

**”Go home and clear the conflict” –  
Gender perspectives on human rights and land titling.  
Illustrations from Dar es Salaam, Tanzania**

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# ”Go home and clear the conflict...”

- λ Explore linkages between HR law, legal measures and grounded experiences in the context of titling
- λ Case: joint titling in urban Tanzania
- λ Chapter in ” Women’s Rights to Land in Eastern Africa in the Era of Privatization”, James Currey/ Ohio University Press 2007

# To title or not to title?

- λ Titling on the development agenda
- λ HR provide no simple answer
- λ 2 main arguments put forth by HR institutions:
  - Secure tenure as part of adequate housing: Titling can serve to secure continued use of the land you live on
  - Effect of titling on other rights: concerns about homelessness, loss of income, and livelihood insecurity. Vulnerable groups, discrimination.
- λ Thus: giving content to the HR norms require comprehensive approach and understanding of the context – measures to counter-act negative effects

# Joint titling

- λ Joint titling: land should be registered in the name of both spouses
- λ “Popular measure”:
  - Human rights: element in ensuring equal rights for spouses in relation to property
  - Land tenure policy (advice)
  - In Tanzania’s 1999 land acts: presumption for joint titling

## Context: Tanzania and Hanna Nassif

- λ Tanzania's 1999 land tenure reform:  
Registration of land rights. Mixed objectives.  
Attention to gender in the drafting process
- λ Today: slow implementation. Mkurabita (ILD formalisation programme) shapes the current debate
- λ Hanna Nassif: informal settlement in Dar es Salaam, currently in titling process

# Joint titling in practice

- λ State-run programme for issuing residential licences:
  - Documents with space for only one picture
  - Procedure for registering owners: “invisible wives”
  - Difficult to include the name of the wife after initial registration: “Go home and clear the conflict”
- λ In Hanna Nassif:
  - Women are not aware of joint titling option
  - Women’s NGO involved lacks interest in joint titling: “it is not relevant here, men are already owners”
- λ The transformative potential is wholly dependant on the competence and commitment of the political and bureaucratic actors involved, and the procedures and documents used

# Additional perspectives on JT

- λ The non-registered wife as the object for protection
- λ Is being titled always the best response to her HR?
  - Secure tenure – but secure against what? External and internal threats
- λ Other inhabitants who are not registered:
  - Generations: mothers, daughters, sisters.
  - Tenants
- λ Titling as poverty reduction: who are “the poor”?
- λ Alternative ways to title?

# Concluding thoughts

- λ Gap between formal law and titling practice:
  - focus on actual non-discrimination and impacts, rather than legislation in itself
  - attention to local “translation”, politics of change
- λ Issues and groups not addressed:
  - Context vs legal transplants
  - Differences between women (and other “poor”)
  - Women’s own understandings of their interests