

# S3, Ep. 6: Innovating towards gender equality and land rights

[00:00:00] **Ntombini Marrengane:** Research conducted by The Food and Agriculture Organization of the United Nations found that in Africa, nearly 50% of agricultural labour is undertaken by women. This is true in Tanzania and women's land rights and land rights issues impacting vulnerable communities in the country have taken the spotlight in recent years for good reason.

[00:00:24] This is not or shouldn't be unfamiliar territory. In South Africa, land ownership has been and continues to be a systems justice issue and it's important to dig a little bit deeper to really understand the economic impact of land ownership or a lack thereof. Welcome, I am Ntombini Marrengane, host of season three of the *Just for a Change* podcast.

[00:00:49] If you've been following this series, you'll know that I have conversations with change-makers, from South Africa and further afield. According to an article published by the World Bank in 2019 "[secure property rights and efficient land registration institutions are a cornerstone of any modern economy](#)". The article lists a number of reasons why land ownership and property rights are so essential to building stable economies - from the development of the private sector and job creation to securing indigenous people's rights to protecting the environment and agriculture.

[00:01:21] In 1999 Tanzania changed its laws around land ownership so that women could own land but there were still easy loopholes in the law to do with marriage and inheriting land that continued to create huge inequality in land ownership. It was only in 2014 that a new constitution in Tanzania made provisions for equal land rights for women.

[00:01:49] To put things into a bit more perspective, just over 90% of active women in Tanzania are involved in agriculture and pro-

duce about 70% of the country's food needs and yet few of these women have been able to own the land they work. And just because the law changes, it doesn't mean that things change overnight.

[00:02:08] It's really only the first step. Justin Sandefur, a senior research fellow at the Centre for Global Development had this to say on the matter.

[00:02:18] **Justin Sandefur:** Women, we know from a broad literature that women's land ownership is kind of an important predictor of their agency and some of their welfare outcomes, and we're interested in promoting the idea of women's ownership of land and of their housing.

[00:02:32] Um, Tanzania has for several years now, fairly progressive laws about female land ownership and equality within the household about land ownership. Um, but if you go and look at the few land titles that exist, uh, overwhelmingly, they list one name and it's a man's name. Um, and if you look at land transactions, if you ask people in survey data, who has the right to buy and sell this land? [00:02:53] Overwhelmingly, they're gonna tell you, you know, the man does.

[00:02:57] **Ntombini Marrengane:** In a largely patriarchal society, trickle-down impacts of a change in the law are slow and there are a number of challenges in implementing these changes. One of the biggest challenges in Tanzania is around educating women on their rights so that they can be part of driving the change forward.

[00:03:14] So, how does change happen? And in the 21st century, how can technology and innovation be utilised to support this change? My guest today is an innovator and activist Dr Monica Magoke-Mhoja. Dr Monica has actively been working in advocating for women's and other vulnerable people's land rights in Tanzania for over 25 years.

[00:03:39] She founded the Woman's Legal Aid Centre and is currently the Outreach Director of Landesa Africa. In 2019 she be-

came a Bertha Fellow and used her Bertha Fellowship Challenge to pilot a new module on an app called 'Sheria Kiganjani' or 'Law in your palm' which aids paralegals and activists in training women on land rights in Tanzania.

[00:03:58] **Ntombini Marrengane:** What are some of the biggest issues facing women in Tanzania with regard to property ownership and equal land rights?

[00:04:11] **Dr. Monica Magoke-Mhoja:** In Tanzania, 80%, uh, of the population, uh, from the patrilineal societies and 20% are from the, um, matrilineal societies, so members of the patrilineal uh, system are often actually concerned with keeping their land within the family.

[00:04:36] And women are normally expected to be married and move away from their parental base. So with that in mind, uh, the inheritance customary laws actually they discriminate against, uh, um, widows and women, [00:05:00] the customary laws, inheritance customary laws in Tanzania is one of the predominant system of succession, and this limits women's inheritance on the basis of their gender.

[00:05:22] In this inheritance customary law, a widow is generally denied completely inheritance, and her share is to be cared by her children just as she cared for them and for the daughters, they own inherit a small share with attached restrictions. Actually, uh, under inheritance customary law, which is supposed to be applied by many, um, people within the patrilineal societies, it's under degree [00:06:00] three degrees or some they say levels. And the first degrees for the first son.

[00:06:08] Although in some tribes, they use that for the last born but according to the inheritance, customary laws, it's the first son who gets a a larger share. And the second degree are all male children who at least get larger share compared to the female children who normally gets a very, very small share. And actually under the inheritance customary law, daughters are not allowed to inhale family or clan land.

