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Socio-cultural factors affecting women's land ownership rights in Tanzania

A case study of tarime district

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ABSTRACT

Context and background

Access to land by Women is a topic that is considered as the property rights issue that is prominence around the World. Land is important for the economy, politics, livelihood, culture and development of the people.

Goal and Objectives

This study specifically assesses the situation of women's land rights ownership in Tarime District and the effects of socio-cultural factors influencing women's rights to land ownership in Tarime District.

Methodology:

This study adopted mixed method research design. The design allowed the study to collect both qualitative and quantitative data. The target population for the study were household heads, women and government officials dealing with land. The study applied random sampling to select a sample size of 109 respondents who were the heads of households. To get qualitative data, six (6) key informants for interviews were selected purposively who were the ward land committee members, the magistrate, and the district land officials. The study used two methods of data collection which were key informant interviews and household survey to collect both quantitative and qualitative data. Data analysis used for quantitative data was descriptive statistics while for qualitative data, content analysis (conceptual and relational) was used to determine the perceptions and attitudes of the respondents on socio-cultural factors which determined women's rights to land ownership in the study district.

Results

The findings showed that cultural practices were the major barriers to women's access to, control over and land ownership. The study concludes that women who freely owned land were economically more productive than those who did not and there were positive effects on poverty reduction among women who had access to land ownership. Hence, this made them independent in income generation and provision of support to their families and the community in general. The study recommends that the central government, NGOs and local government authority should sensitize and capacitate women on issues of land ownership rights and property ownership. Also, inclusive programs should target both women and men in the community, by emphasizing on the importance of gender equality and equity in land ownership.

Keywords:

Land access, land access and women

1. INTRODUCTION

Access to land by women is a topic that is considered a property rights issue that is a controversial issue around the world (Kamotho, 2018). Land is important for the economy, politics, livelihood, culture, and development of the people (Moyo, 2017). Land has been recognised as a primary source of wealth, social status, and power throughout history for those with access to and control over it. Land, a major form of asset, is one of the most valuable natural resources that generates the means of survival for people (Ellis, 2020). It is from land that most of the needs that shape human beings come when it is well utilized. Land, when utilised, provides a wide range of needs, such as food, settlement sites, building materials, recreational areas, and many others (Mbote, 2020). Although this resource has many advantages for human beings, its control and accessibility differ in many ways, especially regarding ownership and accessibility, particularly in rural areas (Shivji, 2018). According to Moyo (2017), women's property rights are fundamental, as they are tied-down access to land and other shared assets at the core of dynamic living. Moreover, women's property rights to land are essential to social status, monetary prosperity, and strengthening their battle to accomplish value and uniformity (Aliber et al., 2004).

Women's property rights are essential globally owing to the fact that access to land and other natural resources is at the heart of progressive living (Moyo, 2017). Women's property rights also contribute to one's individuality, self-respect, and social inclusion for those within the deprived and most susceptible groups, whose property rights are mostly unofficial and defenceless under the law (Pallas, 2011). For example, in India, women's property rights are important for social status, economic well-being, and empowerment, and the country has struggled to achieve equity and equality among its citizens (Luawo and Amalia, 2019). As long as they are human beings, property rights access by women should be sufficiently defined as equal rights understood by other groups (Dancer, 2017). Additionally, women's rights to land are a fundamental structure necessary for modernising rural nations (Alden Wily 2018). The gap between female and male development worldwide is still significant. However, women in developing countries are treated differently compared to their menfolk, thereby, lagging behind in many domains, including land property rights (Banerjee& Duflo, 2019). In a good number of African states, **including Tanzania, farming** is a core economic activity, and access to land is a necessary opportunity whereby the underprivileged, including women, can guarantee family food requirements in an attempt to decrease hunger and malnutrition for the rural poor and generate income. In most Sub-Saharan African countries, women's roles in farming have recently increased due to the migration of the rural productive working force to metropolitan cities and their engagement in formal occupations, mining, or business-related activities (Mebratu-Tsegaye et al ;2021).

