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Controlling Land They Call their Own: Access and women's empowerment in Northern Tanzania

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Abstract:

Formal rights to land are often promoted as an essential part of empowering women, particularly in the Global South. We look at two grassroots NGOs working on land rights and empowerment with Maasai communities in Northern Tanzania. Women involved with both NGOs attest to the power of land ownership for personal empowerment and transformations in gender relations. Yet, very few have obtained land ownership titles. Drawing from Ribot and Peluso's theory of access (2003) we argue that more than ownership *rights* to land, *access* –to land, knowledge, social relations, and political processes—is leading to empowerment for these women, as well as helping to keep land within communities. We illustrate how key to both empowerment processes and protecting community and women's land, is 1) access to *knowledge* about legal rights, such as the right to own land, 2) access to customary forms of authority, and 3). Access to a joint social identity—as women, as 'indigenous people' and as 'Maasai.' Through this shared identity and access to knowledge and authority, women are strengthening their access to social relations (amongst themselves, with powerful political players and NGOs), and gaining strength through collective action to protect land rights.

Introduction:

Formal rights to land are often promoted as a basic human right that women are disproportionately deprived of, particularly in the Global South (Ikdhahl, 2008). Assuring women access to property rights, to land in particular, has been shown to transform gender relations by empowering women to protect themselves from poverty, hunger and domestic violence (Agarwal, 1994; Panda & Agarwal, 2005). The formalization of tenure rights is seen as even more critical with the steady escalation of large-scale land sales globally over the past decade (often referred to as 'the global land grab'), particularly in Sub-Saharan Africa (Wily 2012). Women and pastoralists are perceived as being especially vulnerable to the negative effects of land grabs, due to their precarious tenure rights to land (Behrman, Meinzen-Dick & Quisumbing, 2012). 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.

In Tanzania, women and pastoralists have been vulnerable to land loss since 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 purposes (Shivji 1999a, b, c; Wily

2012). Consequently, women and pastoralist advocacy groups were actively involved in land reform processes in Tanzania in the 1990s—yet often fighting for different protections. While women in Tanzania and across Sub-Saharan Africa fought for statutory rights to land, pastoralist advocacy groups fought for legal recognition of customary tenure (Tripp, 2004). Both approaches focus on legal rights to land, while one promotes personal and family land rights the other highlights customary tenure rights.

Today, formal statutory rights to land are promoted by the World Bank, USAID, international and local NGOs as an essential part of empowering women and marginalized communities. Tanzania has officially adopted the formalization of property rights *as empowerment* for the poor into national policy (De Soto, 2000; URT, nd). Many international and local NGOs see the promotion of formal property rights as a way of fighting increased loss of land to large-scale land grabs. This focus reflects a neoliberal strategy of governance and focus on rights, where freedom is promoted ‘within an institutional framework characterized by strong private property rights, free markets, and free trade’ (Harvey 2005: 2). Yet a focus on formal land rights as a route to empowerment assumes that rights enshrined in law equals rights on the ground. It also collapses a series of important concerns and contradictions related to land and resource access into a singular focus on property rights, hiding contestations between control versus ownership, private versus communal tenure, and statutory versus customary legal systems.

In this paper we argue that a primary focus on formalizing property rights for empowerment and for protection against land grabs is misguided. Drawing on four years of data from women working with two different grassroots NGOs in Maasai communities in northern Tanzania we complicate the narrative regarding land rights. Both NGOs are working to empower Maasai women and to educate them regarding legal rights, but have different approaches to the land question. One is working to promote women’s involvement in securing land titles—pushing to put women’s names on individual, family, and group titles. The other NGO is focused on empowering women politically to participate in formal customary governance structures to proactively resist illegal and unjust land acquisitions.

Women in all villages were actively involved in resisting or reversing land grabs; and attested to the power of land ownership for personal empowerment (in the household and community) and for societal transformations in gender relations. Yet the majority of women interviewed had not finalized the land ownership process. This suggests that rather than the final outcome of formal land titles leading to empowerment and protection, something else is happening. Drawing from Ribot and Peluso’s theory of access (2003) we argue that more than actual ownership *rights* to land, various forms of *access* are leading to empowerment among these women. Access to land, but also to knowledge, social relations, authority and political processes—which come through the process of learning about ownership *rights* to land, and are gained through other forms of education and training coordinated by both NGOs.

The paper is organized as follows: We first present background information to situate the study, including a short discussion on the land, gender and empowerment debate, and the history of land reform in Tanzania. We then discuss the theory of access, placed within a larger context of the focus on rights within development and governance. The remainder of the paper presents data from our case study from northern Tanzania. We present findings related to the activities of the two NGOs separately to highlight similar

impacts they are having despite different approaches to the land question and women's empowerment.

Background

Land, gender and the empowerment discourse

Land is considered to be one of the most vital resources for rural production and critical for personal and community-based identity formation (Massey, 1994). In her groundbreaking book, *A Field of One's Own*, Bina Agarwal set forth the notion that ownership and control over land should be the focal point for women's empowerment in South Asia, signaling 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 UNDP, FAO, the World Bank, USAID, and the International Fund for Agricultural Development (IFAD) (Deere and Leon, 2003). IFAD's Rural Poverty Report 2011 argues that assets such as land and livestock can move families out of poverty (IFAD, 2010, 58-925). Land ownership is discussed as 'key' to improving the lives of 'poor rural women in the developing world.'

