



Land Grabbing, Agrarian Change and Gendered Power Relations: the case of rural Maasai women of Lepurko village, Northern Tanzania

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Arlene Gisele GAFURA
(Burundi)

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Members of the Examining Committee:

Prof. Saturnino (Jun) Borras
Dr. Silke Heumann

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This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

Inquiries:

Postal address:

Institute of Social Studies
P.O. Box 29776
2502 LT The Hague
The Netherlands

Location:

Kortenaerkade 12
2518 AX The Hague
The Netherlands

Telephone: +31 70 426 0460
Fax: +31 70 426 0799

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Appendix 1

List of Acronyms

CPL	Commercial Pressures on Land
ETC	European Training and Research Centre for Human Rights and Democracy
FAO	Food and Agriculture Organization
FGD	Focus Group Discussions
IFAD	International Fund for Agricultural Development
ILC	International Land Coalition
ISS	Institute of Social Studies
OECD	Organization for Economic Cooperation and Development
UNDP	United Nations Development Programme
UN	United Nations
NIE	New Institutional Economy
SRLA	Sustainable Rural Livelihoods Approach

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Abstract

This paper presents the relation between impacts of land grabs and rural women's disempowerment among Maasai community of Lepurko village situated in the Northern part of Tanzania. This paper explores the issues of land ownership and land rights experienced by the 'marginalized' indigenous people mainly the women in order to determine how land grabs occur (who grabs the land from whom). A central aim of the study is thus to ask how land grabs influence Maasai women's efforts to achieve empowerment. Four questions posed by Bernstein in his agrarian political economy are used to guide the exploration of how land rights among 'marginalized' indigenous people and land policies in Tanzania affect Maasai women's power relations. Moreover, different concepts and approaches relevant to the wider area of study will be used as the analytical lens. This question is discussed in relation to how the community and the state interact, since such interactions can be considered vitally important when it comes to issues of land grabbing, resource allocation and gendered power relations. One of the key findings of this study is that once women are provided with land ownership titles, they gain confidence in legal protection. This study confirms the view that land title matters to rural Maasai women, when faced with land grab situations, although none of the key informant women does not hold a right to own land as of the moment this research took place. This study suggests at the end if gender lenses are placed on the issue land deals, land ownership can be seen as a key issue influencing the outcomes of land grabbing on women compared with men.

Relevance to Development Studies

The context of this topic is looking at rural women development in relation to accessing assets that will increase and support their livelihoods. Land as a most important asset for rural development may be hard to access due to different reasons, however I will look at how land is accessed and owned among Maasai people in relation to different land policies that have existed in Tanzania. As issues of land alienation and acquisition seem to be a problem among villagers, I will find out how land grabs impact the community but mainly looking at how women are affected. Moreover, matters of property ownership among women specifically in Africa may be regarded as a form of human rights and a sign of development especially in rural areas. Hence, the appliance of gender lenses/feminist theories on issues of land deals.

Keywords

Land grabs, Maasai women, gendered power relations, land tenure, NIE, agrarian political economy, gender inequality.

Chapter 1

Introduction to the Research Topic

1.1. Setting the Scene

Looking at the historical settlements of the Maasai people, the land policies of the country that have been existing up to today, the history and existing issues of land grabs, these may have contributed among other factors to create problems when it comes to the topic of land among Maasai people. Studies have been conducted related to Maasai people and issues of land grabs occurring in their communities, however not so much has been looked at and discussed when it comes to the effects that these land grabs have on the Maasai women particularly in a context of a relation between land rights and Maasai women's disempowerment.

In this study the researcher aimed to find out how Maasai women (as 'marginalized' individuals in the society or country (Tanzania), as being individuals oppressed by their own culture and communities, as being individuals affected by patriarchy and gender hierarchy, and as regarded as the poorest individuals in Tanzania) are affected by the land deals that have occurred in Lepurko village and also to find out if and how issues of land grabs are one of the factors for their (women) disempowerment.

Goldman et al (2016: 1) say that one of the women empowerment processes is for women to recognize their rights to own land. The main focus of this paper is to see the link between the impacts of land deals in relation to women's disempowerment in the global south because it is being linked to the right to own property (land) as one major tool for women empowerment.

1.2. Situating the Study

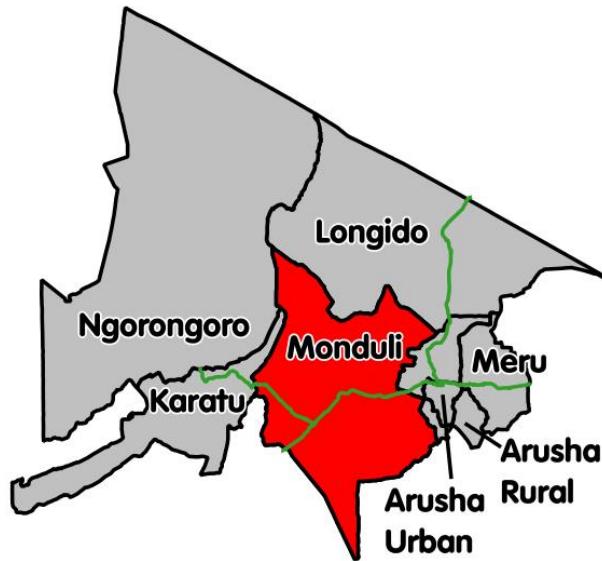
As my research was conducted in a rural area, my study focuses on rural development among indigenous people who face discrimination and oppression due to the politics of exclusion. The researcher aimed to point out issues of land grabs as a rural development theme in relation to social justice whereby the focus should be on the Maasai women who often seem to be left out when it comes to issues of land deals literature. As a student of development studies especially in the major of social justice perspectives, I find it vital to bring out and talk about implications of gender inequality on matters that are concerned with development (in this case rural poor people development), that other scholars have not paid so much attention to. Hence, this research is relevant to rural development, agrarian politics, women/gender studies and human rights studies.

Land is one of the most important assets necessary for both the urban and rural areas as it gives access to many other natural resources, for rural areas land in general is regarded to have a great value (economic wise) as it gives access to different assets that help for human survival. The pursuit of land favourable for the economic activities has been the core factor for many violent conflicts across the globe, however the United Nations mentions that “land conflicts commonly become violent when linked to wider processes of political exclusion, social discrimination, economic marginalization, and a perception that peaceful action is no longer a viable strategy for change” (United Nations, 2012:8). This statement may describe a conflict occurring in one particular society, but looking back at the way a global pursuit of a favourable land has been happening one could say that it was through imperialism in a form of colonization or any other forms.

Examples of this include looking at different land policies made by the imperialists in different African countries during the colonial era, allowing the foreigners (westerners) to be in charge of a specific amount of land and taking it away from the indigenous people. According to Duignan et al. (1971: 193), “the end of the colonial era found the majority of Africans still rural people, dependent upon direct access to land for the bulk of their daily needs.” Furthermore, they go on explaining that there was a hesitation and unwillingness of the then developing legal structure of the colonial administration to accept the land rights adopted by the people while the old rights were disregarded and suspended (Duignan et al, 1971:193). These statements serve to situate issues of land rights that have existed within African societies since the colonial regime.

However, with the end of the colonial era a new way of obtaining land (by foreigners) emerged which refers to as ‘land grabbing’. This entails land deals occurring at a high rate of both national and transnational businesses happening in the sectors of production and exportation of different commodities (Borras and Franco, 2011: 34).

Map 1.1 Monduli District in Northern Tanzania



Source: <https://commons.wikimedia.org/wiki/File:Arusha-Monduli.svg#filehistory> Locator map of Monduli District in Arusha Region, Tanzania. 2012 census data, 28 April 2016, by McCabe5387.

Foremost, it is important to look at the background of Maasai settlements, look at which land policies that have existed, look at the major land issues faced by Maasai in general. This is in order to determine how and if for sure land grabs impact the Maasai community at large and specifically focus on how these impacts affect a Maasai woman vis a vis her position and role in the Maasai community.

Maasai communities have had a history of land ownership or land entitlement issues due to different reasons such as the on going grabbing of lands that they (Maasai people) claim belong to them and due to the colonization legacy. The literature suggests that colonial regime limited the ability to access and control favourable lands for herding societies by prohibiting the Maasai societies to enter and administer these lands (Campbell et al., 2000:337). However, issues of land use among Maasai dated before the colonial era as there was a contest to gain entry to the land that has water and grazing areas due to the ecological issues faced by the Maasai people (Campbell et al., 2000:337). Furthermore, land problems among Maasai people are associated with the conflicts brought by the land use competition that occurred among and between herders and farmers as well as conflicts due to the wildlife (Campbell et al., 2000:337).

Moreover, economic activities that come in a form of various trade offs influence the determination of land use (Homewood et al., 2001:12548), which leaves the people with a diminished land use options. This is affiliated with issues of ownership as decisions are not made by the people themselves rather influence by opportunities that the land provide. Mara Goldman in her 2011 article '*Strangers in their own land: Maasai and Wildlife Conservation in Northern Tanzania*', discusses the relation between conservation and local people rights to land whereby families are displaced and property is destroyed in the name of wildlife.

Also the unwillingness to consider the locals to be well informed to be involved in conservation matters has contributed to problems of land and Maasai (Goldman, 2011: 66). This helps to understand why matters of land ownership among Maasai have been one of the key factors that block community development.

1.3. What is the problem?

The problem being researched in this study is one that has been somewhat neglected. The gender dimension of land grabs and their local impact, according to some studies, have not been given the attention they deserve (Behrman et al 2012, Julia & White 2010, Mutopo 2011, Daley 2011). Such studies have been conducted but not usually to show the link between the impacts of land grabs and the effects they have on the women themselves and their power relations with men, and other communities and actors at local level. This study proposes to fill part of this gap, showing that Maasai women's access to land, and land ownership rights have been a major problems following land grabs, continuing dispossession faced by Maasai people for at least a century.