The land property rights in Tanzania comprise two components: customary and statutory tenure. Therefore, access and other rights to land fall within one of these tenures. Statutory tenure is the main system in urban areas, while customary tenure is predominant in peri-urban and rural areas. Most rural Tanzanian women are under customary land tenure and dependent on the land. The rural population also accesses land through various means, such as bequests, purchases, allocations by village leaders, and lease arrangements. The majority of the population, about 80 percent, are in patrilineal societies whereby men control nearly 80 percent of the land solely or jointly and women

occupy about 20 percent only (Genicot & Hernandez-de-Benito, 2019). Most African women are not considered legally or traditionally qualified to inherit wealth or property, including land (Marjolein, 2019). Existing laws and policies guarantee women land rights, for instance, in the United Republic of Tanzania Constitution of 1977, Article 13(i), stipulates that all people are entitled to protection and equality before the law without discrimination (URT, 1977). The Village Land Act of 1999 of the United Republic of Tanzania advanced the status of women's land rights, as the Act nullified all customs that discriminate against women's land rights. However, majority of women are lagging behind in enjoying the benefits of land ownership compared to men, and the major cited factor is outdated cultural practices and gender inequalities among rural communities. Further, it was evidenced that women are vulnerable to property rights, which have denied them access to credit from financial institutions for not holding land as collateral (The Citizen 2021). A study by Hansungule and Magawa (2018) revealed that despite the legal reforms in Tanzania, which took place in the 1990s and early 2000s, women in the country are still struggling to enjoy and realise their land rights. Therefore, this study will specifically assess the situation of women's land rights ownership and the effect of socio-cultural factors on women's land ownership rights in the study area.

2.0 LITERATURE REVIEW

2.1.1 Theory of Rights-Based Approaches (RBAs)

This study was first guided by the theory of rights-based approaches (RBAs). According to the UK Essays (November 2018), rights-based approach theory is generally based on international human rights standards and operationally directed at promoting and protecting human rights. The first element is the identification of rights. The policies and constitution offer guidelines for guaranteeing and identifying rights in a particular society (UNFPA 2005). The second element is the duty to respect, protect, and fulfil rights. The respect and protection of such rights depend on how the state uses its different instruments to implement them. The instruments are, therefore, responsible for checking and providing action for any practice that tends to violate the rights mentioned under the policies and laws. Thirdly, the right-based approach focuses on the oppressed and vulnerable groups, such as women. In many ways, women have been forgotten in society in terms of how their rights are respected and protected (Martin, 2019). Fourthly, the right-based approach directs its efforts at the roots of structural injustices. A structural injustice is how society practices, respects, and fulfils its people's rights (Prügl, *et al* (2021). When a society does not fulfil such rights, it could then be viewed as structural injustice in that society.

In this study, the theory of rights-based approaches (RBAs) provides a valuable framework for understanding and addressing the issues related to women's land rights. RBAs emphasize the identification of rights and their recognition within the policies and laws of a society. The policies and constitution serve as guidelines for guaranteeing and identifying land rights for individuals, including women. Furthermore, the RBA directs efforts towards addressing the root causes of structural injustices.

2.3.2 African Feminist Theory

This study was also guided by African feminist theory, which was propounded by African women who specifically wanted to address the conditions and needs of African women who reside in Africa. Feminist theory studies gender and its stories, shapes, locations, evocations and rules of behaviour, usually in tandem with other modern subject statutes such as class, race, age, religion and region (Sylvester, 1994). African feminists' theory pay attention to how patriarchy – a psychological and political system that values the male more than the female – uses law, tradition, force, ritual, customs, education, labour and language to keep women governed by men in both public and private lives. Nevertheless, African feminists' theory assumes responsibility for striving for such equal societies rather than hoping that men will someday redistribute privilege and power to create a better and more harmonious prospect for future generations (Lyonga, 1996).

This theory applies to this study when it examines the African traditions. Whether it is to do with the household, marriage customs, production methods or sexual freedoms, African patriarchal traditions mostly make distinctions between male and female in ways that disadvantage the female. African feminism theory helped the researcher to explain the socio-cultural barriers that are central to the complex experiences faced by women in attempts to gain access to and control over land.