[00:06:43] Their right is used right - just to use the, the, the land only because they're expected to move away from the, the, the, the parental base. So this patrilineal system and the inheritance customary laws. Um, one of the major, major biggest issues, which actually are keeping, uh, uh, widows, uh, daughters, uh, second class citizens.

[00:07:17] And another problem is poverty. The issue of poverty is, uh, uh, plays a, a big role because normally when, uh, uh, if a husband poor passed away, nobody, uh, is, cares about this family or going there because there's no property, there's no land. But when there's a, the, uh, the disease is well off. That's when you see how issues of gender discrimination applies.

[00:07:51] **Ntombini Marrengane:** Thank you, Dr. Monica. It sounds like there's a real tension between the legal framework around land ownership and customary laws and practices. [00:08:00] Um, and that's certainly something that we've seen in other African countries, including South Africa, uh, for that matter. How, how is the tension between the Egalitarian legal framework around access to land and the customary practice around, uh, prioritizing patrilineal inheritance? How is that tension understood or discussed by, by women who are seeking to have equal access?

[00:08:20] **Dr. Monica Magoke-Mhoja:** So we have some judgments which actually, uh, uh, have actually specifically stated that this is time now to actually not discriminate women and girls, especially when the government of Tanzania has ratified some of the international conventions. So, what happens for widows or women who have access to justice, who can actually maybe, uh, uh, have opportunity, uh, to see some lawyers, to visit deliberate clinics.

[00:09:10] It's easy for them to be supported, helped to go to court. But when I'm talking about the support of, of some of these women, majority of women who live in rural area, they don't have this opportunity. And so when you find some of the, uh, uh, media, uh, supporting or creating awareness, have some programs to create awareness, they take these good cases, these, uh, best practice cases to air.

[00:09:48] So that other women, other members of the community could understand that although we have this, uh, inheritance customary laws, we discriminate [00:10:00] against widow and daughters, but still we can have another way to, to actually help these women. And something else, which is also very important, uh, to understand for everyone who is listening.

[00:10:17] We have inheritance customary laws which almost all people who are African Tanzanians are not Muslims, are not Arabs, are not Europeans, they're supposed to apply, uh, inheritance customer laws, but we have other, uh, uh, loans. We have statutory laws, we have the, the so-called Indian Succession Act of 1865, which was brought to, uh, Tanzania during colonization of the bridge system.

[00:10:53] And that act, although it is old, but it's very, [00:11:00] um, uh, gender sensitive. What I mean is that the statutory law, the Indian Succession Act, it gives, uh, inheritance without discriminating widows or widowers. However, in order for a Tanzanian, an African Tanzanian to apply the Indian Succession Act, he must actually, uh, uh, testify to the court that he abandoned.

[00:11:34] He abandoned his customs and now he is maybe a secular, uh, or, uh, a Christian who is no longer following the, uh, customary norms. Uh, this has been also a challenge to a number of women who live in rural areas but there, there is also another case which we normally, when we are [00:12:00] presenting, uh, through media or when we are interviewed, we, we, we, we try to remind people, we try to remind the community that they can use that case, which is called the [muffled words] case.

[00:12:19] Although Mr and Mrs were Christians, but they were also still practicing some of their customary norms, but they said they were educated, they had their marriage in charge. They were of course going back to their village, but they, you know, jointly acquired property and so they're going to use the, uh, uh, statutory law, the Indian Succession Act.

[00:12:48] And what happened when, Bellini is the man, when be Bellini passed away, the relatives of Bellini from a place called

Songe in Tanzania came to Dar Es Salaam, [00:13:00] where this Mr and Mrs Bellini were staying. And when they came to Dar Es Salaam, they, they were following the inheritance customary law. They said to this, uh, widow that you are woman, you are a widow. Uh, we as males relatives, we are the ones who are supposed to.

[00:13:20] Administrator of this, uh, uh, uh, property. So you are going to be taken care by your children. And because the children are minors, we are going to be the guardian of these children. And so you'll be taken cared by your children as you, you, you actually cared for them. And this lady was a [words muffled].

[00:13:49] She said, no, I'm going to the high court. And she went to the high court and she won the case. And so this is one of the precedents where people, uh, [00:14:00] uh, and women and also other widows, we encourage to use this law.

[00:14:07] **Ntombini Marrengane:** Can you talk to us a bit more about the agricultural sector in Tanzania and perhaps highlight the role that women play in this?

[00:14:12] **Dr. Monica Magoke-Mhoja:** Agriculture is a principal source of livelihood for the Tanzanian population and in Tanzania, uh, women make up more than half of the workforce in the agricultural sector, and majority of them work on family farms and small plots of land without receiving any payment.