One of the central research problems is where gender discrimination in land ownership (through customary rights) feeds into and worsens the power imbalances between men and women in local societies. The Maasai community living around Monduli District in Arusha region of Tanzania are taken as an example in this study. The lack of land rights, noted as a problem among Lepurko women in particular (the village where the study was conducted) was analysed in relation to land grab experiences of the past few years over the past decade or so. The study will analyse how land grabs places women's livelihoods further in jeopardy, taking into account such factors such as cultural and political norms, land accessibility, women's lack of involvement in decisions-making.

This study's take on the topic and the problem is that land rights among Maasai women is that unequal power relations are a significant and conflict generating in relation to land dispossession among women. However, their further disadvantage is not automatic. The institution of property rights comes between women, land grabs and the influence on women's position.

If women were more involved in processes of land allocation, they could better ensure that land is not lost through renting, sale or through government's land allocation and zoning decisions. However it is not naively assumed that if women in this region of Tanzania were to have ownership of property that they would necessarily be in a position to make the key decisions around land use and sale, but at least they could make their voices heard on matters regarding land deals that are taking place. Moreover, if women do not own the land they use, they are already more vulnerable than men, and issues of land grabs when they happen, will mean that women are among the first in the community to lose a part of the land they use for basic subsistence. This means that although women

who possess the right to own land would still suffer from various forms of disempowerment, their relative position could be strengthened if land title were granted to them, preferably individually. Otherwise instead of being empowered, women are likely to be pushed further backwards.

1.4. Research Objective and Questions

The key objective of this study is to explore the inter-relationship between land rights and women's disempowerment looking at it through issues around land grabbing, as it is being experienced in Lepurko village in Northern Tanzania. The research tries to answer the following questions. The central question being:

Taking the example of Lepurko village, Monduli District, through what institutions and intersections have recent lands grabs affected Maasai women, in terms of their gendered power relations?

The following are used as operational questions, they are:

1. How have land ownership rights and land use been organised and institutionalised in Lepurko village, Monduli District, in the recent past?
2. How do land grabs occur and how have they affected Maasai women in particular in Lepurko village in relation to Maasai men?
3. Are land ownership rights among Maasai women of Lepurko perceived as a path to self-development/empowerment by the women themselves? Why and how?

1.5. Methodology

This section focuses on the approach of the study. This research entails an amalgamation of a variety of data and approaches. The data was collected by using primary data in a form of field research through interviews and focus group discussions. These were achieved by the use of questionnaires as a serving tool to conduct the interviews and focus group discussions. Also using secondary data by working with documents and texts such as articles, books, government publications, NGOs reports, newspapers and gathering information based on previous works by different scholars that are related to the topic at hand.

The researcher chose to use the exploratory approach to explain gender inequality in land deals literature. As Bhattacherjee (2012:6) explains:

“exploratory research is conducted in new areas of inquiry, where the goals of the research are: (1) to scope out the magnitude or extent of a particular phenomenon, problem, or behavior, (2) to generate some initial ideas (or “hunches”) about that phenomenon, or (3) to test the feasibility of undertaking a more extensive study regarding that phenomenon”.

The paper utilizes a mixture of Bernstein's questions to agrarian political economy/Sustainable Rural Livelihoods Approach and New Institutional Economics as a framework for the analysis of the gendered impacts of land grabs and social and political/power relations among the habitants of Lepurko. The gathered information was analysed through the use of different lenses namely agrarian political economy for the interpretation of data on resource allocation within the national and local level; and NIE (New Institutional Economics) to explain the matters of land grabs and to criticize its lack of gender consideration in relation to property ownership. For the explanation of different aspects that bring the gender inequality among Maasai women, the positioning of the women within their community and in the society at large will be discussed.

Data gathering

The data was collected in Lepurko at the village centre whereby two different focus group discussions took place, each with 10 Maasai women. Although their individual names and individual age were not revealed, they stated that the age varied between 45 and 55 and were both married living in Lepurko in order to discuss with them their thoughts and takes on the questions listed in Appendix 1 through the use of FDGs (focus group discussions). This fieldwork took place on the 27th July 2016, and I spent the whole day in Lepurko whereby the FDGs and interviews happened in six hours from 10am to 4pm. The women respondents both spoke their local language while some could not fully speak Kiswahili and none could speak English. Hence, the reason why the discussions took long due to the translation of the indigenous language and Kiswahili

Key informant interviews were used whereby leaders of the community and local government officials were also interviewed in order to discuss about the situation regarding land issues faced in the community as well as to give insight on the laws and rights regarding land ownership and sustainable development in their village by the use of in-depth interviews. The researcher used the convenience sampling, which refers to the selection of a sample in a way that is suitable to the research (O'Leary 2014:111). Reason for this type of sampling is because I targeted convenient people relevant to the study.

1.6 Chapter Outline

This paper rotates around five chapters. The first chapter is an introduction that talks about the background of the study by mentioning and discussing the statement of the problem; the objective, the research questions and the significance of the study. Research Methodology determines and explains the approach taken by the researcher when it came to collecting data.

Chapter two covers the literature review and discusses about land deals and the need for gender implications and discusses the analytical framework. This will show approaches that will be used to analyze the findings such as agrarian political economy, and New Institutional Economics (NIE), as well as looking at the Maasai woman through the interconnectedness of her gender, ethnicity and class. This is to show the guiding tools of the researcher and as a supportive mechanism to the arguments and statements mentioned by the researcher.

The third chapter will talk about the land rights among Maasai by looking at the settlement history of Maasai people, land policies of Tanzania pre colonialism, during colonialism era and after independence. Land rights among pastoralists in general but specifically the women (case study). Land grabs in Tanzania will be discussed followed by a case study of a land grab scenario through. Chapter four looks at the gendered impacts of land grabs by using the case study of Lepurko. This will look at the answers or data gathered by the researcher in regard to how women are affected by the land grabs. Moreover, questions of what land grabs (types of land grabs) are and entail will be discussed from the point of view and context of the respondents. Furthermore, the interconnectedness of land grabs, women land rights and the influence these have on rural women development, how and if land ownership is a tool of empowerment for Maasai women of Lepurko will be discussed. Chapter 5 will present a general conclusion on the topic.

Chapter 2 Gender Implications of Land Grabs: reviewing literature

2.1 Introduction

This chapter aims to show why a gender perspective is justified with reference to the literature, and how the gendered power relations, including the intersections of ethnicity, class and other elements, influence the impact on women generally of land grabs. This is explained by discussing the key literature on these topics. This chapter introduces some recent debates in the relevant academic research. The main perspectives are explored as well as key areas of controversy around concepts in the field of gender power relations, resource allocation and land deals (land grabs).

2.2. Gendered power relations: positioning the Maasai Woman within her community and the society at large

As this paper is looking at the effects that land grabs impacts have on women especially in relation to their (dis) empowerment, it is important to look at the role and position of a Maasai women in the family, community and in the society as a whole. Also as this research was conducted mostly by interacting with the Maasai women, I wanted to analyze their responses by looking at the intersection of different aspects when it comes to their identity. Taking intersectionality as a concept found in gender studies, it deals with issues of social inequality based on various factors such as gender, race, class, age, nationality, sexuality etc (Winker and Degele, 2011:51). More to this, intersectionality is used not only as a framework but also as a theory and methodology and paradigm that serve to grasp and comprehend the human relations based on the interaction of various social constructions that happen within a milieu of related apparatus and frames of power which result in an expressed form of oppression or privilege (Hankivsky, 2014:2). Intersectionality is defined as:

“A system of interactions between inequality-creating social structures (i.e. of power relations), symbolic representations and identity constructions that are context-specific, topic-orientated and inextricably linked to social praxis” (Winker and Degele, 2011:54).

Looking at the above definition, it helps to grasp the relation between the inequality that is occurring in a particular place and the identities, as well as the norms and practices of society that have contributed to enhance this inequality. It also helps to see and understand the position of Maasai women not only in their local context but also at a national level. The implications of gender

relations among Maasai people have made the women to be more exposed to poverty and make them victims in many cases. Ngoitiko (2008: 3) supports the argument by saying that the deep socio-cultural practices and norms found among the Maasai communities have strongly affected the women in a negative manner leading to women being treated as peripherals as a result. Some authors argue that gender, ethnicity and class are some of the “oppressive structural categories” (Anthias, 2011 cited in Winker and Degele, 2011:55) that through them inequality is created. This inequality is observed through the distribution of resources whereby one obtains anything on the basis of their gender (women), ethnicity (indigenous/Maasai) and class (rural and poor). As for the case of Maasai women, the women responded that in their communities they have no right to own property, which put them in a vulnerable situation and worsens the conditions they live in:

“For us as married women we do not own land as a source of livelihoods, it is not that we do not own but we are not allowed to. The patriarchy in our community is serious and we can not dare to go against that.” Says a 48year old Maasai woman in a focus group “we just follow the instructions that are given to us by our husbands” claims another lady that made the rest laugh sarcastically” (women respondents in FDGs, 27 July 2016)

For the Maasai women, these three aspects determine their position in the society; gender wise the patriarchal hierarchy and gender roles keep putting the women in an oppressed condition with the help of cultural practices, “the Maasai community is very patriarchal, with minimal opportunities for women to challenge these circumstances or influence community decisions” (Ngoitiko, 2008: 4) . The ethnicity aspect goes along the point of state and society interaction and the institutions responsible for the allocation of resources. The relationships between the government and the Maasai people have been rocky with a history of conflicts now and then due to their ways of living and the manner in which they survive based on their ethnicity. This is to say that norms and cultural practices found in the Maasai communities determine their relationships with the government in the contemporary world. For the class aspect, as they are indigenous and marginalized people, the majority of the Maasai women are found in poor conditions, “Maasai women are among the poorest and most marginalised groups in Tanzanian society” (Ngoitiko, 2008: 4). With the issues of land grabs occurring and land being a source of livelihoods, this may keep them in a more vulnerable condition.