2.4 Empirical Review

A study by Flintan (2018) that was conducted among Ethiopian women found that most of them were illiterate and had little leisure time. The study found that women were often unaware of their rights, so, only few would object to customary laws against them. The study further found that even the women who are legally literate still had to struggle and fight largely the conservative and older leadership in their communities, which often led to ostracism. A study by Fikri *et al* (2020) concludes that women in Kenya remain discriminated against and are disadvantaged regarding land ownership. The study further points out that customary laws and practices are the main factors prohibiting women from owning or inheriting land and other forms of property. Another study done in Kenya by Nyamongo & Mwagae, (2022) revealed that cultural practices impede efforts to realize women's land rights. The study recommends that cultural practices such as dowry that violate women's land rights in Kenya must be reviewed or eliminated.

A study by Asantemungu (2011) which was done in Tanzania on women and land ownership rights found that women's land rights faced many challenges that were grounded in culture and in shaping power relations, participation and empowerment. Further, the study revealed that land rights for women defined that were by the statutory laws were facing contradictions with customary laws, which had created conflict and tension with land rights for women. The study recommends that cultural practices that discriminate against women to own land should be discouraged by letting people (both men and women) understand the benefits of abolishing such practices.

3.0 METHODOLOGY

The study was conducted in Tarime District in the Mara Region, Tanzania. The reason for selecting this district is because of its cultural practices which are strongly discriminating women and flouting the land rights and ownership. This study adopted mixed method research design. The design allowed the researcher to collect both qualitative and quantitative data. The target population for the study were household heads, women or government officials dealing with land issues. Random

sampling was applied to select a sample of 109 respondents who were heads of households. For qualitative data key informants were selected purposively and included ward counsellors, the magistrate, and district land officials. The study used two methods of data collection which were key informant interviews and household survey to collect both quantitative and qualitative data. Data analysis used for quantitative data was descriptive statistics which included frequencies, percentages and standard deviations. For qualitative data, content analysis (conceptual and relational) was used to determine the perceptions and attitudes of the respondents on women's right to land ownership and the socio-cultural factors. The study focused on those practices related to land ownership, including socio-cultural status attached to women's land ownership rights.

4. RESULTS AND DISCUSSION

4.1 Demographic Characteristics

The results in Table 1 shows that the study involved 21 female and 39 male respondents whereby females comprised 35.0% of the respondents, while the males constitute 65.0%. Respondents were categorized into the age groups: 18-25, 26-33, 34-41, and above 42 years old. The largest age group was the one whose ages ranged 34-41, which accounts for 41.7% of the total number of respondents. The next largest group was that of 26-33 years old representing 25.0% followed the age group of 18-25 which constituted 20.0% of the respondents, while the 42 & above group was 13.3% of the respondents. Considering the cumulative percentages, it becomes evident that the majority of respondents, 86.7%, fell within the age range of 18-41, with the remaining 13.3% being that of 42 and above. Analysis of the age distribution was essential for understanding the demographic composition of a sample and population of a study. It can provide valuable insights into generational trends, preferences, or disparities that may be relevant in various contexts, including land access among the respondents.

Most of the respondents had attained primary school education level who accounted for 30%, followed by those with secondary level of education which counted for 26 % and few respondents had attained diploma and certificate levels of education. Also, the findings in Table 1 showed that 23.3% of the respondents were single, meaning that they were not married, 11.7% were divorced, 53.3% were married, and 11.7% were widows. The study revealed that majority of the respondents were married. Traditionally, married women considered themselves to own land through their husbands, though they could not make individual decisions concerning land use, acquisition and disposal. Ownership of land by women in the district was found to be directly related to their marital status.