The African Protocol of Human Rights recognizes African states' responsibility to provide women with access to 'and control over' land and 'guarantee their right to property' (AfPRW, art. 19c, cited in Ikdaahl, 2008, p. 42). This focus on land rights has often translated into the promotion of individual land titles; despite work by Agarwal (1994, 2003) suggesting the value of commonly owned and managed land. Agarwal also showed that while women's ownership of material resources is important, it is the processes that result from having control over them that influences empowerment (Agarwal 1994). This suggests that empowerment cannot be 'given' to people or communities through the provision of a land title, but rather involves iterative change.

In this paper, we use the term empowerment to refer to ongoing *processes*, across scales (from the personal to the societal) and pathways that are leading to transformational changes such as challenging societal gender norms, increasing personal agency in the household, or increasing women's political agency within a community (see Goldman and Little, 2015).

Land reform in Tanzania

Ownership of land in the Western sense of exclusion and alienation was rare in most African customary tenure systems, where property rights incorporated bundles of overlapping use-rights maintained by complex social networks (Berry, 1993; Peters, 1994). This complexity was ignored by the British administration in colonial Tanganyika which passed *The Land Ordinance* in 1923, that centralized land ownership under the colonial governor, who then granted rights of occupancy to whomever he chose, i.e. colonial settlers (Tsikata 2003).¹ Amendments to the ordinance recognized 'customary' rights as 'the right of a native community lawfully using or occupying land in accordance with customary law' (p. 7 of the Land Policy Document 1997 in Tsikata 2003). These simplified notions of

¹ Legal scholar, Issa Shivji (1999), argues that this ordinance remains the basis for land ownership in Tanzania.

ownership to male leaders and household heads, and then were ignored in practice (Shivji 1999).

With independence, the Tanzanian socialist *Ujamaa* government removed the ability of foreigners to easily own and occupy 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 (Hyde'n, 1980). Throughout this period, the centralized *ownership* of land, as radical title under the auspices of the president (previously the colonial governor), remained in place. 'Customary rights' were formalized under statutory regimes, again through 'rights of occupancy' (Shivji 1998), but systematically disregarded by the government (Fairley 2013). During this time the 'household' was given priority as the distributive axis for land, and women were seldom heads of households.

Structural adjustments in the 1980s ushered in neoliberal reforms re-opening Tanzania to foreign investors. 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, 158). 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).

In the 1990s, Tanzania underwent land reform along with much of sub-Saharan Africa (Wiley, 2003), culminating in the passage of two major land reform bills in 1999: the Land Act and the Village Land Act. Considered progressive (Ngotiko & Nelson 2013), these reforms attempt to codify and secure customary land rights together with statutory rights, and amend historical injustices regarding the gendered nature of land ownership, control and administration (Wily 2012, Tsikata 2003).

While the reforms maintained the "ownership" of all land with the president, individuals, villages, and companies can obtain legal rights of occupancy and use (URT 1999a). In the Village Land Act (URT 1999b), formal processes were put in place for village governments and land committees to secure property titles for village land, allocate land to village members (and outsiders), and resolve land disputes. In order to distribute land titles, village governments need to formalize boundaries, build a land office, create land use plans, and demonstrate 'use' of all village lands. Lands not in active 'use' can be appropriated by the state and reallocated for other uses or people (Wily 2012).² In pastoral areas, pasturelands are often left 'un-used' for part of the year. Additionally communal practices co-exist and overlap with individual or household rights, a pattern found across Tanzania (Ik Dahl, 2008: 49). The primary focus on formalization of land holdings, combined with the continued centralized ownership of all lands, suggest that land reform in Tanzania has fallen short of protecting customary communal tenure rights (Shivji, 1998a).

Yet, in terms of gender equality, the reform bills are recognized as exemplary legal frameworks (Ik Dahl, 2008; Manji, 1998; Tsikata, 2003). The new laws ensure women the

² The president retains the right to change the category of land if he deems it important for the nation. The risks were recently illustrated in Loliondo where the Tanzanian government is attempting to claim Maasai village land for a wildlife corridor (Gardner 2012; Benjaminsen et al, 2013).

right to acquire (inherit, purchase, receive) and sell land, while also guaranteeing women's representation in land administration and adjudication bodies through a quota system. This simultaneously provides a space for women to individually pursue titles and to participate in the politics surrounding land sales.

This 'de jure' gender equity of the new laws reflect the role that organized women's groups played in the reform processes in Tanzania and throughout East Africa, where they demanded a move away from customary tenure, towards a rights-based system of statutory titles (Tripp, 2004). Yet this move did not support the continued focus on the private registration of land narrowly understood as belonging to a single (usually male) person, which has long been the dominant approach to African land law and administration (Englert and Daley, 2008: 6). The meaning of formalization or privatization of land tenure was broadened to include titling and registration of various land holdings, 'in whichever context they customarily occur—allowing for spouses, family, clan, village, community or any other customary social formation to be recognized as owners of private land' (ibid).

As such, a growing number of feminist scholars and activists see land privatization as the single most important pathway to securing women's access to land and empowerment. However, research across Tanzania suggests that little progress regarding women's land ownership has actually been made (Englert and Daley, 2008). Ikdhahl (2008) draws from Human Rights Protocols to highlight the need to move beyond a neoliberal focus on land markets, and look at key factors promised with land reform in Tanzania, such as women's participation in decentralized decision making processes, particularly those linked to 'customary' norms. Thus, while land reform in Tanzania provided the platform from which to address women's ability to own land and participate in land-based decision-making processes, much remains unknown regarding how this will actually lead to increased *access* to land, power, and security for women and communities as a whole.