[00:14:47] I can say that we eat, we get food because of women who work on agriculture, majority of them and their role, their activities, uh, including, uh, uh, producing agricultural crops, tending [00:15:00] animals, processing and preparing food, working for wages in agriculture in some areas within the farms to get money, collecting fuel and water, engaging in trade and marketing, uh, and also caring for family members and maintaining their homes.

[00:15:25] They do multiple roles. They're the ones actually who, uh, uh, making us breathe, especially women living in rural areas. Actually, agriculture provides more than, uh, two thirds of employment and almost half of Tanzania GDP comes from agricul-

ture and we normally, uh, when we were, uh, uh, uh, children, even at [00:16:00] school, there was a song used to sing that women play an essential in agriculture production.

[00:16:07] And so I can say the sector is characterised as female intensive. That means that women comprise really a majority of the labor force.

[00:16:22] **Ntombini Marrengane:** That's incredible given the importance of the agricultural sector, um, in Tanzania as you explained, that women are devoting so much labor and all of it being unpaid. You're quoted as saying, "Without land to build or maintain a home, to farm or to leverage for economic gain or to inherit from a relative and use as her own, women's security, prosperity and dignity remains compromised." [00:16:51] Can you talk to me a little bit more about this and why land ownership is so key to prosperity and economic growth?

[00:16:57] **Dr. Monica Magoke-Mhoja:** Yep. I normally say land is [00:17:00] power. Land is dignity. Uh, land is life around the world, actually, land is the foundation for security, shelter, and livelihood, and creates pathways to empowerment and economic opportunity.

[00:17:22] Um, we know that we, ourselves, we live on land. Our houses are built on land, and that's why without land, you are poor. Without land, you don't have a status. Without land, you don't have, you don't have a destiny. Uh, secure land rights help to guarantee a woman's voice.

[00:17:57] It helps to guarantee equal personhood in her [00:18:00] household, in her community, in her society as a whole. That's why in Tanzania and globally in, um, 2018, we globally, um, launched the Stand for Her Land campaign to close the gap between law and practice. Because of the importance of this, of this land. And so when a woman has secure land rights, they are more likely to break the cycle of poverty and to improve their lives.

[00:18:43] And when these women improve their lives, they don't only improve their own lives, they also improve the lives of their

children for those who are, who have children, the lives of their families and the whole communities. And this also [00:19:00] corresponds to the, um, uh, SDGs as development goes. And that's what we're actually, through the Stand for Land campaign.

[00:19:11] We, we connected that that's very important: When you have land, you are helping this person, this woman to, to move away from the cycle of poverty. Some researchers have even said that it helps to reduce gender-based violence and when the, the awareness creation is there for issues of gender equality, and it also promotes peace within the families.

[00:19:43] **Ntombini Marrengane:** Thank you for sharing your perspective on the tensions that are actually at the heart of the gender equity and land rights issue in Tanzania. Can you tell me more about how you've applied social innovation to this problem?  
[00:20:00] Um, you've started with the 'Sheria Kiganjani' or 'Law in your palm'. What was the main driver in creating this app and how did you go about it?

[00:20:07] **Dr. Monica Magoke-Mhoja:** Thank you very much. This is an innovative online legal, digital platform. Uh, enables an individual, for instance, a student, a lawyer, or a group of people to access legal information as well as materials, uh, despite their location -Wherever they are. So the connection is that when we launched the Stand for Land campaign, uh, uh, 'Sheria Kiganjani' as an organization was part of the task force because, uh, Landesa Tanzania, we are the secretary of the task force, and we, we have Tanzania Women Lawyers Association as the [00:21:00] chair of the, the, the task force.

[00:21:03] We are, uh, more than 25 organizations. Me, as the Bertha Fellow, I was supposed to help design something which could help, uh, women on issues of land rights and property rights. So I had some conversation with the 'Sheria Kiganjani' team and I came up with the idea of, uh, a, a segment. So the women, uh, Stand for her Land app segment is within the 'Sheria Kiganjani', the Law in your Palm, which was already there.

[00:21:48] But my idea was to come up with a very different app segment, which could be used by the community paralegals [00:22:00] in remote areas, especially in rural areas, in areas where there's no, uh, lawyers, no advocates, no attorneys who could support these poor people within those, those remote areas. So that's the creativity of this new model of, um, app segment, which initially we called it to the Stand for Land app segment and later on we changed it to women and Land app segment.