Sex	Frequency	Per cent
Male	39	65.0
Female	21	35.0
Age of respondents		
18 - 25	12	20.0
26 - 33	15	25.0
34 - 41	25	41.7
42 &above	8	11.3

Level of Education		
Certificate	9	15
Diploma	9	15
Tertiary education	8	13.3
Primary education	18	30
Secondary education	16	26.7
Marital Status		
Single	14	23.3
Divorced	7	11.7
Married	32	53.3
Widowed	7	11.7

Table 1: Demographic Features of the Respondents

4.2 Women's Land Rights Access/Ownership in Tarime District

From Table 2, the findings show that women accessed or owned a plot of land in Tarime District by a mean score of 3.12 and a standard deviation of 0.982. The findings mean that most respondents agreed that women had the right to own land in Tarime District. Moreover, Table 2 results showed that the size of the plot of land owned by women was larger, represented by the mean of 3.60 and 0.782 standard deviation. These results imply that women owned more extensive land, significantly contributing to production. This means most women had opportunities to access or own land.

Furthermore, Table 2 results showed that women had the right to control household land, indicated by a mean score of 3.54 and a standard deviation of 0.930. This implies that men were not the only ones who managed and controlled household land. This finding contradicts a study on the Gogo on African customs, which showed that men normally controlled household land for all uses, including agricultural activities (Duffy *et al* 2011). Also, the results revealed that women had rights to manage properties and assets, including land, as indicated by a mean of 3.18 and 1.063 as the standard deviation. Additionally, the results showed that daughters in villages of Tarime district inherited land as indicated by a mean score of 3.94 and 1.132 standard deviation. These findings imply that most daughters in Tarime District inherited plots of land and other assets. Moreover, women who owned and controlled land reduced their dependence on their husbands, as indicated by a mean score of 3.42 and 1.052 standard deviation since women who freely accessed and owned land generated more income than the women who did not, as indicated by a mean score of 3.36 and 1.045 standard deviation. Lastly, the results in Table 2 showed that women who freely owned land produced wealth more than women who did not, as presented by a mean score of 3.82 and 0.941 standard deviation. These findings imply that women who freely own land can produce more wealth than those who do not have free land access and ownership. Therefore, women's access to land ownership significantly contributes to poverty reduction among women and the community in general.

During key informant interview with the lands officer in the study area, the respondent commented: *Land is a major economic activity not only at Tarime but also globally. It is an important asset in one's efforts towards economic activities, hence, we should recognize that women have the right to own land*

in Tarime, like in other parts of the country. Tanzania's constitution explains that land ownership is a human right, so women in Tarime District have the right to own land without any restriction.

Similarly, Magawa & Hansungule's (2018) study found that the current legislation guaranteed equal rights to acquire, hold, use and deal with land by women and men in Tanzania. At the same time, a study by Mushi (2023) reported that the village council may not adopt adverse and discriminatory practices or attitudes towards women who have applied for a customary right of occupancy. In this respect, the Tanzanian legislation is perhaps the most progressive in East Africa. Similarly, findings in a study by Alex *et al* (2018) showed that women were not concerned with land ownership in the past, but nowadays, they are. The author further explain that women's land ownership is influenced by two factors: one is that, most men work away from the rural areas and go to the towns and cities, hence, women remain on land in the rural areas; and secondly, is that many countries nowadays are improving their legal frameworks to allow women to have the right to land ownership. Also, the findings are in line with those in a study done by Kenya Land Alliance, (2021), which states that in Kenya, where the foundation of most communities are agriculture and livestock keeping, women contribute up to 80 % of the workforce, yet they only hold 1% of registered land titles in their names and about 5-6 % of registered titles held in joint names. Additionally, the results of Massoi's (2018) study showed that the Maasai society has also eased the barriers which women used to experience in their efforts to access and acquire resources such as land through their respective village authorities. Women are increasingly learning to negotiate and manipulate rules and norms, straddle different formal and informal institutions, and resist the oppressive cultural practices. Property ownership by women is increasingly becoming possible. Women have been provided with quality education and enlightened on their rights to resources of similar weight to men, while at the same time, men who constitute part of the village committees have increasingly realized that women are also citizens and have the right to resources of similar weight to men.