2.3 Land grabs and the exclusion of women

The Kilimanjaro Initiative calls for rights to land by women who lost their access to land in different forms of land grabs. The testimonies of different women across Africa suggest different ways land is grabbed from them (Kilimanjaro In-

itiative 2016) namely; biofuels companies (with many promises in return including new land, compensation, new schools, jobs and health centre, these were never received), land grab by family members when there is death of a husband then the brother in law wanting to take her piece of land from her, and for others land was taken by mining companies that are said to have poisoned (polluted) the water used by the members of the community (Kilimanjaro Initiative 2016)

Land grabs refer to the terminology given by civil society organizations and non-governmental organizations (NGOs) when talking about large scales land deals especially used in the media (Behrman et al 2012: 49). Such land deals are encouraging third world administrations to set policies that pull the investors as well as policies that ensure the facilitation of these deals in the long run (Behrman et al 2012: 50), moreover they claim that not so much has been written on the ways these land deals affect men and women with the exception of few writers who look at gender dimensions when it comes to land deals,

“Throughout the literature on the scale and effect of this new wave of large-scale land deals there has been little discussion of the differential effect that land deals will have on rural men and women” (Behrman et al 2012: 50).

Elizabeth Daley’s gender study in relation to land deals (2011:1), speaks about the commercial pressures on land initiative by the use of gender lenses to explain the impacts of these commercial pressures on land.

“Despite their tremendous contribution to agriculture and family food security, women across the world face systemic gender discrimination in terms of their access to, ownership of and control of land and the income that arises from its productive use” (Daley, 2011: 5)

This statement on the ‘systemic gender discrimination’ supports my argument that there is need for the inclusion of women’s perspectives in the studies of land deals. The women’s experiences in relation to land grabs may differ based on various aspects including geographic location, culture, age, status, class and institutions like economic system of the country and its land policies. Hence, a call for more studies in relation to this topic. More to this systematic gender discrimination that one may say keeps putting the women in a more vulnerable position compared to men, the inter-relations of this systematic gender discrimination and the positions of the women in question do matter. Different examples by studies conducted before highlight this, including Julia and Ben White (2012) who discuss about the ‘gendered experiences of dispossession in Kalimantan’. They discuss the impacts that the expansion of oil palm corporate plantation in a Dayak Hibun community has had on the livelihoods of the indigenous women. They explain the different experiences that the men and women have had since the transition of land from the community to the state.

“The shifting of land tenure from the community to the state via the plantation company and the practice of the ‘household head’ system of smallholder plot registration has narrowed women’s tenure access” (2012:1014)... In terms of gender relations, as in many other cases of agricultural ‘modernization’, formalization has been accompanied by masculinization undermining the position and livelihoods of women in this already patriarchal society...Women were largely

absent from community discussions and negotiations with the oil palm corporations” (White, 2012: 1015)

This shows how land deals can further put a woman in a more vulnerable position than she was in before, also being an indigenous woman makes it a little more harder due to the discrimination already faced in the community and in the society as a whole. These statements prove as example of why there is need to include women in land deals affairs to avoid expanding the gap in the gender relations and to ensure that women are not further pushed into a discriminatory position.

Previous studies (Doss et al 2014; (Wisborg, 2014; Verna, 2014; Widman, 2014; Daley and Pallas, 2014) showed where the gender gap between men and women is in relation to land deals literature. This gender gap/gender inequality in land grabs literature may be the result of the total absence or insufficient participation of women involvement in land deals. This is unfair and unjust considering the physical work done by women in agricultural activities. Mutopo (2011: 2) tries to explain the need for a gender dimension in relation to land by looking at the gendered livelihoods of the displaced men and women noting that women are mostly at disadvantage “as they have difficulties in land access and utilization in rural Zimbabwe based on male primogeniture, political and cultural considerations” Mutopo (2011: 2). Gender roles will determine the impacts of land deals on women and will also determine the women’s experiences relative to land grabs.

“In terms of the activity profile it is women who provide most of the labour on the land but however this is not visible to the society as men tend to overshadow this by the fact that they are the custodians of the land...In terms of the displacement due to biofuels women tend to have more activities at hand to deal with since they have the roles of production and reproduction and still have to ensure food security even in situations of land uncertainty as evidenced by displacement due to bio fuel production” (Mutopo, 2011: 13).

Furthermore when it comes to land grabs, the impacts of land grabs on women are differentiated by the identities of women in relation to their social groups and to various intersections (like women of different social classes and their position in the society). For example the Maasai people as a ‘marginalized’ group may face different effects compared to another group of people due to their ways of living and also where they stand in the society. Moreover, (Behrman et al 2012: 51) say that it is important to include gender dimension when it comes to land deals due to the fact that men and women each have different social roles, rights and opportunities. Hence, they are differently affected and looking at how each is affected helps to fully understand the impacts of these land deals. On top of issues that women may have been facing before, land deals may aggravate the situations in which they live in including access to land and ownership of land, or bring more obstacles to the chances of poor rural women to generate income.

This then leads to deep level of poverty among women. Behrman et al (2012:50) go on to explain why the sudden increase of foreign land deals stating that it is not a new case or experience but the manner in which these deals are happening and the reasons behind such an increase of these land deals. These include the increasing urbanization, population growth, and the global food price crisis of 2008 that led to investors from both the Western countries and Asian countries to pursue land in sub Saharan Africa.

Furthermore, women having access to resources will increase outputs in agricultural production as the women are the ones behind actual cultivation and are almost always present on the land. This can be supported by the findings and empirical data whereby in third world counties or sub-Saharan Africa women contribute a high percentage in the Gross Domestic Product of their countries due to women participating in activities mostly agriculture that contribute highly in the economy of their countries (see report by SOFA Team and Doss, 2011)

“Investing in women and girls in itself constitutes a breakthrough strategy for achieving the MDGs, and that almost any investment we make in women and girls will have multiplier effects across the goals” (Helen Clark, UNDP Administrator, 2010 cited in OECD, 2010:1)

However, it is arguable that the amount of physical energy brought forward by these women does not correspond with what they personally gain from their work, which leads to poverty among rural women, “rural poverty is deeply rooted in the imbalance between what women do and what they have” (International Fund for Agricultural Development, 2008: 3). These land deals may not be a large-scale acquisitions but land deals at a local level. Which is why in the study, I had to find out first what the respondents view as a land grab in order to determine how these affect the women. Nevertheless, before proceeding, the assumption is that the lack of women consideration and inclusion in relation to land grabs result in disempowerment of women. Also the assumption is that if this problem at hand is resolved then somehow the women will be able to claim their rights and take charge of their lives. Therefore, it is important to discuss about the terms disempowerment and empowerment from the point of view of the local.

2.4. Women Empowerment from the perspectives of a sub-Saharan woman

As we live in a diverse world with different levels of ‘development’ and different political systems, some terminologies or words get lost in translation depending on the point of view or perspective of who is asked to define them. Experiences, needs and the society or community one belongs to, determine why a concept such as ‘empowerment’ is defined and perceived differently. (Cornwall and Eade 2010) talk about buzzwords and fuzz words as she explains different concepts that have been used globally but might not have a common interpretation.

Looking at different definitions given by different authors, the concept ‘empowerment’ presents some similarities that are related to human development in a sense that people can be in charge of their own lives and make their lives better. According to Allen and Thomas (2005:35), empowerment refers to:

“A desired process by which individuals including the poorest of the poor are to take direct control over their lives. Once empowered to do so, poor people will then be able to be the agents of their own development. It implies redistributing power and transforming institutions”

The World Bank (2011) on the other hand defines ‘empowerment’ by stating that it is “the process of enhancing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes”. Looking at these two definitions, what they have in common is that empowerment enables people especially the less wealthy (poor people) to move forward and be able to set better goals. The United Nations (n.d) highlights more by saying that empowerment is

“An iterative process with key components including an enabling environment that encourages popular participation in decision-making that affects the achievement of goals like poverty eradication, social integration and decent work for all as well as sustainable development...It is increasingly used and connected to social development groups such as poor people, youth, older persons, persons with disabilities, indigenous people and marginalized people.”

The Maasai women as both indigenous and marginalized human beings in the society (Ngoitiko, 2008: 4) need to have an opportunity to advance themselves and position themselves in order to develop. Sachs (2010:134) states “the notion of empowerment was intended to help participation perform one main political function: to provide development with a new source of legitimization.” This means that empowerment deals with the passing down or scattering of the ability to make decisions based on the problems being faced and not centering the power whereby decisions are made without involving the concerned individuals, in order to give them an opportunity to bring change and progress in their lives.

Moreover, empowerment is linked to other concepts and these are interdependent. This is to say that there are other meanings integrated in the concept of empowerment. These according to Singh and Titi (2001:7) are: inclusiveness, transparency and accountability; as well as one of the steps of the participation process (Cornwall and Eade, 2010:95). Also the concept has been used when expressing other ideas, the ideas related to politics of inclusion have been evident; “the concept of empowerment was embedded in many other historic struggles for social justice” (Cornwall, 2010:112). Therefore, empowerment is a process whereby individuals can possess access to opportunities that will help them fight the politics of exclusion, and as in this study we are looking on how the impacts of land grabs affect women empowerment, I can say that social justice and development in relation to land rights can be attained only when the people are empowered.