[00:22:34] And um, this, as I've said, provides women living in remote areas with legal advice about their land rights and during my Bertha Fellowship here, I, I trained with my colleagues at Landesa, 19 community paralegals to use this module, empowering them to provide legal [00:23:00] advice, uh, to to, to women. Uh, using their mobile phones and the 'Sheria Kiganjani' didn't have that kind of segment.

[00:23:13] And this was my idea and we worked with them because then, uh, uh, uh, the professional IT's, and they have some people who are expertise on that area and what we agreed together. Because in rural areas sometimes it's not easy to have internet or strong internet all the time. What they, they designed a segment, which a community paralegals within a village, within a remote area, even when she or he doesn't have.

[00:23:51] Strong internet could actually use the, the segment, the app segment to fill in the information. [00:24:00] And when there is internet, that information could be transferred to us. That's why, uh, it was also very unique, uh, because normally the 'Sheria Kiganjani', they had that, uh, uh, digital platform for people to access when the information are transferred.

[00:24:24] We can then see what is the problem, what is the solution, If there is a challenge. And the support of this 'Sheria Kiganjani' team was also, uh, 24/7, uh, uh, online emergency in case of any problem. If the community paralegals, when I'm talking about community paralegals, these are not lawyers, these. Uh, uh, uh, village leaders.

[00:24:48] These are some of the women leaders. These are some of, uh, community development officers who have been trained the ABC of the laws, especially land [00:25:00] laws, inheritance laws and marriage laws. All these laws which are connected to land rights issues. And so when a person has a problem, they can give them advice, and this was very actually helpful during the COVID 19 pandemic.

[00:25:21] This app as a communication tool helped and as an emergency tool to support people within rural areas who would like to access justice for their problems facing in the village. Or some of them we are not in the village, some urban areas, but they were in a very difficult situations to go to lawyers. They don't have money. [00:25:53] The lawyers are expensive, but with there, it could be easy to be helped.

[00:25:59] **Ntombini Marrengane:** That sounds like an [00:26:00] amazing innovation. And you mentioned that you were able to work on this idea during your Bertha fellowship year in 2019. What were some of the key learnings that came out of that pilot process?

[00:26:14] **Dr. Monica Magoke-Mhoja:** First and foremost, technology is power as well.

[00:26:20] We can reach, we can support, we could promote women land rights, or vulnerable groups through technology, through innovations like this one, and also we can increase or enhance legal knowledge of women including on land rights to access own and control land, and its properties through champions, community paralegals.

[00:26:55] People who are not lawyers. There's not enough lawyers. But with these champions, community [00:27:00] paralegals, some charismatic leaders, women who lands the ABC of the laws could be very powerful to support and empower other vulnerable people within the, the, the, the communities. Another lesson learned is meaningful participation could be done in a different way, like using the technology because through the Women and Land app

segment, something happened, which it was, uh, one of the things which we didn't expect.

[00:27:43] We trained this community paralegal, some of this community paralegals trained. That was a, that was part of the, the plan to train other women in, especially in rural areas. These women who were trained, [00:28:00] they've become leaders in some of the areas. They've become trainers. I visited one of that village and the village leader specifically commended how these.

[00:28:16] Women who were trained by community paralegals have actually even started women farmers groups and these women farmers groups jointly have been given land within the village and through this land they work together. And now through the products of these farms, we have some very successful stories of young people who've been paid school fees from these groups of farmers, but these groups of farmers were from this education and training from the [00:29:00] community paralegals and these women who were desperate, who were discouraged.

[00:29:07] Some of them were going through gender-based violence. Actually, after being educated and being encouraged to own land and the village accepted to support these women and the women decided to work together. And the World Council, you know the leadership within those village gave them some support of money and now [00:29:37] it has become a very successful, uh, outcome of women who own land, who own farms, who are becoming trainers within that village.

[00:29:52] **Ntombini Marrengane:** That is amazing. Um, you talk about the way that this access to support really enabled women to change their material circumstances.

[00:30:03] **Dr. Monica Magoke-Mhoja:** I can give a concrete example, for instance, in 2021, uh, we registered 166 cases, and when I'm talking about 166 cases, if it's, for instance, it's a group of women, it'll, it'll just pick the name of the group.

[00:30:22] But it's reached, actually now it has reached more than 2000 because some of the them are in, in groups and so, with this

166 cases, 88 cases were of widows who were complaining about, uh, uh, challenges they were facing because their lands are not formalized. And when I'm talking about land formalization, these are semi-urban.

[00:30:52] Where, uh, they have land, but it's like, uh, anyone could abuse [00:31:00] them and take their land or grab their land because they are widows and especially, uh, in-laws and so, we noted that the issue of land formalization was very, uh, critical and what we did was now to reach out to these women and actually 50 widows were helped for their land to be formalize.