Theoretical Framing: Neoliberalism, rights, and access

The land threats that women and pastoralists face, as well as many of the solutions they are mounting to stop them and ensure their own rights to land in the process, reflect the contemporary neoliberal moment in development and governance.

The land reform process in Tanzania described above can be seen both as a part of and a reaction to increased loss of land associated with economic and political reforms that opened up Tanzanian land to outside investors, beginning in the 1980s. The emergence of more pervasive forms of neoliberal governance and development agendas globally in the 1990s-2000s led to an acceleration of both legal and 'quasi-legal incursions' into pastoralist lands (Hodgson 2011). Yet political liberalization also increased the strength of civil society organizations (CSOs) in Tanzania (Hodgson 2011; Igoe 2003). Pastoralist CSOs, in particular, grew in strength and number as part of this 'democratization' movement (Hodgson 2011, 74). This provided the political space for pastoralists to mobilize for rights to land and resources. Land reforms further enabled pastoralists to utilize village land as a legal entity with which to form economic partnerships and joint tourism ventures with foreign companies (Gardner 2012). They also provided the space for women and pastoralists to participate in land markets as 'modern citizens' through acquiring legal titles to land.

Yet the land reform process in Tanzania did little to stem unjust acquisitions of community land, as Tanzania, like much of Sub-Saharan Africa, has become a prime target of international land grabs (Benjamenson et al. 2012, Peluso & Lund 2011). Some suggest that land grabs (for food and biofuel production) and green land grabs (for ‘conservation’) across Africa exemplify the process of ‘accumulation by dispossession’ that Harvey (2004) argues is a key aspect of how neoliberalism unfolds. The formalization of property rights further inscribes neoliberal governance in space, and into indigenous communities (Bryan 2012). Providing the rural poor with land titles does little to stem dispossession, which can happen through violent appropriation; legal processes of delegitimizing claims; or most importantly, through market transactions by the poor themselves (Fairhead et al. 2012; Li 2014).

To move beyond this primary focus on formal property rights, Ribot and Peluso proposed a *Theory of Access* (2003) to look at processes of access, defined as ‘the ability to benefit from things—including material objects, persons, institutions, and symbols’ (2003:153). They argue that a focus on this “ability” to benefit from things rather than the focus on rights per se, or legal claims, highlights ‘a wider range of social relationships that can constrain or enable people to benefit from resources’ (2003: 154).

An *access* analytic raises important questions regarding *how* and *why* individuals, groups, and communities gain access to things (which they may or may not have legal ownership rights to), and conversely, how individuals and communities may be denied access to things (i.e. forests, land) even when they possess legal property and management rights.

Ribot and Peluso suggest that access works through ‘bundles and webs of powers,’ (154-155) in different ways that can be lumped into categories of ‘*rights-based access*’ and ‘*structural and relational access mechanisms*.’ We draw from both categories, though more from the latter, to highlight specific types of access that are particularly relevant for our analysis. This should not be seen as an exhaustive list, but rather illustrative of the ways that access is working in these communities to empower women.

Rights based access is defined as legal access rights confirmed through claims made by or for a community, state or government, or individual—based on customary or statutory laws. Those with such rights can use them to control the access of others, who can only gain access *through* the rights holder, although other means, such as illegal avenues of access are often used.³ While Tanzanian law officially provides women legal access rights to land, in practice most do not possess a legal title (the statutory evidence) and most are unaware of their associated rights. Similarly, while the land laws officially provide villages with legal rights of occupancy to customary tenure, in practice, pastoralists are continually dispossessed of land by the government itself (as land changes use categories) or by external investors.

Structural and relational access mechanisms include access to knowledge, authority, social identity, and social relations. ‘Access to knowledge’ includes access to beliefs, ideological controls, discursive practices, and information. The discourse on women’s rights and land rights as human rights plays an important role here. This discourse is being taught to women through development interventions focused on empowering women.

³ ‘Illegal access’ is part of the ‘legal access’ category and could include the dispossession of land from those who hold legal customary titles, such as through land grabs.

'Access to authority' implies gaining access to those in power to make decisions about resources and resource allocation (170). Different nodes of authority – regional government, state, and customary leaders—can control and maintain access to resources for individuals and groups.

Access can also be mediated by *social identity* or membership in a community or group, including by age; gender; ethnicity; religion; status; profession; place of birth; common education; or other attributes that constitute social identity (17-71). Finally, '*access via social relations*' refers to the negotiation of access through social relations such as 'friendship, trust, reciprocity, patronage, dependence, and obligation from critical strands in access webs' (pg. 172).

We draw from the theory of access to not only highlight the importance of access beyond formal property, but also to show how different forms of access can emerge from or be strengthened through the very process of working towards formalized property rights. In particular, we argue that *structural and relational access mechanisms* are key to understanding how women are 1) gaining access to (and sometimes 'control' over) land even when they do not 'own it'; 2) gaining empowerment within communities to claim legal rights to land and to political processes, and 3) working to keep land within communities (through legal and political frameworks).

We show how access to knowledge about legal rights, including the right to own land, is key to how women are empowering themselves. We also illustrate that more than the legal rights provided by the Tanzanian state to participate in village-based governance structures, access to customary forms of authority provides a powerful platform for women to gain other forms of access. Maasai women in the study are drawing on their joint social identity as women, as 'indigenous people' and as 'Maasai'. Through this shared identity and access to knowledge, they are strengthening their access to social relations (amongst themselves, with powerful political players and NGO workers), which is leading to collective action to protect land rights.