In my opinion, empowerment deals with giving the individuals the tools (opportunities) that will facilitate them to make better choices in relation to their wellbeing, these tools may differ depending on what individuals need and depending on the situation that they are in. For example educating both men and women in a patriarchal society that girls' education is as important as that of boys, then you are giving an opportunity for individuals to make better choices. Cornwall and Eade go on to say that empowerment as a concept has lost its initial meaning due to having a common meaning leading to the term to lose its deliberate significance (2010:111). As some respondents stated:

"Maasai women we are powerless, the patriarchy instilled in our community limit us to make better choices and decisions for ourselves, our families and our community so we can say that we are disempowered... You empower a woman, you are also empowering the whole community." (FDGs, Lepurko 27 July 2016)

From the above statements by the Maasai women I interviewed, one can detect that Maasai women of Lepurko consider themselves disempowered and say that they need various 'tools' to be able to take control of their lives.

2.5. NIE: Agrarian change, gender power relations and the state

'Agrarian political economy' according to (Journal of Agrarian Change cited in Bernstein, 2010:1) refers to "the social relations and dynamics of production and reproduction, property and power in agrarian formations and their processes of change, both historical and contemporary."

This is going to be used in this study in relation to state-society interaction when it comes to land grabbing. The agrarian political economy has different approaches that can be used to discuss matters or themes of rural development. Land grabbing being one of the rural development themes and the central point of this study, it is vital to utilize one of the approaches when analyzing a land grabbing scenario that has taken place and linking it with the relations between the state and the community in question.

The New Institutional Economics (NIE) approach to rural development puts a great emphasis on the individual as a unit of analysis and it focuses on a micro level. It stresses on the role of institutions in the society and sees them as the facilitating organ to administer or control the people's relations between each other in a form of rules (both formal and informal). This means that it assumes that individuals are rational (able to make decisions) with a more interest in profit maximization (Popkin, 1979: 17).

For rural development matters NIE focuses on the efficient utilization of factors of production; meaning the maximization of the inadequate assets used to enhance people's livelihood. Popkin (1979:17) goes on to explain NIE in relation to rural development by using the core assumptions of moral economy that in regard to peasants (farmers) decisions, they seek to increase the outputs with a decrease in risk, which differ from neoclassical economics which

assumes that farmers are open to maximize opportunities while willing to take risks. Hence the reason why NIE argues that, institutions do play a vital role for economic accomplishment. Moreover, as there might be irregularity in the markets it is encouraged that other forms of institutions come to rescue in order for efficiency to be attained.

As the individual is NIE's unit of analysis, to get a clear image of these other formed institutions such as peasant institutions, the concept of individual choice and decision-making are used. Popkin (1979: 22) explains the moral economy analysis of the village whereby depending on village institutions for future welfare is not determined due to the issues related to norms and procedures of the village. This in turn will result in farmers going for an individual or private strategy in investment when it comes to long-term welfare instead of depending on what the village will provide. Hence, individuals not willing to be part of organized actions that will benefit the whole village. However, these actions can also be a barrier for peasants to go after their individual profit maximization.

“By rationality I mean that individuals evaluate the possible outcomes associated with their choices in accordance with their preferences and values. I specifically focus on rationality from the point of view of the individual, for what is rational for an individual may be very different from what is rational for an entire village or collective” (Popkin 1979: 31).

What does this mean when it comes to land dealerships and what impacts it has on rural development? As this approach believes in the individual rationality, one may say that farmers are willing to take on a dealership that will benefit them and their families than looking at the advantages that the whole community will get. Due to NIE's lack of gender dimension, this 'rationality' can be linked to the concept of masculinity whereby in an indigenous community like Lepurko or in most societies in some part of the world, the men are the ones usually considered rational. Ross-Smith and Kornberger (2004: 280) talk about the gendered rationality whereby they explain the link between rationality and masculinity by explaining the background of this association of rationality and masculinity. They speak about how this connection is rooted in philosophy by stating, “men came to be associated with reason and the mind, the opposite of nature and form, hence beginning the association of rationality (that is, the acquisition of reason) with masculinity” (Ross-Smith and Kornberger, 2004:283). NIE may be seen as bringing out a gender inequality in its literature when rational individuals are thought to be men. This means that the indigenous Maasai women are not seen as rational enough to make decisions in their community and also by the state that fails to agree or accept that pastoralism as a real means of survival. Moreover, as it looks at the rational individuals, it ignores the community.

Deininger (1999: 2) talks about the advantages and gains of land reform in rural areas saying that it brings fair and just results. This means that change in land policies by the state are encouraged, these policies entail the re allocation of

land. However, this land reform is not always successful depending on how it is structured. Deininger (1999: 19) talks about two reasons for the negative or the failure of land reforms:

One was the absence of a fully funded plan to undertake the investments needed to convert the large farm into an enterprise suitable for small farmer cultivation, and the lack of funds to carry beneficiaries through to the first harvest... The second problem was related to lack of access to credit and output markets.

Therefore, I can say that New Institutional Economics (NIE) encourages the involvement of individuals when it comes to land dealerships because the approach believes that farmers make reasonable and logical choices that will help them to maximize the outputs from the land availability. Hence, New Institutional Economics puts the role of the state second after that of rational individuals regarding the rural agrarian politics. So which means that for issues of land deals, institutions should provide policies that allow the farmers to make choices and decisions based on what is best for them rather than the state itself making decisions for the rural poor people or farmers. However as these rural people depend on the availability of land for their livelihoods and source of economy, when there are land dealerships the state must ensure the inclusion of these farmers in order for their needs to be fulfilled and for the improvement of their livelihoods.

Hence, New Institutional Economics (NIE) sees the state as the main creator of economic opportunities through land dealerships but must highly consider the benefits of the people of the area where these transactions are occurring. This is because the approach's unit of analysis is the individual, who in turn is seen to make logical and reasonable choices for his/her benefits. However, the land dealerships in Tanzania seem to create turbulence between the relationship of the state and the society. For example, land grabbing can cause the institutions and the community to have dispute, misunderstandings and conflicts due to the condition in which the transactions happened. Were the people in the community contacted first about the land deal? Because they have the right to protect their property and ensure that their livelihoods are not jeopardised due to the loss of an asset that would help them improve.

When the interaction between the state and the society is not in a good shape when there is a land transaction; a conflict is more likely to occur due to the fact that the poor people's land is grabbed without their contribution in the decision-making. Hence proving that NIE has the strength of reducing conflicts caused by land deals, however its weakness is that "poor people tend to engage in risky politics and have a changed political behaviour." Also the fact that it is at an individual level people will tend to do what is best for them and use the 'what's in it for me', which only helps people with private property and people who have the right to access land. It does not touch on the level of people who own property communally and lacks the gender aspect, which I criticize considering that it stresses on individual rationality in relation to making choices.

Therefore, people will form groups based on their personal interests, also, New Institutional Economics (NIE) approach suggests that the state should be ensuring that land deals give economic opportunities to the people and provide benefits for the rural poor, which is done by looking first at involving the individual's needs in decision making and consider their economic condition before the land is grabbed. If the process does not go like this, people will take actions based on what they are looking for, at a personal level. The institutions must ensure that assets such as land which is scarce as well as being the source of means of survival for the rural people, is utilized in a manner that the benefits are for the good of the people and not for the good of the policy makers (institutions' officials) therefore the economic motive must be applied when it comes to land dealerships, hence the application of the economic motive; low inputs with high outputs.

With regard to land grabbing I can say that NIE calls for property ownership rights in order to determine that assets are not lost and people's livelihood get at risk. Hence, I can say that in my understanding NIE suggests that if there were private property ownership, land grabbing would likely not happen. However, with the state-society interaction New Institutional Economics calls for the state (institutions) to ensure property ownership rights in order for individuals to seek profit maximization at the free market having assets in their own. This ownership right will be more likely useful to slow down loss of assets without consent depending on the context In short NIE suggests in my understanding that once you own land, chances of that land being grabbed are low due to the rationality that it sees in individuals.

2.6. Conclusion

In this chapter, it was shown that there is a need for a gender lens when analyzing issues of land grabs and the impacts they have on the people of the area in question. Previous studies that have been conducted in the same area of topic, urge for more inclusion of women in relation to finding out impacts of land deals. Due to the inter-relations that gender has with other aspects of identity, it was shown how this shapes and determines the Maasai woman position socially, politically and economically. However this will be well discussed in the chapters to follow. Although NIE calls for individual property ownership, institutions are immersed in broader political economy as will be discussed in the following chapter by looking at Bernstein's questions.

Chapter 3 Land ownership and land use among the Maasai people of Lepurko

3.1 Introduction

Using Bernstein's four questions to livelihoods approach (SRLA) of the agrarian political economy, this chapter seeks to find out who owns what, who does what, who gets what, and what they do with it? (Bernstein, 2010:22). Before proceeding to the land grab chapter, and the effects of resource reallocation on Maasai women's gendered power relations, or empowerment, it is important to first find out about land access and land ownership among Maasai people generally. This helps to make sense of how land grabs happen, since it shows who owned the land before the transactions, and who was involved in land grabs. As the Maasai people have a long history of being displaced, when it comes to their settlements and of conflicts over property, this research attempts to find out who has the right to own land in Maasai society, and in Lepurko village specifically, and who has access to which resources. By looking at power relations around land, and interaction among social classes, gender and identity, the role of the state in land politics can also be better appreciated.

