAWLA) implemented an initiative in Kisarawe District aimed at strengthening women’s voices in local land governance through the adoption of gender-sensitive village by-laws.

This report details the findings of a September 2020 study assessing awareness, implementation and impacts of the by-law intervention. The findings show that although levels of by-laws awareness are generally high, just a third of respondents knew of the by-laws’ gender-sensitive provisions. Moreover, none of the surveyed villages has as yet established the stipulated gender committee, while gender quota provisions are not being observed due to the district council’s failure to provide approved copies of the by-laws.

On the positive side, the number and proportion of women attending village assembly meetings has increased since the adoption of by-laws, though women continue to be less active participants than men. In addition, there has been a notable shift in perceived practice, with women now allowed to participate in land-related decisions at the family and community level.

Overall, it appears that by-laws are perceived as a valuable tool with the potential to guarantee women’s land rights and governance. Nevertheless, the report sets out a number of recommendations that need to be fulfilled if this potential is to be fully realised.

Tanzania Women Lawyers Association (TAWLA) is a Non-Governmental Organization established in 1989 and registered under the Societies Act of 1990. The organization is compliant with the NGOs Act of 2002 and obtained NGO status in 2019. The aims and objectives of the organization are to advocate for gender equality and to promote human dignity and gender justice through policy, community action, media engagement, and legal and institutional reforms.



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