The Maasai Case Study and the Work of NGOs

Maasai are a predominately pastoralist people and are the primary inhabitants of the study villages of Longido and Monduli districts. Land was historically managed as common property, to enable livestock mobility across the semi-arid savanna landscape where water and pasture resources vary temporally and spatially (Reid 2012). Many Maasai moved into official villages with Villagization and settled over the last several decades with increased cultivation and children attending school. Within villages, customary use rights mediate access to land for settlement, farming, and grazing. People still move with livestock across village and national boundaries in search of pasture and water (Goldman and Riosmena, 2013). Private land ownership of small parcels makes mobility harder to practice.

Due to the common-property nature of Maasai land holdings they have been steadily subjected to land grabbing by large-scale farming, tourism and conservation initiatives. Maasai have also expanded their own farming activities and promoted the privatization of land for their own use, through customary land claims and leases to tour companies and outside farmers. Despite livelihood diversification (May and McCabe 2004; Smith 2014), pastoralism remains the central livelihood strategy for most Maasai and thus the need to keep village land open for communal grazing remains.

The tension to maintain control over community land for grazing, and for individuals to access land for settlements and farming has led to tensions within and across Maasai villages between competing land interests. Pastoralist NGOs are pursuing different approaches to stem the loss of land to outsiders (and powerful insiders) by focusing on land use planning, village titling, and education of land laws to enable Maasai to keep land open for livestock grazing under customary common property-based tenure regimes. Women's rights based Maasai organizations are working on providing women with direct access to land titles, often deemed as a key component to empowerment, and as part of the women's rights as human rights agenda.

The NGOs

We focus on the work of two organizations: Maasai Women's Development Organization (MWEDO) and Ujaama Community Resource Trust (UCRT).

MWEDO is explicitly a women's organization with empowerment goals. The organization works through the crosscutting themes of human rights, women's rights, and property/land rights which are integrated into programs on education, women's economic empowerment groups, and health education. According to the executive director, women's lack of access to property and education in Maasai communities are human rights issues.⁴ MWEDO educates communities on these issues and gains support for the education of girls, adult education for MWEDO members, and land-titling initiatives. With funding from USAID they initiated the ELEAP program, Empowerment through Literacy Education Access in 2001 (Sikar 2014), where in addition to literacy, women learn about human rights, including the right to own property. Through LEAP and the economic empowerment groups, MWEDO participants are encouraged to request legal titles to land, for their family, themselves, or their group.⁵ MWEDO also works at the village level. They supported 19 villages to secure village lands through certification, making sure that women's rights to land were securely defined (Sikar 2014) and they hold village-wide discussions to support women's roles in the process of obtaining family titles. MWEDO also supports a *Pastoralist Women's Forum*, a larger 'umbrella' group of MWEDO members with representatives at the village, district, and national levels to address issues affecting women such as land and human rights. This echoes the work being promoted by the second NGO, UCRT.

UCRT is a community-based organization that is not explicitly focused on women, but on indigenous communities in northern Tanzania. They provide information and skills to communities for resource management and to increase their involvement in national policy debates. In 2007 UCRT initiated Community Leadership Forums (CLFs) that build on customary forms of governance to establish more informed and accountable governing systems to address natural resource management at local and regional scales. A separate Women's Forum (WF) was started in 2009 to work with the male customary leaders and join them in a combined CLF at the village, ward, and district levels.⁶ In addition to improving local governance through increased women's participation, the forum worked to

⁴ Interview, 2009.

⁵ MWEDO works on economic empowerment through registered women's groups (of 20-25 people).

⁶ This structure mimics the Tanzanian governance system to facilitate acceptance and collaboration

empower women through leadership development and improved representation in decision-making processes.

At the start of this research the WF was just beginning. Women in several villages had selected leaders who began training, at meetings locally and with women from various villages. Trainings addressed governance issues, women's rights and empowerment, and national laws (regarding inheritance, custody, and land). Women also learned leadership skills and the confidence to speak in meetings with customary leaders. The project works in Longido, Ngorongoro, and Simanjiro Districts, but not in Monduli. We have qualitative data from all of these locations. MWEDO works in Kiteto, Simanjiro, Longido, and Monduli districts, but MWEDOs pastoralist women's forum does not have representatives from Monduli.

The two organizations differ primarily in organization and approach to land. MWEDO can be seen as using a more "mainstream" approach to women's empowerment (Hodgson, 2011), working with women's economic groups as the organizing unit, and then focusing on education and land rights as outlined in the TZ law and supported by the dominant development organizations (i.e. World Bank, USAID). UCRT uses villages and customary leadership systems as their unit of focus, and supports political demands and collective action by communities and women to protect land and livelihoods. Both organizations recognize the need to enable and support network building and leadership training.

Methods and Study Area

We draw from qualitative data collected over a 5-year period across five districts and quantitative data from 2009 and 2013 from two districts. Surveys were conducted with MWEDO members in Longido and Monduli districts (see Map 1). Questions addressed women's economic, social and political activities, rights and responsibilities in the household and community, overall well-being, and attitudes about gender norms (Goldman and Little 2014). We use these data to speak to the land situation and changes in political participation. Our qualitative work comes from these two districts and draws slightly from Ngorongoro and Simanjiro, where UCRT is working with women on the CLF. MWEDO is also working in the latter but not the former district. Qualitative data collection included open-ended interviews with members of both organizations, participant observation of meetings, particularly at the start of the creation of the WFs by UCRT, and ethnographic observation in all villages throughout the study. Interviews were conducted in Swahili and Maa with the assistance of a translator.