3.2. Background of Maasai Settlement and Land Policies in Tanzania

With the history of the Maasai people and the societies that they are found in, their historical settlements are caused by different factors. The Maasai people are found in the Eastern Africa namely in the Northern part of Tanzania and the South of Kenya, in short this bordering came about during colonization whereby the imperialists created boundaries based on their interests.

This creation of borders put indigenous people such as Maasai to be divided and finding it hard to settle not only as a result of colonization but also based on how they survive. Hence, the colonial legacy and colonial inheritance has had impacts on the Maasai settlement. According to (Narimatsu, n.d) the Maasai have been occupying or started living in Eastern Africa since the 15th Century AD whereby "they stretched from Lake Victoria to the Indian Ocean and from the highlands near Nairobi, Kenya to the Maasai steppe of Tanzania". However, with the arrival of the British during colonization era in the late 19th Century, the issues of land among Maasai people started occurring due to the fact that the British colony took their land and occupied it leading to the Maasai having a limited area of land both in Kenya and Tanzania (Narimatsu, n.d).

Consequently, one can say that this is where the issues of land grabs among Maasai started happening. 'Land grab' in this context goes beyond the

definition that it is land deals of both national and transnational businesses happening in the sectors of production and exportation of different commodities such as food, animal feed, biofuels, timber and occurring at a high rate minerals (Borras and Franco, 2011: 34). I can however state that land grab in this context refers to the land taken from the people who were occupying it by others (either institutions or companies) for the benefits and interests of these ‘others’ leaving the previous occupants at loss or at disadvantage. This can be done without the consent of people or by being tricked by the people looking to take that land. The use of such taken land may vary depending on the motives of the new owners of the land.

However, the issues of land grabs can be tricky among Maasai due to their nomadic ways of living (such as looking for better grazing land for their cattle). Furthermore, Tanzania has had changes in the land policies of the country, since colonization era to today. So the issues of land grabs among Maasai communities continued post colonization (in the context of this study which I refer to as the piece of land taken from the people who were occupying it by others (either institutions or companies) for the benefits and interests of these ‘others’). Nevertheless, looking at the country as a whole under the British rule there was a land policy known as ‘Land Ordinance Cap. 133 of 1923’ (Myenzi, 2005:1). It is safe to say that before, this Land Ordinance, the country was under customary law through traditional ways of organization as other many African countries before colonization. The ordinance was introduced and implemented due to the previous organization of land tenure:

“To define and regulate the tenure of land within the Tanganyika (before the union with Zanzibar) territory; the whole of the lands of the Territory, whether occupied or unoccupied, on the date of the commencement of this Ordinance are hereby declared to be public lands...Prior to this law, all the land in Tanzania was owned under customary tenure governed by clan and tribal traditions. Ideally, elders of respective clans and tribes were bestowed with powers to determine land allocations and resolve conflicts whenever they arose” (Myenzi, 2005:1)

This ordinance can be seen as the first land policy whereby the state was in charge and customary laws came second however the state did not disregard these laws entirely. Moreover, as the country became independent, the country had a new system which was socialism as it was pointed in the previous chapter, the land policy remained the same as the Land Ordinance with changes in terminology by definition, “all land in Tanzania is public land vested in the President as trustee on behalf of all citizens” (Ministry of Land and Human Settlements Development, 1997: 9).

Issues of land deals started in the 1970s with the sudden rise in cases regarding loss of land by the peasants against the government, which was claimed to be doing the operations of these land alienation and acquisition (Myenzi, 2005: 2). This is an example of how issues of land grabs bring conflicts between citizens and the state but again what happens when the government is

the trustee a representative for citizens to make decisions on their behalf? Nevertheless, changes regarding the land ordinance were made whereby customary rights were recognized as “the right of a native community lawfully using or occupying land in accordance with customary law” (Tsikata, 2003 cited in Goldman et al, 2016: 4)

“Other laws were: the 1967 Arusha Declaration, the Village and Ujamaa village Act of 1975, the land regularization Act of 1982 and the Local Government District Authorities Act number 7 of 1982. All these acts of parliaments and laws had a bearing on the rights to land of majority small producers but didn’t transform the land tenure system into a better form than the previous one” (Myenzi, 2005: 2)

This shows the inequality and exclusion of a specific group of people also. For example the Arusha declaration for example, initiated a new path in national development whereby “all the major means of production had to be owned and managed by the public to bring about equality in the access to and ownership of national resources and services”(Myenzi, 2005: 2). As my case study was operated in Lepurko, which is situated in the Arusha region, this declaration obviously had impacts on the people, however it did not achieve the goals of this equality, as there were cases of conflict based on the use of land:

“During villagization in the 1970s, which entailed the forced resettlement of the rural population into administrative villages, land administration was decentralized to village governments (Hydén, 1980 cited in Goldman et al, 2016: 3)... Large areas of land used by pastoralists for grazing were claimed for agriculture, mining and tourism. This led to escalating conflicts between farmers and pastoralists, and between locals, foreign investors and conservation agencies (Tsikata 2003 cited in Goldman et al 2016: 4)... Inter- and intra-village land conflicts escalated with conflicting claims of customary practices, villagization and private ownership by individuals, and no statutory means of settling disputes” (Fairley 2013 cited in Goldman et al 2016: 4)

This villagization process can be seen as the initial cause of resources conflict as some people relocated to better areas for their means of survival while others were put in a tough situation considering what they do for a living causing conflicts between people.

3.3. Understanding the Political Economy of Local Agrarian Change: the Maasai case

Behrman et al (2012: 52) explains how one can fully understand the impacts of land deals on a community by identifying steps of land deals and analysing each phase with gender lenses. The pre-existing situation as the initiation phase entails looking at the situation of the community before land deals happen. In order to fully understand how women and men are affected by land acquisition, there is a need to look at the situation in which the people are in and to look at the setting of the area of interest (in this case Lepurko village) including factors such

as “land tenure system, the rights, roles and responsibilities of those who use the land” (Behrman et al, 2012: 52).

Looking at the first question ‘who owns what’, it helps as a guide to find out who owns land in Tanzania as large before looking at ownership among the Maasai people. As Bernstein states, this entails looking at “property and ownership of livelihood assets and resources” (Bernstein cited in Scoones, 2015: 80). In this study we are looking at land as the most important asset that gives access to other assets, and land tenure policy claims, “all land in Tanzania is public land vested in the President as a trustee on behalf of all citizens” (Tanzania Ministry of Land and Human Settlements, 1997:9). Furthermore, it is important to keep into account factors of ownership, who has the authorization to make decisions and who has the right to use the land in various ways on a specific part of land (Meinzen-Dick and Mwangi cited in Behrman et al, 2012: 52). This explains that the government is in charge of the distribution of land based on this land policy, however it is important to look at other land policies that have existed before in the country, which will be explained in the next section.

The second question ‘who does what?’ It entails looking at “social divisions of labour, the distinctions between those employing and employed, as well as to divisions based on gender” (Berstein 2010, cited in Scoones 2015: 80). Tanzania after independence had an economic system that existed under Julius Nyerere administration called ‘ujamaa’ which is a “Swahili word for the traditional kinship communalism existing in many rural areas in Africa” (Boensen et al, 1977:11), this terminology is used to describe the then system which Boensen et al refer to as “the Tanzanian socialist ideology and policies with a strong emphasis on state-controlled or collective production” (1977: 11). Moreover, when it comes to rural development, another facet of the Tanzania’s socialism focused on a socialist rural development:

“ujamaa vijiji means rural development through a gradual but eventually transformation of rural Tanzania into socialist communities where all political and economic activities especially production are collectively organized. From 1968 to 1973, there was a mobilization of the peasants to establish communal economic ventures in the rural areas” (Boensen et al, 1977:11).

This shows that after independence, the government was the one employing by creating policies that would help rural poor people to collectively carry out economic activities as it was benefiting the community as a whole.” In the Lepurko Maasai community, women are mostly the pillars of the household economy as they are the ones who carry out most of the economic activities for survival.

The third question ‘who gets what’ deals with “income and assets, and patterns of accumulation over time, and so to processes of social and economic differentiation” (Berstein 2010, cited in Scoones 2015: 80). Among the Maasai communities, only men have the right to own a land whereby the women can access it through inheritance from their fathers or husbands but still there is no ownership title for them.

In Lepurko village, the respondents explained that land is communally owned and people can have access to land through customary land:

“Land is communally owned and it is a customary land, with ‘Mzee wa Boma’ community elders deciding on how to distribute land. (Gaston Venant, village agriculture officer, 27July 2016, Lepurko)”

“Saying we own land is hard because we have been facing problems of land ownership and control, here in Lepurko it is customary land ‘ardhi ya kimila’ with no limit ‘ardhi kwa macho’ which is not registered in your name” says the local leaders who happen to be all men. “I have five wives for example, they do not own a piece of land I show them which part to use, I keep my plot for the children (male)” says one of the respondents “she (a Maasai woman) accesses land but through her husband when she is married, she does not have ownership rights (Tangide Sambur, village Chairman, 27July 2016, Lepurko)”

The fourth question ‘what do they do with it’ focuses on the “questions of array of livelihood strategies and their consequences as reflected in patterns of consumption, social reproduction, savings and investment” (Berstein 2010, cited in Scoones 2015: 80). Based on other studies conducted in the past, it is evident that Maasai people depend on the availability of land to carry out activities that will ensure their livelihoods, Goldman et al (2003:849) states, “Maasai pastoralism as a form of land-use in the area relies on access to various patches of grazing resources”, whereas Goldman et al (2016:7) explain that pastoralism is the main source and strategy for livelihood and urges that it is important to “keep village land open for communal grazing”. More to this, the women’s responses during the FGDs support these statements:

“We practice pastoralism and agriculture and us women are the ones who do almost all livelihoods activities. We work on the plot cultivating and we look after the cattle, we fetch wood and do mostly all the household activities” (FDGs, Lepurko 27 July 2016)

Two more questions when it comes to the political economy of livelihoods are based on the social and ecological issues observed in the modern world. These include questions on the social relations, institutions and forms of domination in society and between citizens and the state as they affect livelihoods; and questions of political ecology, and to how environmental dynamics influence livelihoods. These in turn are shaped by livelihood activities through patterns of resource access and entitlement. (Scoones, 2015: 80-81). This was illustrated by one respondent known locally as *mwenyekiti*, this village chairman, explained to me how problems related to climate change arose in Lepurko and claimed that it was up to the people – both men and women - to come up with solutions to the problem

“From 1993 to 2003, there was a lot of livestock but starting the year of 2004 there was no rain which put our livelihoods at risk. What people did was, they sold the cattle to start building and bettering their livelihoods. Selling cattle helps to buy land/plot outside of the customary law and you can own a land through the new land policy” (Tangide Sambur, village Chairman, Lepurko 27July 2016).