The study findings contradict Nchimbi (2021) whose study showed that women in villages had little information on the right to land ownership, and that this was attributed to their having minimal roles to play concerning land administration, adjudication, subdivision and inheritance. The findings further stipulate that women are not involved in land management and administration. This customary practice indicates that women are responsible for tilling the land and providing household food. Land ownership is, therefore, not significant for the respondents because it is not imperative to their role in farming and producing food. The custom gives them limited access to and use of land in their marital homes. Another contradictory study by Moyo (2017) concludes that unmarried women or daughters have little access to land because they are not allowed to inherit property in most patrilineal societies. Married women have better access to their husbands' land through marriage. Their authority is often confined to just access and not ownership. Security of marriage thus becomes a major requirement for security of tenure. The above studies are in line with the findings of Slavchevska *et al* (2016) which showed that the prevailing situation in land ownership in the Gogo territory and Africa at large is characterised by gender imbalance, which leads to a gap in terms of development whereby women are seen as the disadvantaged group in development and this poses challenges to the fight against poverty among women and the community in general.

Statements	Mean	Std. Deviation
Women access/own plots of land in the Tarime district.	3.12	0.982
The size of the plot of land owned by the women is larger.	3.60	0.782
Women have the right to control household land.	3.54	0.930
Women have the right to manage properties and assets, including land.	3.18	1.063
Daughters in villages in Tarime District inherit land.	3.94	1.132
Women who own and control land reduce dependence on their husbands.	3.42	1.052
Women who freely access and own land generate more income than those who do not.	3.36	1.045
Women who freely own land produce more than women who do not.	3.82	0.941

Table 2: The Situation of Women's Land Rights Ownership in Tarime District

4.3 Effect of Socio-Cultural Factors on Women's Land Rights in Tanzania

The results of the study in Table 3 show that respondents were highly in agreement that lack of awareness had an adverse effect on women's rights over land ownership and inherited land property which is indicated by a mean of 3.38 and 1.108 standard deviation. Women's inadequate knowledge about land rights was due to poor access to information. Due to the nature of women being busy to find means of feeding their families, they had no time to sit down and read the constitution. As majority of them were not attending community meetings due to the fact that they were taking care of their children and performing home responsibilities, so their major problem was lack of access to information. Furthermore, the results in Table 3 indicated that fear of being labelled stubborn by community members affected women's land ownership, with a mean of 3.26 and 1.057 standard deviation. Moreover, the study's results revealed that lack of a marriage certificate affected women's land ownership, as indicated by a mean of 3.17 and 1.066 standard deviation. The results imply that those women who did not own marriage certificates lacked the confidence to claim ownership of land obtained during their marriage due to the factor that they had no evidence of their marriage. Additionally, cultural norms had adverse negative effect on promoting women's land rights, indicated by a mean of 3.15 and 0.954 standard deviation. The findings imply that cultural norms and practices in the study area affected women's access to land as men in most of African communities are taken as the owners of most of the valuable properties, land included. Lastly, the findings showed that poverty among women was pointed out as an adverse negative effect on promoting women's land rights, indicated by a mean of 3.18 and 1.004 standard deviation. The results imply that due to the poverty facing women, their efforts to claim their land obtained during their marriage time are curtailed as the process may include some cost in legal and institutional frameworks.

During interview, one of the chairpersons of land committees pointed out:

'Most of the land committees that are involved in discussing land issues in the district are made up of men, so women are lacking representation. Hence, the women land cases brought before these committees lack support due to the presence of majority men in the land committees.'

Another interviewed village chairman had this to say:

All my daughters are married, and I do not expect any of them to come for any inheritance. Even they know that they cannot ask for it as it is not our norm. Allowing women to own land is against our culture. In traditional families, the roles are clear, and women are confined to domestic roles. Men are the decision-makers on significant issues like those involving land issues.

Another respondent, a woman political leader, shared her sentiments as follows:

'Retrogressive culture and poverty are great hindrances to women's rights to land ownership in Tarime District. Women depend on their husbands for basically everything since they are considered the heads of households. They seek permission from their husbands to till land. After the harvest, all sale proceeds go to the man who solely decides on its use. More often than not, the women are given little money to buy home requirements and clothing. The cycle continues every season and thus a woman does not get any money to purchase or rent land'.