All the study villages are Kisongo Maasai, sharing similar cultural norms and livelihood practices but differing in NGO exposure, church involvement, and female political representation. Monduli villages have no female political representatives, less church and NGO activity. Change in these villages can thus be observed as associated with participation in MWEDO education, economic, and land programs, compared to Longido where all of this plus leadership training and UCRT were working.

Results

UCRT: Increasing Political and Social Access

In this section we show how, through the CLFs, UCRT is creating an institutional setting where access to knowledge about rights is obtained, which is transformed into

action through access to social relations (with men and women), access a shared social identity (as Maasai), and access to authority (customary leadership).

All the women we spoke with who were actively involved in UCRT trainings, and the CLF, spoke about ‘opening their eyes’ to recognize the rights they deserved. They were learning that they were equal under Tanzanian law, and could legally own land, though they were not specifically encouraged to seek land titles. They were educated about land laws and encouraged to work as part of LCF at the village, ward, and district levels to improve governance and protect community and household land.

Some women actually saw the very purpose of the CLF to prevent land grabs, as expressed by a member of the WF from Longido District:

In my opinion, I think that we were selected so that we can help people in the community. So that, for instance, if someone wants to come and steal our land, we will be in the front line to protect our land.

In another village in the same district a female member of the CLF stated, ‘We need to protect our land. If we sell all the land then where will we graze cattle? The main objective of the CF is to protect land from being stolen.’⁷ The CLF in this village was also working on land management issues—to prevent unregulated use of pastures by Kenyans crossing into Tanzania.

Women were also gaining access to authority by mixing the WF together with the customary (male) leaders in the larger CLF. This was because according to many of the women, men were responsible for selling land. By meeting together, women will know what is going on, and will be able to articulate their rights, as one woman expressed:

If we just meet alone, then we can state our rights, and our fights, but the men can just continue to refuse. If we sit together, they [the men] will agree. If we mix together we can better protect our land.

Some of the men participating in the CLF articulated similar views. According to one of the male leaders:

Together we will be able to work better to help the community. First, women work with society more than men. A man can decide to sell the farm, and the woman won’t agree because she knows she has children to raise.⁸

By providing women with an official seat at the customary leadership table, the joint CLFs are increasing women’s access to authority. In a group interview in Longido, women discussed the work of the CLF as simultaneously about access to authority and knowledge:

⁷ Community Forum Meeting, Longido, 16 March 2010.

⁸ Interview, male Customary Leader, Longido, June 2010.

To join women with leadership and to persuade other women regarding education, and to teach them their rights. To teach women that they have political rights ... in government. To change bad traditions, regarding women not inheriting [land, cattle], and to keep those [traditions] that are good. And to know that women can own cattle, not only men. So if her children need something she can sell cattle, not only the men.

This quote begins to get at property rights, and the same rights were also seen as linked to land. When asked if and how the CF was helping them, one young married woman explained that,

It helps us a lot to have our own forum, because for instance issues regarding land, we see that we have rights as well to get land to request and get land titles – we have been explained many things, such that I can stand up as a woman and demand my rights, for example, I can ask to have land just like a man can.

All pastoralist villages are facing the threat of land loss, and women are beginning to speak out against illegal and unjust land sales. The work of UCRT provides the training on rights and national laws, and the CLF provides the space for collective action amongst women themselves and together with men to fight such sales. While women have always had their own customary forms of collective action, particularly to rally against male misbehavior, they have been relegated to the sidelines of ‘customary’ leadership decision-making. The CLF enables women’s voices to gain an official recognized voice. For instance, in Ngorongoro District women protested the seizure of land by the government as related to a foreign hunting company and have been leading community efforts to resist evictions and restrictions of grazing rights by external investors on village lands (SRMP, 2013).⁹

In Longido District, the CLF in two study villages introduced bylaws and litigation to enable families and women in particular to protect land from unjust sales. One project involved going house to house, to see who had illegally sold family land (often for money to buy alcohol). This initiative is linked to prohibiting such practices from occurring in the first place and illustrates the power of providing women with access to authority. In Simanjiro District, women have been at the front line in protesting land grabs by neighboring villages and conservation NGOs (Benjaminsen et al 2013). When interviewed, these women suggested that the CLF strengthens their commitment to this process and their voices and power to protect their communities.

These examples demonstrate that access—to knowledge, social relations, authority, and social identity (as pastoralists) can empower women to fight illegal/unjust land grabs. Women are working to keep land in their villages—to assure continued access for family and/or communal use, even though women may not be gaining their own titles. Importantly, it is access to customary forms of authority that is empowering women to demand their legal rights. Their legal access to government authority through the legislated

⁹ This is closely related to work of the Pastoral Women’s Council (PWC), an NGO that works closely with UCRT but was not researched for this paper.

requirement of women on land boards and village governments is not having the same impact. Not surprisingly, the inclusion of women into such forms of governance often happens without education about their roles and responsibilities, and through non-democratic selection processes.

The CLF is built on customary leadership but is linked to and recognized by official Tanzanian governance structures. In teaching women their rights and providing them with an officially recognized forum to speak, UCRT is enabling women to fight to keep land in pastoral communities, but they are doing a lot more. Women are learning that land is just one of their many rights under Tanzanian law. They are gaining confidence to sit with and speak in front of customary leaders to articulate their needs and rights. These forms of access are spreading into other arenas as Maasai women demand their legal rights to land from regional and national authorities.