Nevertheless, only the men in the Lepurko community are able to buy this plot through this new land policy. This goes back to the question of rationality, patriarchy and cultural norms and practices that lead to this gender inequality when buying a plot. It is believed in the community that only men make rational decisions in relation to the scarce resources (land in this case). However, the women of Lepurko beg to differ with this belief and practice; which will be discussed in the next Chapter.

3.4. Land tenure rights among Maasai women of Lepurko

As discussed in the previous chapter, the situation of property ownership (land) among Maasai women of Lepurko is that the women do not have a right to own land but they spend most of the time carrying activities on the land they can only access through a man in the family or household.

Statutory and customary land tenure systems bring setbacks to women when it comes to land rights (Agarwal 1994 and Mutopo 2011) although there is a need to pay attention on how these systems operate in certain communities. For example in the Lepurko community, the women access land as daughters from their fathers' ownership and when married they can get the access through their husbands according to respondents. However, in case of the husband's death, the son is then in charge of all land related matters due to the fact that his mother does not hold the right to land decisions. Furthermore, there is a need to look at the importance of the land in the area whereby the land acquisition happen because the land may have a symbolic connections such as cultural, ancestral or religious (Mankunike, 2010 cited in Behrman et al, 2012: 54).

For the Maasai women of Lepurko, there is a big attachment to land as they explained the symbolic and economic meaning of land. The women respondents said that land is everything to them, although they do not have the right to ownership, they spend most of the time on the land doing their everyday activities in order to survive. Also the traditional rituals and norms connect the people to the land. As (Rossi and Lambrou 2008, cited in Behrman et al, 2012: 54) say, women are at risk to be affected by losing access to land due to the fact that they are active practitioners of healing and traditional medicine. For example, the production of 'dawa ya kienyeji' (traditional medicine) by Maasai women, is extracted from the special plants only found on the land they can access. These 'dawa ya Kienyeji' are sold and can be seen as a way to generate income, hence taking the land will be seen as a termination of business unless they move and look for another one. This is usually hard because in case of loss of land a man can migrate but for women it is almost impossible. The reason for this impossibility to migrate for women is attached to the norms and cultural practices of the community, women must be present at home as they do most of the households activities while the men can go to look for an informal job in the city in

order to gain income. The marital status of the women also plays an important role in the question of migration. Married women take care of the households, but when there are issues of land access as source of livelihoods, the women can sell the crafted products at the nearest market.

Behrman et al (2012: 54-55) go on to explain how we can understand the effects of land deals on women as they differ from men by looking at the next stage of land deals, which she called 'consultation and negotiation'. Under this stage, there are various steps whereby women and men's involvement differ depending on the culture and values of the community in question. Through these steps, one is able to see and comprehend how women's opinions are taken or treated during the legal framework of the acquisition process. Women do not have much support when it comes "to bargain with governmental authorities or investors on potential land deals in their communities" (Behrman et al, 2012: 55). Additionally, the investors may not want to deal with women depending on the investors' beliefs and ideologies making women seem not to have a voice in the land deals. I can support this argument by mentioning that when it comes to the role of men and women, public officials do not take the women's contribution in decision-making. On the day I spent with the women in Lepurko, there was a village meeting with local leaders different stakeholders and community members, and not a single woman was invited or allowed not only to be part of the meeting but also to enter the room where the meeting was taking place.

Another reason for the Maasai women of Lepurko not being included in any of the land may be similar to what Behrman et al (2012: 57) mention "issues related to access to information". Lack of information about land deals is what is mostly dominant as the women in Lepurko said that

"You can be going where you usually take your cattle for grazing, only by surprise to find that people started building or cultivating in the area that you are used to go to, or being told that this area is now inaccessible." (FDGs, Lepurko 27 July 2016)

This is alienation of information on important measures to be taken not only at the community level, but also at a household level, however the women of Lepurko are not yet provided with the tools that allow them to take part in these activities. I can criticize this by linking this scenario through a human rights based approach to rural development. As Kapoor (2009: 6) mentions, this approach calls for participatory governance in order to ensure empowerment of the people (women included), which may be what is needed in Lepurko.

The discussion on land use efficiency between women and men was brought up during the focus groups discussions whereby it was agreed that a woman uses land more efficiently than the man. Questioned about how that happen, the women responded that men usually tend to lease the land under their ownership instead of growing crops and using the land for more activities required for livelihoods strategies. Even though the men receive income from

the leasing, issues of land use conflict come in. One of the women respondents stated:

“The husband can sell the plot without consulting the wife who is the one who usually spends most of the time on that plot. So to find out that you lost part of the land that you were usually cultivating, due to the fact that you do not have a voice or a right to make decisions regarding land matters, puts a woman in a vulnerable position and makes her wish and aspire to have the right to own a part of property whereby she will not be put into inconvenience.” (FDGs, Lepurko 27 July 2016)

Hence, women viewing ownership of property as a path or bridge to make decisions for themselves and what is good for them, their families and communities, which can be seen as a step to self-development and self-empowerment.

Agarwal (2003:185) talks about how women can access land through family, state and market; and discusses about the gap between legal rights and ownership and the actual control of the land. She explains how in India the question of distance in a context of where a woman is married and where her land is located can determine how much control one has over the land that she legally owns (2003:205). However, linking this with the case of Maasai women of Lepurko, can only attain or access land through family as the state allocates who gets the land in the community. Although it is argued that the women can access and control land through these three institutions (family, state and market), for the case of rural Maasai women, they can not access land through state and market which is still a big issue considering the fact that there have been different land reforms or policies in the country (Tanzania).

“Though Tanzania’s Land Act and Village Land Act (both passed in 1999) provide for women’s ownership of land, customary practices regarding marriage and inheritance continue to discriminate heavily against women. The current constitution upholds equal rights to property for men and women, but does not clarify whether the law or custom take precedent when there is a conflict. And such a conflict exists in communities across the nation, undermining women’s rights. In Tanzania, as in much of Africa customary practices often require women to access land through their fathers, brothers, husbands or other men who control the land. (Duncan and Haule 2014)

As indigenous people it can be complicated for the Maasai on the basis of the discrimination that the whole community is experiencing in the first place at the national level when it comes to land ownership and control, making it even more complicated for the women to gain this legal land rights. Maasai have been experiencing loss of land due to their traditional ways of surviving, as Ngoitiko(2008:3) states, “government policies do not recognize pastoralism as a sound livelihood strategy. The government does not recognize Maasai traditional land rights, nor their right to full access and control of the natural resources therein” Looking at the above statement and based on a human rights approach, the means of living of the Maasai people need to be recognized in order to ensure their survival and ensure their livelihood security for their well being. (European Training and Research Centre for Human Rights and Democracy, 2012: 106)

states, “for development to reach the poor, some fundamental steps which involve land reforms, ownership and control of livelihoods and resources by the poor need to be taken”. The Food and Agriculture Organization on the other hand discusses about the legal recognition and allocation of tenure rights:

“When states recognize or allocate tenure rights to land, fisheries and forests, they should establish in accordance with national laws, safeguards to avoid infringing on or extinguishing tenure rights of others, including legitimate tenure rights that are not currently protected by law. Safeguards should protect women and the vulnerable who hold subsidiary tenure rights, such as gathering rights...where states intend to recognize or allocate tenure rights, they should first identify all existing tenure rights holders, whether recorded or not. Indigenous peoples and other communities with customary tenure systems, small-holders and anyone else who could be affected should be included in the consultation process. States should provide access to justice, if people believe their tenure rights are not recognized.” (FAO, 2012: 11).

These statements help to recognize the state-society relations and they are relevant to the need for land rights among indigenous people and women. Maasai women fall under this category as what their communities as a whole do for survival is not formally recognized by the state, and women are discriminated in relation to land rights on the basis of their gender. These statements help to show the importance of land rights in rural development as it is seen as a social problem. More to this, the politics of exclusion in the communities when it comes to allocation and distribution of resources or ownership of assets have led to having women more and more alienated from accessing, controlling and owning land when compared to men (Cheremoi, 2015: 139). This is because of the patriarchy and gender hierarchy observed among most of African cultures but mainly among the Maasai. Cheremoi goes on to say that it is not the unwillingness of the women to reclaim land rights but,

“The enforcement of customary norms and cultural practices that rest on prevailing patriarchal norms transmitted also through the local informal justice systems...Several East African countries have explicitly provided equal access for women to both land and legal justice, in effort to redress gender inequalities in land rights.” (Cheremoi, 2015: 140)

Nevertheless, because of this gender inequality brought by the deep-rooted patriarchy experienced by the women of Lepurko, there has been a rise of different Maasai women associations or NGOs to advocate and monitor different issues faced by the Maasai women including the issues of land access and rights (Goldman et al, 2016:2). The works of such associations differ based on their mission and goals but are generally initiated for the empowerment and development of rural women, hence advocating for rights and empowerment of women. Kapoor (2009:6) explains the link between human rights (of women in this case) and development: “empowerment of the individuals and communities according to a human rights based approach is one of the salient determinants

of development.” This helps understand why the women who consider themselves disempowered in a socially and politically excluded community need to be provided with tools that help them reach the level of development that they yearn to achieve.

