

Mama Fahima's Story

Land Ownership for Women

Mama Fahima* is in her 70's. She is the 1st of 14 wives to her husband, and one of the four that have inherited his property, which was not enough for all. Her husband abandoned her years ago to live with the younger wives, but he did not divorce her. She has depended on the land they acquired in 1968 from her father-in-law for a livelihood. She has planted trees and worked the farm to feed and educate their ten children.

In 2002, Mama Fahima took her husband to court because he wanted to distribute their property to his other 13 wives. The court ruled in her favor since she was the first wife and had developed the property since 1968, even putting up a big stone house. She suspects that her husband incited a neighbor against her soon after the court case, because her neighbor claimed that a big portion of her land belonged to him. Mama Fahima went to WOMEDA for legal help and a court case that lasted seven years began. Her husband refused to cooperate with the court, dragging the case out longer. The problem arose in that Mama Fahima did not hold the title deed to the land. The land had been allocated from her father-in-law under the traditional clan land system.

In a country where women are not culturally recognized as land/property owners, her (male) neighbor who was claiming property rights, had a big advantage getting community elders on his side. Being wealthier, he was able to bribe judges who frustrated the hearings with many run arounds and transferring to different courts over seven years. She constantly received death threats from the man and his sons, and though she reported to the police, she lived in constant fear. On a positive note and with Mama Fahima's persistence and WOMEDA support, the court finally ruled in her favour early this year. But that was after having to appeal to the High Court. She has incurred a lot of expenses over the seven years but she has decided not to pursue reimbursement because it would take many years.

WOMEDA support came in the form of general counseling, encouragement and support, drafting legal documents, preparing her for court and accompanying her to court cases. Mama Fahima says she has learnt a lot in the process and can help other women with land issues. She says many women have land issues but neither know their rights nor where to go for help. Others are not persistent or compromise for the sake of having a husband by their side. Most are too afraid even to ask for help. She also says that land laws are closely connected to marriage laws especially because of polygamy which complicates ownership. She knows that WOMEDA is committed to educating women on laws that apply to them. She continues to have a good relationship with WOMEDA and fondly refers to Juma Masisi, the lawyer that helped her, as her son.

*Names have been changed to protect the identity of clients.