MWEDO: knowledge and rights based access to land

In all the villages where MWEDO worked, women also spoke about having their eyes opened about their rights and the power of land. They were learning—in seminars, village-wide MWEDO meetings, and MWEDO adult education classes—that land was a human right. They learned about women's rights to property and the legal mechanisms to assure rights to land in particular. They learned that women had equal rights as men and that land ownership, with an official title, was an important step in protecting family land and their own access to that land (by having their name on the title). Women were encouraged to obtain titles for family plots and MWEDO group land.

Across the villages, when women were asked openly what their problems were, they complained that men owned everything.¹⁰ Some described the resultant need to ask their husband for everything, even salt from the market, and not being able to help themselves because, 'everything belongs to the husband.' As one woman from Longido explained:

We have problems, because there is nothing to say that is *mine*. Even a child that you give birth to is not yours, but his. You do the work, but all of it is his. Cattle he says are yours but only in name because you cannot sell them or give them away, they are his.¹¹

While most of Maasai wealth is in cattle rather than land, cattle ownership is still viewed by many women as outside of their reach and culturally unacceptable.¹² This is explained in the following exchange with a woman from Longido when asked, who controls the cattle?

¹⁰ Some argue that women own their houses and control milk. Yet, with modern housing structures, changes have occurred in claims of ownership (Talle, 1998) and while women may control milk use and sales, they do not own cattle, which can be sold by men without their agreement.

¹¹ Interview, Elder Longido, 26 May 2009.

¹² Hodgson (2000) argues that male 'ownership' of cattle is relatively new, a product of colonial interventions. Historically, Maasai men and women shared overlapping 'rights' to livestock including decisions regarding sale and slaughter, and women maintained exclusive rights over certain animals.

The man only. Even if your daughter is married off, the cattle that come [bridewealth], belong only to the man. But the child that was exchanged is yours!. There is one cow that is said to belong to the mother.

Q: So the husband can't sell this one?

A: He sells them! He just sells! They say it belongs to the mother but if it comes here [to the home], he sells it if he wants to.¹³

When asked what happens if a woman buys her own cattle, with her own money, this woman responded, "they would be hers." But she then explained how women use the village office to keep men from claiming their cattle if they try. This reflects the more common belief among women throughout the study that cattle ownership was difficult for married women. In a meeting with women in Simanjiro District, an elder widow with her own land and cattle explained that there are many women today heading the household and taking care of the children. When asked if these women could control/own cattle, she said, "only if the husband is not alive. If he is alive she will be beaten until she is on the ground, like dirt."¹⁴ This does not mean women are not buying cattle. Qualitative data suggests many women are changing their views on cattle ownership, seeing it as a human right, and working with MWEDO economic groups to purchase and manage cattle (outside of the boma [homestead/settlement]) so that their husbands cannot claim rights to them. This reflects the larger discourse of property, as a human right, that MWEDO is teaching.

Unlike cattle ownership, land ownership is a fairly new concept for Maasai and does not come with cultural taboos or established gender norms. Women were being taught by MWEDO to recognize land ownership as a human right and to actively engage in the process of obtaining legal titles. When asked about the potential for land ownership to bring about change, women spoke directly about land as linked to knowledge of their rights. They also spoke at length about the material benefits of *assured* access to (ownership of) land: a place to grow their own food (and sometimes keep their own livestock if obtained), to feed themselves and their children.

Others suggested that land could reinforce overall rights and protection for women and improve their participation in public meetings, because women will know their rights and men will be afraid to violate that, as expressed in the following quotes:

Up until I get a land title, I will have received knowledge to get this thing that on my own I own. When men are used to being the only ones to own things, they will know that it is my right to own things so it is not just them and they will be afraid of other things.¹⁵

In the past, I was not able to triumph, and I was afraid of men. Now, we have more respect, men listen, we are allowed to be heard. If I am educated [about land], men no longer say, "ha, what is this mama saying?" but they actually listen. ... I have

¹³ Ibid.

¹⁴ Meeting with 9 women, Loborsoit village June 17, 2010.

¹⁵ Interview, widow, Oltukai village, July 2009.

rights that need to be protected. Land is critical in preventing me from being abused. If a woman owns land, she cannot be harmed. She has more rights and more support to speak in front of men.¹⁶

None of these women actually owned their own land, though many had formally requested a title and had the paper work to show for it. In 2011 a group interview in Longido resulted in the women going to their nearby houses to fetch their ‘papers’ to show they had applied for titles, but complaining that they had not yet received land. It was for political reasons, the women argued, that they were being denied *access* to official land ownership. Micro-politics at the village and sub-village levels were holding up their requests. Gaining a piece of paper to land is just the beginning—the village land office, village chairman, and village government need to approve and facilitate the actual transfer of land, and that is where the process is stalling in most places. Some complained that their name was one of many on the title, including the husband and other wives, and were not sure what this meant in the long-term. Most of these women were still able to articulate the benefits that come with land, just as those women quoted above, as these understandings came from the education they were receiving from MWEDO. In the village where MWEDO had been working for the shortest period of time, and UCRT was not working at all, women spoke explicitly about the education program being the most valuable of all MWEDO’s work in the village, though they also spoke frequently about land.