3.5. Conclusion

In this chapter, the livelihoods of Maasai people in perspective were discussed with the emphasis on the case of Lepurko village. The allocation of resources among Maasai depended on the different land policies that have existed in the country. However, the issues of legal ownership are still a big problem among Maasai habitants of Lepurko, mainly for the women. Although there are land policies that encourage and allow women to own land, the norms and cultural practices in the Lepurko community limit women to recognize their rights to land ownership. This has been proven to result in the creation and rise of Maasai women’s associations to advocate for these women’s land ownership rights.

Chapter 4 Women's (dis) empowerment and the land tenure-rights nexus

4.1. Introduction

This chapter discusses the impacts of land grabs when gender lenses are put on. It explores the experiences of the women of Lepurko as they have lived and seen what happens to them, their families and community when faced with the cases of land grabs. Moreover, this chapter looks at how the impacts of land deals affect the rural women's empowerment. The discussion will contrast factors that promote and bring women's empowerment with obstacles that women face due to land deals. This chapter will explore women view land rights and land ownership as a tool of their own empowerment, in the context of Lepurko. I will discuss and analyze their position using an intersectional approach, so that I can show how Maasai women's vulnerability, poverty and exclusion is derived and linked to their identity and position in the society.

4.2. Pastoral Maasai women and livelihoods

Pastoralism, which is one of the main economic activities of the Lepurko community, refers to the part of agriculture that deals with the practice of herding and raising livestock as a means of survival. As explained by the respondents, pastoralism and agriculture are the main activities practiced by the Maasai, making it a must to depend on the availability of land in order to carry out these activities for their survival. Goldman et al (2016:1) explain that having land rights among women is usually looked at as basic human rights in the poorer countries such as the global south. However, due to the mass increase of land grab in the global south, the formalization of tenure rights has been difficult leading to women and pastoralists to be highly affected by the negative impacts of land grabs.

“Both groups often rely on customary forms of tenure, are often marginalized from state decision-making processes and do not usually hold formal property titles. Pastoralists rely on access to large expanses of land managed as common property for grazing” (Goldman et al 2016:1).

This leads to pastoralists in Tanzania being in a more vulnerable condition in relation to land loss dating from the colonial era whereby

“Colonial interventions first began demarcating land for farms and national parks, and then when neoliberal reforms in the 1980s increased the appropriation of land deemed ‘unused’, ‘underused’ or just valuable for investment purpose...Tanzania has officially adopted the formalization of property rights as empowerment for the poor into national policy...Many inter- national and local NGOs see the promotion of formal property rights as a way of fighting increased loss of land to large-scale land grabs” (Goldman et al, 2016:2).

This measure taken by the government can be explained through one of the approaches of rural development namely New Institutional Economics (NIE) which stresses on the role of institutions in the society and sees them as the facilitating organ to administer or control the people's relations between each other in a form of rules (both formal and informal). For rural development matters NIE focuses on the efficient utilization of factors of production; meaning the maximization of the inadequate assets used to enhance people's livelihood.

Having the right to Ownership of property can be seen as a tool of empowerment because as the New Institutional Economics puts it, individuals are rational and can make decisions with a more interest in profit maximization (Popkin, 1979: 17). Therefore, once someone owns an asset then it means that she can make a choice of how to use that asset as efficiently as possible in order to bring more outputs than inputs. This means that property ownership encourages the economic motive (low inputs with high outputs), which means that these individuals are able to make choices and are then able to transform their lives by changing these choices into actions. One of the women respondents stated:

“Having a piece of land under your name will help us as women and will reduce issues of land use conflicts, I am saying this because it is unlikely for a woman to sell land she will keep, she does not sell crops at once like the man, she thinks ahead on how to multiply what she has gotten.” (FDGs, Lepurko 27July 2016).

This statement helps to understand how property ownership and the products from such a property are valued and used from a point view of the woman. Having the ability/power to say no in cases of land deals is a major change in the community whereby women are seen as households' operators of physical activities and not political activities.

“Women having control over a specific piece of land will help educate our men and reduce the level of patriarchy, for example men think that they cannot give control of land to their daughters because they will get married eventually and the land will not be ‘used’ but it has been proven that they lease the land to people and share the products...Women have discovered the importance of controlling land, you can move from one place to the other pursuing good plot for their survival” (FDGs, Lepurko 27July 2016).

When asked if development of women in their community depended on the availability of land, the women respondents from FDGs pointed out that:

“You will know when you are carrying activities you are at ease you know your specific piece of land legally known by everyone, you have the right and no one can disturb you because it is given to you. It brings happiness in the family, the men won’t be disturbed a lot about where their wives go carry out activities.” (FDGs, Lepurko 27July 2016).

This is a sign of responsibility attached with having land rights so having land is very important and seen as an ‘empowerment’ tool

4.3. Land grabs as experienced by Lepurko women

As mentioned before 'land grabs' as a terminology can present different definitions but one thing that these definitions have in common is the loss of a piece of land due to land acquisition that happened without people's consent or consultation. For the women respondents, land grabs have been occurring in different forms:

"There is no proof that the land is yours so someone can take it away just like that. You can lease it to someone only to find out that they transferred ownership to the person renting it. If someone comes and assumes that the land is unused and they take it." (FDGs, Lepurko 27July2016)

The case of Lepurko as a community of indigenous people can be complex with issues of land grabs. The politics of 'unused' land affect them due to the customary land acquisition, putting the women who do not have entitlement rights in the first place in very risky and vulnerable conditions. This according to respondents from FDGs results in:

"Land use conflicts between you (land accessed because it was given to you by your family) and 'waegezaji' (investors)...I was told not to step my feet at this place where I usually take the cattle to drink water, little did I know that a case was open in court claiming that I was trespassing on someone else's property...You are more likely to lose access to land when there is a conflict between people who have money to buy land and you who does not have. And you lose your land just like that." (FDGs, Lepurko 27 July 2016)

Land grabs present impacts in the area whereby the land acquisition or alienation has happened. These impacts may be positive or negative depending on which side you are looking at it from. For example the government, the organ responsible of these deals, the impacts may be beneficial as there are new investors who are bringing in income from the activities taking place on the land. However, on the side of the poor rural people, losing land will not present or bring positive impacts.

In the initial phase the government and the people have some conflicting interests. The rural people want to access land for their livelihoods while the government takes that land from them. Now their livelihoods are jeopardized, as they do not have access to assets that will allow them to carry out their everyday activities. Nevertheless, it does not mean that they do not have assets at all but the land taken from them may have been important for their livelihoods. The community and rural poor people do not usually have the power and right to make changes regarding the land acquisition, as they are being intimidated or forced to give up that part of land. Poor rural people become landless with no access to land while becoming more and more vulnerable.

Pastoralists and indigenous people are usually highly affected; Maasai women who are agro-pastoralists and who fall under the indigenous people category face the impacts. Debates on the impacts of land grabs include the ones who see it

as positive and as bringing development in agricultural operations and increased productivity while others see land grabs as a burden to the locals especially the small holders and they argue that land grabs do not contribute as much to the development of the locals (Cotula et al, 2014). For the case of Lepurko, the respondents have mentioned that the land grabs that they have encountered include land given to the investors. Initially the people were told that the land is for investors operating for limited time, however until today they have never gotten that land back. The respondents did not know what the investors were doing with the land, or even who these investors were. However they did mention that the impacts of the arrival of the investors have been more conflicts over land use within the community. There is also more conflict between the government, as the organ responsible for land alienation and acquisition, and the community is one of the impacts of land grabs. These conflicts that arise from issues of land grabs put Maasai women in a more vulnerable position, because they lack information on the situation at hand. One respondent from the FDGs said:

“There is the issue of land grabbing that has been happening since long ago saying the land is for investors but you look for them and there is nobody. Then the investors never leave, we don’t know when they will leave the land so that it can be used by the community.” (FDGs, Lepurko 27 July 2016)

As the Maasai are pushed to look for land somewhere else after losing land to investors, the conflicts of land use among Maasai communities emerge as well. However, land use conflicts are seen as the major impacts brought by land grabs. Therefore, the focus is going to be on how this land use conflicts affect the Maasai women considering that they are the ones who contribute the most in the livelihoods activities. Problems associated with access to land include the system of ‘ardhi kwa macho’, which refers to claiming that the land that belongs to you is situated as far as your eyes can see. The customary law facilitates access to land because land is passed on from father to sons in a form of inheritance.

4.4. Property rights/empowerment nexus

Is having a right to own property what it takes for Maasai women of Lepurko village to be able to take control of their lives? Agarwal (cited in Goldman et al, 2016:3) explains how the link between ownership of property and empowerment has been proved to work:

“Ownership and control over land should be the focal point for women’s empowerment in South Asia, signalling a shift of focus away from economic empowerment alone...since then, the focus on property rights as a necessary component of women’s empowerment has been taken up by mainstream development organizations such as the United Nations Development Program (UNDP), Food and Agriculture Organization of the United Nations (FAO),

the World Bank, USAID and the International Fund for Agricultural Development (IFAD)” (Agarwal cited in Goldman et al, 2016:3).