The findings from key informant's interview imply that the composition of ward land committees that dealt with land matters comprised men mostly, hence, women were not treated fairly in land matters. Therefore, cultural norms are the major barriers to women's land rights, ownership and accessibility.

The findings above are complemented by a study by the Kenya Land Alliance (KLA, 2020) that stress that since most members of the boards are men, most of the time women do not access what is discussed, and their issues are not dealt with. Similarly, Aneth (2018) has asserted that women who know their rights are restrained by their fear of being labeled as stubborn by community members; hence, avoid acts of fighting for their rights. This is because the women who fight for their rights are considered as being disrespectful and enemies of the community. They are sometimes threatened with death, and most of them give up the cases because of such social pressure by their families and society. Additionally, findings by Gaddis *et al* (2020) showed that, under customary rules, women, whether married or unmarried, have little or no control over land. Women are often denied the right to inherit the land by their families. Even land bought jointly with the man's wife cannot be divided between the man and the wife should they divorce. This finding also agrees with Bosuben, (2018) who found that marital status influences the control, allocation and disposal of land, with married women having more authority over ownership than single, separated, widowed or divorced women. The findings correspond with those in a study by Ninsiima *et al* (2018) which showed that a challenge to traditions was perceived as an act of undermining the status and power of women in the community.

Maneno (2017) points out that in instances where women are successful in court and the judgment favours them, it is almost impossible to enforce such a ruling in a community that is hostile towards women. Women who have tried to challenge traditions face great hostility, including physical, sexual, and emotional violence. Similarly, Meinzen-Dick *et al* (2019) have argued that poverty is a

contributing factor and determinant of women's access to land and, ultimately, their security tenure. Even where no statutory or customary barriers permit women to own land, the lack of economic resources to secure land and property remains an obstacle, mainly where money is the chief determinant of access. Women remain in the informal labour sector and engage in work, which is, on the whole, less secure and profitable.

Lastly, a study by Mussa (2019) concludes that cultural discrimination influences official responses to women's property rights. Currently, women find it challenging to pursue remedies for property rights violations. Some leaders and government authorities often ignore women's property claims and sometimes make the worse the problems. A woman may seek the intervention of a local chief or government official influenced by prevailing cultural beliefs, but the dispute may not be taken seriously since women are not considered to have enforceable property rights.

Table 3: Socio-Cultural Factors on Women's Land Rights in Tarime

Statement	Mean	Std. Deviation
Lack of awareness has an adverse effect on rights over land ownership and inheritance land or property ownership in Tarime.	3.38	1.108
Fear of being labeled as stubborn by community members affects women's land ownership rights.	3.26	1.057
Lack of marriage certificate affects women's land ownership.	3.17	1.066
Cultural norms affect women's land ownership.	3.15	.954
Poverty among women negatively affect their land rights access.	3.18	1.004
Borrowing has an adverse effect on land ownership by women in Tarime District.	3.13	1.062
Women's land rights depend on woman's age.	3.12	1.003

5. CONCLUSION AND RECOMMENDATIONS

The study concludes that women's access to land ownership in Tarime District was partly supported by the community as women were considered as being part of the community in general. Customary law suppresses women by not giving them the opportunity to inherit land. However, land ownership rights and the legal framework had not yet been enforced or addressed properly despite the marginalization of women in issues of land inheritance in the community. The study revealed that there was, however, a positive effect on poverty reduction among women if they were allowed to access and own land since they could be independent in terms of income generation and support to the family and the community at large. The study recommends that the government of Tanzania should develop and implement educational awareness programs which will focus on women's land rights and property ownership. These programs should target both women and men in the community and emphasize the importance of gender equality and equity in matters pertaining land ownership. By raising awareness and providing education on land issues, women will be better

equipped to assert their rights. Collaboration among the local authorities, civil society organizations, and women's rights advocates should be enhanced to ensure that the legal provisions are applied to those women who have been denied rights to land ownership.

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7. AUTHORS' CONTRIBUTIONS

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