Some women who did receive land titles articulated the benefits of ownership as linked to local politics, societal oppression and land grabbing by the government and outsiders, as well as freedom from their husbands. One woman with a title explained that land brought change:

Because we won’t come again to be oppressed by the leaders. They can’t sell again a place where we live. Also we get benefits because if I sell anything, the benefit is mine, it is no longer my husband’s. So we can see we have a benefit. No one can claim it [the land] or tell you what to do [with it]. [Q: even if the land is in the name of the woman together with her husband? He can’t take the profit?] No he can’t. He doesn’t know where it is (the title) because I went to get it myself!¹⁷

This quote reflects the benefits and power associated with rights based access to land. Yet, by our second wave of research in 2013, few women had received such rights, despite being engaged in the education processes about land for a number of years. Thus, many more women were obtaining access to knowledge about the legal structures of the country, their rights regarding land and more (elections, custody, participation). Women were also engaged in economic activities, trainings and meetings. Some of them were requesting titles for group land—to run a small business as a group, or a have a place to raise livestock separate from the oversight of men.

Quantitative Findings

¹⁶ Interview, middle-aged married woman, Longido 20 August 2013.

¹⁷ Interview, elder woman, Longido 26 May 2009.

Results from the quantitative surveys also reflect the perceived power of land and highlight the complexity inherent in the land question—with many women having control over land they do not own, and others owning land but not having titles in their hands. All of these variables further depend on the land in question—household land, household farm, or a woman’s own garden plot. We present the quantitative results in the tables below.

In the surveys we asked whether women agreed or disagreed with different potential impacts of land ownership on their lives, to illustrate their *beliefs* in the power of land. The potential impacts discussed reflect unsolicited opinions gathered in ethnographic fieldwork but not actual behavioral change, which is too early to observe. These data thus illustrate what women are learning about land ownership rather than what they are actually seeing. In 2009 and 2013, an overwhelming majority of woman agreed that land had the potential to improve economic protection, status with spouse, self-worth, social status, and security for widows (see Table 1).

It is also worth noting that between 2009 and 2013 there was increased consensus that land could improve women’s ability to vocalize their opinions as well as increase power over their physical selves. In 2013 a higher percentage (89) of women agreed that land could increase their ability to speak out versus 81 percent in 2009. Similarly, in 2013, 83 percent reported that land had the potential to reduce beatings by their husbands as compared to only 61 percent in 2009. This increased belief that land ownership could reduce domestic violence is likely related to the education program that links property rights to human rights more broadly rather than to actual behavioral change.

(Insert Table 1 here)

The data speak to the hopes that women have in land ownership to transform their lives, the actual outcomes of land ownership are more difficult to discern. This is due in part to the newness of the project, and the relatively low numbers of women who have obtained titles. Survey questions in 2013 tried to assess ownership across the complex overlapping forms of land rights within Maasai communities, asking women about ownership of a household farm, her ‘own’ farm, a separate garden or plot, and *boma* land. In 2009, we asked only about a woman’s ‘own’ farm and how many acres she owns. Yet we can still compare the data for overall trends.

The survey data aggregated across all sites (Table 2) suggest very little changed in terms of land ownership and title acquisition between 2009 and 2013. In 2009, 85.3 percent, or 182 of the 213 women, reported “having” land as compared to 80.6 percent, or 191 of 237 women, in 2013. Similarly, of the women who reported owning land, only 30.2 percent had their names on the title in 2009, as compared to 30.1 percent in 2013. While ownership and titles to land did not change substantially, control over land did. Control was gauged by a question asking if a woman has a role in the decision-making regarding land. 26.8 percent of women who owned land in 2009 reported making decisions by herself, or together with her husband or son, as compared to 36.3 percent in 2013. This result suggests that, on average, *access* to control and decision-making over land notably increased over the four-year period. If we look at Monduli District alone, described in Table 3, we see that everything increased from 2009 to 2013, but the control measurement increased most dramatically (from 8.5 percent in 2009 to 40.5 percent in 2013).

Table 2 provides additional information about the characteristics of women who have gained land rights and control over decision-making. As expected they are older, wealthier (more cattle)¹⁸ and more involved with MWEDO, reflecting customary power distributions within Maasai society associated with age and wealth. In 2009, 56 percent of the women who had land were over 45 years of age, as were over 70 percent of the women who had control of their land. A similar pattern was found in 2013. MWEDO involvement is a summative index, which is incremented if a woman 1) attended general assembly meetings, 2) village meetings, 3) annual meetings, 4) spoke at MWEDO meetings, 5) participated in economic education, and 6) adult education. Consistent with the qualitative evidence, in both survey years, average MWEDO involvement increased linearly for groups of women with increased access to land rights. This pattern is also true for political participation, which is a sum of four binary items: 1) spoke at governance meetings, 2) stood to speak at governance meetings, 3) spoke at village meetings, and 4) stood to speak at village meetings. Groups with increased land rights are associated with increased political participation, on average. Once again, this is consistent for both years of the study. While unable to infer causality, this data suggests the strong link between involvement in MWEDO, land ownership and control, and increased participation in community politics. Qualitative data does suggest that both land ownership and control and knowledge about it (from MWEDO and UCRT) leads to more political participation by women.

(Insert Table 2 here)

Both the quantitative and qualitative data suggest that even where rights based access is promoted by MWEDO (i.e. land titling), the *structural and relational access mechanisms* they are facilitating are associated with improved positions for women in these villages, vis-à-vis the land question. We argue that access to knowledge about land, to authority (increased political participation), social identity (as Maasai women) and social relations (through MWEDO women's groups, forum membership, political participation) is leading to empowerment of women in these villages.