Land ownership is discussed as ‘key’ to improving the lives of ‘poor rural women in the developing world’ According to IFAD’s Rural Poverty Report 2011, “assets such as land and livestock can move families out of poverty”. The following are statements from the women respondents.

“A woman will use the land efficiently and is very calculative, she would reduce hunger at home, build a nice house and pay for school fees for the children from the benefit of livestock and agriculture products...We usually have these activities from women’s groups that help and encourage our small business such as cultivating together or raising the cattle together then sell the outputs, you can only imagine how much benefits we would be getting if we can have land under our names and use it as we please” (FGDs, Lepurko 27 July 2016)

Looking at the responses of the interviewed women, it does seem that land title is very important and can be seen as at least a potential empowerment tool. Reasons why the women of Lepurko agree and support the view that having right to land will bring development and will enable them to make decisions and be empowered are many.

The women respondents argue that having the right to have a title of ownership is seen as a big step as it gives you a sense of agency or ‘status’ in the community (being able to make decisions politically) :

“It changes the society perceptions of a role of a woman, helping her to take decisions or contribute her ideas at the household...Owning land opens more opportunities as you can start operating other activities not on the land only but taking products to the market...Land ownership is a form of education as it makes you aware that you have more barriers to self- development but those barriers are present due to issues gender inequality...Right to utilize the land as efficiently as you intend. Right to renting, selling the piece of land, which in turn helps you reduce hunger at home, build a nice house and pay for school fees for the children...land rights reduce conflicts among family members...In cases of issues of land grabs we would be able to come together with the men and decide not to give up our piece of land. We would be recognized as rational decisions makers unlike what a lot of men think. Hence, saying that when women are empowered gender norms would change. In some rare cases when we are given an opportunity to share ideas the outcome is usually better than when we do not contribute... We are learning about our rights through different associations...You empower a woman then you empower the community...Accessing land through land ownership is also seen as accessing knowledge.”

The respondents emphasized on the need to educate both men and women about the land rights because this would help the women to pursue and obtain their rights:

“No land no life. Land means access to many other resources. It is hard to get access/right to own land as a Maasai woman, but there needs to be seminars and education of the importance of owning a land, educate both our men and women and let them know that women owning land is not only for our benefits but for our families.” (FGDs, Lepurko 27 July 2016)

Lepurko as a small village does not have a high level of education, and the traditions of land ownership that discriminate women are still deeply practiced. Hence having a right to own a land, as a Maasai woman would mean taking a big step towards development and you couldn't access tools to development unless you are empowered or in a position to be able to make decisions regarding your well-being. For Maasai women to be included, there must be more actions taken in order to overcome the 'marginalization' and oppression faced by the women of Lepurko relative to land rights.

As Goldman et al (2016: 1) say, one of the women empowerment processes is for women to recognize their rights to own land. As Agarwal cited in Jackson (2003:453) states, "the gender gap in the ownership and control of property is the single most critical contributor to the gender gap in economic well-being, social status, and empowerment". Moreover as we have seen in the quotation above from Agarwal, the way this link between the ownership of property and empowerment works can be illustrated through experiences like those of the Maasai women of Lepurko.

4.5 Conclusion

In this chapter, I have discussed the interrelatedness and interconnectedness of empowerment (rural women empowerment) and the right to own property. I discussed what it takes for rural women to feel and be empowered, meaning that they have the right and are able to make rational decisions and take actions that will help them reduce their own poverty and that of their families and communities. Is having a right to own property all it takes for Maasai women of Lepurko village to be able to take control of their lives? Of course this is not enough, but it is an important step, as this study suggests.

Chapter 5 Conclusion: Land grabs, agrarian change and gendered power relations

For an indigenous and ‘marginalized’ group of people like the Maasai, issues of discrimination and oppression have been faced since before the formation of contemporary Tanzania. The Maasai people found themselves between the problems of settlement and land policies that have existed in the country pre colonialism, during colonization and after independence. The Maasai people are still facing problems related to ownership of property namely land. Their livelihoods and means of survival depend on the availability of land, which is usually not guaranteed. The issues of land use and land ownership among Maasai people have been a major on going problems that Maasai are caught in, mainly under a form of land grabs. These occur from different levels such as between investors and the community, and in some cases due to land policies of the country (such as villagization).

In this research carried out in Lepurko village (of the Monduli district-Arusha region), I found out that issues of land grabs have been occurring in different forms. The land grabs by investors, land lost by the community since a long time not specifically known who took it (but by the restriction of using that piece of land is from the state which is in charge of all land matters), and land grabs among community members. As the aim was to find out how these land grabs affect the Maasai women empowerment, the researcher tried to understand the whole situation of land ownership and land use among the people of Lepurko. Having discussions with the targeted people namely the local village leaders and the Maasai women was the method used to obtain the data. Land is of a necessity according to respondents, however, the conditions of ownership and use of it are complex. Land is communally owned and used according to the customary law, which was discussed about. This entails the ‘no limit’ ‘ardhi kwa macho’ system whereby within a community, head of clans or head of families (Men) would use the piece of land inherited from their fathers, situated from where you have built a house to as far as your eyes can see. It is important to note that Maasai are agro-pastoralists but mainly pastoralists, therefore empirical data and secondary data show that as pastoralists the Maasai do need large area of land for the grazing of their cattle communally. However, their survival activities are slowed down by the land grabbing happening at the place where they claim and say belongs to them. Land use becomes a community problem as someone can take you to court claiming you entered ‘their’ plot creating conflicts in the community.

Furthermore, the impacts of these land grabs were discussed and were looked at and obtained from a perspective of Maasai women. It was discussed that Maasai women find themselves in vulnerable conditions as indigenous and marginalized agro-pastoral and pastoral women in a patriarchal community.

There is gender discrimination when it comes to ownership (through customary rights) of property, mainly land. Lack of land rights among Lepurko women together with land grabs affect them severely and put their livelihoods in jeopardy. Factors such as cultural and political to name few put a Maasai woman in a condition that she finds it hard to exist from poverty and develop. As land accessibility is the facilitator of carrying out activities for survival, when land deals occur the women are not involved nor have a right to contribute their ideas, leaving the women with no knowledge of any land acquisition. This results in women not being stable in what they do and not being able to make decisions on how they can get themselves out of the conditions.

However, it was discussed that having right to own property land for agro-pastoralists and pastoralist Massai women will help the women come out from the backstage and being at the table making decisions on land related matters. This will lead to a higher agency at the household/in the family and in the community. Empowerment was defined from a perspective of poor rural women, which is attached with the rights to own land. As for rural development, empowering rural pastoral women means being aware of the land rights and actually being able to access land and owning it. In rural development women land rights and empowerment are interconnected in a manner that unless you are educated (which will not classify one as a rural woman), land access rights and land ownership among the Maasai women are the key tools to empowerment.

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Appendix 1

Research paper questionnaire

Questions on “Land use conflict (land grabbing) impacts on women economic empowerment with reference to Lepuko village”

- A. General questions on land ownership and land use among the Maasai community
 - 1. In your opinion, what does land mean to you? Is it of a necessity that you rely on for survival

2. In the Maasai community is the land communally owned?

3. Can a specific household own a part of land privately?

4. What are the main activities (means of survival) made possible by the availability of and access to land?

Please list them:

5. Consider lands being privately owned (by household or family) do women and men have equal rights and opportunity to own property?

6. Do you have any knowledge of laws and policies governing land in your country? Who owns land in your country?

7. According to the 1995 National land policy of the United Republic of Tanzania, “all land is public land vested in the president as trustee on behalf of all citizens”, does the government determine who gets to access and own land?

8. If the land is communally owned who makes decision on how it should be used and who should use it?

Village officials Community elders Other (please specify)

B. Questions regarding land grabbing and land use disputes

1. Land grabbing refers to the increasing mass outbreak of both national and transnational businesses land deals occurring in the areas or sectors of production and exportation of different commodities such as food, animal feed, biofuels, timber and minerals. Has land grab happened in your community? Specify the kind of land grab or land use dispute

2. Has land grab brought problems (such as conflict or dispute) in regard to the use of land among people in your community?

3. Has the land grab interfered with your everyday activities such as your means of surviving?

4. In case of a lost land due to land grab, are women and men equally affected in the community?

C. Questions on the gender roles in the Maasai community and the value of land from a woman perspective

1. Are women the pillars of the household economy, meaning do they contribute the most in household activities than men?

2. Are the women traditionally considered as decision makers as well as the men?

3. Do you as a woman find it easy or have a right to access and own a land in your community?

4. Do you as a woman consider accessing and owning land as a tool of empowerment (economically, socially)?

5. If there were no land at all what would happen to you? List your answer(s)

6. What activities do you as a woman in a Maasai community carry out?

7. Do issues of land grabbing affect your activities and your wellbeing?

Highly agree Agree Not sure Disagree Highly disagree

8. As a pastoral or agro-pastoral woman, how severe does land issues affect you? Especially land grabbing

Highly Severe Moderately severe Severe Not at all

9. Do you think having land related problems slows your progress as a woman in your community?

D. Questions regarding development in the community based on issues of land grab

1. What do you understand by land grabbing?

2. Has it occurred in your community?

3. Did it bring good results or problems in your community?

4. Land is seen as a tool of economic empowerment, how do the government and organizations help to secure lands in your community?

5. Is women empowerment entirely based on the availability of land?

6. What activities do women carry out in order to meet their needs (empowered?)

7. What are the general setbacks to women economic empowerment?

Thank you for your co-operation