[00:31:35] And they're supported, uh, partly through Bertha Foundation and partly through KP Grant support that they got, uh, their land to be demarcated. Uh, and they paid for their fees and why this happened? Because some of these widows were [00:32:00] chased away from their land, some of these widows not only chased away from their land, they become homeless because the, the, the, the some of in-laws, uh, uh, grabbed their land and especially during COVID time.

[00:32:20] There was no legal service in Tanzania. Actually three months there was lockdown. Thereafter there was no lockdown but that three months of lockdown, there are some in-laws who really played a very evil game I can say because they grabbed the land of these women.

[00:32:43] **Ntombini Marrengane:** Dr. Monica, you speak with such passion about, uh, the Stand your Land campaign and about the work you've been able to do through the Law in your Palm app. [00:32:54] The work is so important and I'm sure it's not easy to keep on fighting the fight. What keeps you [00:33:00] going and how do you stay hopeful in this work?

[00:33:02] **Dr. Monica Magoke-Mhoja:** I have the passion. I said at the beginning, uh, I started this work because my parents, who are my role models, they wanted to support people. And, uh, I have that zeal and passion to promote and protect women's rights and children's rights generally.

[00:33:23] And this has also, uh, increased during time to add a lot of issues. And of course, land is the, uh, basic tool, is the, the, the power of people. Um, uh, I have the zeal to ensure that not only women but men, not only youth, but also older adult people have use, [00:34:00] control land. And so that passion and inspiration and zeal on supporting is in me, is in my blood.

[00:34:07] Secondly, is the organization I'm working for. The organization of Landesa, uh, champions, uh, to ensure that secure land rights for people global, actually people have secure land rights and millions of people have been supported. You know, I was the country director, but now I'm the outreach, uh, director Africa.

[00:34:35] I have to ensure that I amplify the work of Landesa to amplify women land rights, to enhance visibility and reach, to tell the stories of change at local, national to region, and global stakeholders. And [00:35:00] to me, this is very important. This is something which, um, so let's tell each other stories to change the world, to change Africa, to change the global, to change individuals, to change their mindset.

[00:35:18] At Landesa, within two years, we have been working in a district called Mfindi and in this district we are working with an organization called Pelham and the District Council of Mfindi to create the awareness. We at Landesa, we have worked in in Four Village, but our colleagues, Pelham, have worked in more villages, but working in these village, creating awareness.

[00:35:48] On issue of gender equality and social inclusion. Now we are integrating issues of climate change because we have realized that, uh, it, it has a big impact [00:36:00] to, these, uh, uh, women. And continuing with this Stand for a Land campaign. Although the inheritance customary laws have not changed up to now, but the changes within the society, in some communities, we are seeing the changes.

[00:36:17] We are, we are celebrating widows to get land. We are celebrating daughters to get land. We are celebrating men to accept that they can register land with their wives. That is keeping us going. That is keeping me going, and I see the change with my

own eyes. I started these fights. I started this awareness creation when I was a young girl for more than three decades.

[00:36:47] And I'm seeing some of the fruits of, of men who are sensitized, who are taking care of their, of, of their in-laws, who are good men, [00:37:00] administrators of estates. We have these stories, good stories. Not only this from villages where Landesa we has been working, but in some places in Tanzania also.

[00:37:13] **Ntombini Marrengane:** Thank you, Dr. Monica, for sharing your story with us. I'm deeply impacted by the work you're doing. It's very powerful and it's clear that you have an enormous passion and commitment, um, to do this very important work, and it as a result, has had an enormous influence on the lives and livelihoods of many. I'm struck by your earlier comment that you made, that you said, when you are poor without land, you're not a person [00:37:45] and I'm so moved, um, and inspired by the energy with which you have devoted yourself to restoring the personhood [00:38:00] of rural women and giving them the opportunity to fully take part in society. Thank you so much for your time today.

[00:38:21] In these conversations with change-makers and innovators, I am always struck by how they see a problem, come up with a solution and then dedicate their lives to seeing the change happen. Women's property rights are an age-old issue. Yet people like Monica are finding new ways to tackle this intractable problem. Using things like technology and empowering people on the ground, building community trust and relationships make a critical difference and bring about shifts in some of the deepest systemic inequalities in the world. Her example is powerful and empowering.

[00:38:42] And that brings us to the end of another episode. Thank you for tuning in to season 3 of the **Just for a change** podcast, powered by the Bertha Centre for Social Innovation and Entrepreneurship.

[00:39:00] If you're interested in hearing more conversations with change-makers, then make sure you subscribe to this podcast so that you don't miss any of our upcoming episodes!

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