Political action to reclaim land

Maasai women have been increasingly involved in addressing what they see as land grabs related to conservation interventions in their villages across northern Tanzania, and in most places their work is linked to support and education received from pastoralist NGOs.¹⁹ This has been less the case in the study villages in Monduli district, where for reasons associated with regional politics, there were no politically oriented organizations working up until late 2014. MWEDO is focused on specific outcomes (e.g., women/girls education and land ownership) that are not viewed as political. However, women in the Monduli villages are also gaining access to knowledge about their rights, and to social relations and social identity, through MWEDO education and the meetings they attend, in the village and in town, where they are expected to stand up while speaking and are told

¹⁸ The low cattle numbers for 2009 reflect the impact of a devastating drought that year.

¹⁹ Including but not limited to UCRT, Pastoralist Women's Council (PWC), Pastoralist Indigenous Non-Governmental Organizations Forum (PINGOs), Community Research and Development Services (CORDS).

that their voice matters. They are exposed to Maasai women from other villages where MWEDO has worked longer, and where there are Maasai female politicians. All these activities have helped women in these villages to build a collective political voice as Maasai women. Women often commented after attending meetings that they saw other women who were 'Maasai women' just like them and where not afraid to stand and speak so why should they be? In this sub-section we discuss the outcomes of these increased structural and relational forms of access as related to land.

There is a history in the Monduli study villages of contentious politics related to a 'community' conservation area that some have called a 'green land grab.' The land is recognized as originally belonging to the two study villages, but was 'given' away during the colonial era and went through a series of hands before becoming a multiple use conservation area in 2000, based on a 99-year lease to an international conservation entity. There has been on-going conflict over rights of access to grazing and water resources, management, and representation of villagers. Women have been peripherally involved in these debates, comprising only two of eight representatives on the village-based steering committee (Goldman 2011). Yet in 2013, women in both villages took a stand to challenge ownership and access rights of the conservation area.

Women from various MWEDO groups held meetings to discuss issues related to the conservation area and to collect funds to support the travel of a few villagers to bring their complaints to district representatives. Their complaints focused on management issues and the contractual agreement between the two villages and the conservation agency. As one woman explained, 'we have opened our eyes to many things [recently]'... and 'we are pushing the men' to join with us and 'show our dissatisfaction with the current situation.' They had learned that land ownership confirmed through titling was a basic human right. Using this knowledge they built a critical mass to demand their rights. With the help of young educated men, they composed a letter of protest to district leadership. Male leadership eventually joined the protest and the letter expressed the communities' objection to losing control of the land, and the contractual agreement over management.

Women explained how their protest grew out of frustration when government officials bypassed the communities and signed contracts on their behalf. They began by requesting more involvement in management and access to grazing for their cattle, and then moved to insisting the land be returned to the communities. This was articulated in a demand to have the *land title* returned to the villages, since their original terms of agreement had been breached. Women explained how they learned about the importance of land titles through MWEDO and this inspired them to build on their access to social relations and identity (as Maasai women affiliated with this conservation area) to demand a title for the area in the name of the "original owners", Maasai of two villages.²⁰ One woman eloquently expressed their dilemma:

What else can we do? It is important and [the conservation area organization] has not done right by us over the years they have taken the land. ... We see their cows

²⁰ This reflects confusion around the title which does include the two villages, for whom the area is held in 'trust' (Goldman, 2011).

getting fat, but ours are not. They say they have promised to educate our children, but they have not. They say that this land is ours, but it is not; it is theirs.²¹

A dual-village wide meeting was convened and their list of grievances were heard by the district representative; however, the issue of the land title was summarily dismissed. While this is likely linked to the complexity of the current title (see FN 2), it was also about larger regional politics and the limited access to authority that these women (and broader community) had. Much of the collective pride and enthusiasm the women had generated turned into collective disappointment.

Conclusion

In this paper, we highlighted the value of a broader focus on access for understanding the land question as related to both women's empowerment and the threat of land grabs. We expand on Ribot and Peluso's *theory of access* by highlighting the complex ways in which structural and relational rights are connected to legal land rights, and an essential part of the story regarding women's land rights in Africa. While legal access rights to land remains important for women and communities alike, women are drawing from other forms of access—to social relations, to identity, to knowledge, and to authority—to ensure their own and their larger communities access to land. The two NGOs we looked at are addressing these forms of access differently. One provides access to social relations and identity through women's economic groups (and meetings), knowledge through adult education, and is seeking legal access rights to land by tapping into statutory authority regimes through requests for legal property titles. The other NGO also provides increased access to knowledge through seminars and trainings, strengthens social relations and identity through seminars and the creation of leadership forms, and provides women with access to customary authority structures and institutions to participate in maintaining access to community (and sometimes individual) land; they are not encouraging individual/family land titles. Yet the outcomes were similar.

We showed that in both cases women were increasing their access to knowledge, social relations, collective identity, and authority, and that this is working to enable them to have increased control politically (through increased participation in meetings or through the CLF), and in some cases in regards to the land which they currently use (whether or not they officially own it). The final case study from the villages in Monduli district illustrates that without increased access to authority (customary and government-based), collective action can only achieve so much. This case articulated the ways in which women are using their various forms of access to knowledge, social relations and identity to demand rights, but falling short because of limited access to authority.

Neoliberal development agendas posit legal land rights in the form of formal titles as the most important (and sometimes the only) possible path forward for both empowering women and keeping women and communities secure in the face of increased land grabs. Yet we have sown that extracting land ownership from the complex bundle of access rights that women are seeking and in some cases obtaining, distorts our understanding of how

²¹ Interview with MWEDO group member, June 2013.

empowerment may be working on the ground for women, and how women and communities are working to keep control of land they call their own.

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