

Symposium: Gender and Sustainable Development

Transformation in Realising Women's Land Rights and Access to Justice: Lessons from the Law in Action in Tanzania*

Helen Dancer (University of Brighton)

Abstract: Women's land rights have been part of land law reform agendas taking place across Africa since the 1990s. In 1999 Tanzania was at the forefront, enshrining women's equal rights to land in the country's Land Acts. Yet how effective has the legislation been for women who claim a right to land in practice? Is an individual able to access justice effectively through the legal system? This paper examines the transformative possibilities and limits of Tanzania's land law reforms, both within and beyond the walls of the courtroom. It presents an overview of three lessons for policy and practice drawn from in-depth ethnographic research published in the author's book, *Women, Land and Justice in Tanzania* (Woodbridge: James Currey, 2015). It is argued, firstly, that an holistic approach to land, marriage and inheritance law reform is needed. Secondly, law reform does not in itself bring about social transformation. An individual's ability to access justice is significantly affected by key social and political actors within family and community who interact with local courts. Thirdly, courts must 'ask the woman question' and recognise the implicit male bias that shapes the production and weight given to certain kinds of evidence in land cases. Gendered norms and social power relations remain critical factors affecting women's land rights and access to justice in practice.

Introduction

Many African countries have been engaged in comprehensive programmes of land law reform and constitutional change since the 1990s. Throughout this period, and in the decades preceding it, feminist academics, activists and lawyers have been shining a spotlight on gender inequality in land matters. Through scholarship, campaigns and strategic litigation they have emphasised the need to recognise and

* I would like to express thanks to the women and their families who shared their stories and to the many people in Tanzania and England who have supported and assisted me in the research, in particular Marie-Bénédicte Dembour, Ann Whitehead, Charles Livingstone, Susan Lemnge, Mosses Torongei Ngilisho, Theresia Mathew Olemisiko, the staff of the Legal and Human Rights Centre and the judges, members and administrative staff of Arusha's land courts and tribunals. I am grateful to the Helena Normanton Fund for funding the original research project and to my editor, Jaqueline Mitchell at James Currey publishers. *Women, Land and Justice in Tanzania* is available at <https://boydellandbrewer.com/women-land-and-justice-in-tanzania-hb.html>. An African paperback edition is also available from booksellers in Africa.

Symposium: Gender and Sustainable Development

secure women's land rights using legislation. A number of scholars have critiqued the ways in which women's land rights have been enshrined in the new wave of African land laws (Razavi 2003; Wanyeki 2003; Manji 2006; Englert and Daley 2008; Tsikata and Golah 2010; Knight 2010; Wily 2012; McAuslan 2013). An enduring issue that has yet to be resolved fully, is the tension between the principle of gender equality and gender-discriminatory aspects of customary laws and practices, where they are recognised in African legal systems. To date, gender equity concerning laws of inheritance has been a particular sticking-point (McAuslan 2013; Dancer 2015; Dancer forthcoming). This is significant given the socio-economic importance of family land tenure across Africa. Most recently, women's equal rights to access, ownership and control over land, and inheritance, were embodied in the 2015 UN Sustainable Development Goal for gender equality. This and other associated goals may serve to strengthen and advance progressive legislative developments that have already been taking place. Yet, in the midst of the policy debates and legislative activity, fundamental questions had been left answered. To what extent do gender equality provisions in land laws have any transformative impact on women's claims to land in practice? What happens when an individual makes a claim? Is she able to access court justice effectively? This paper offers a brief overview of three lessons for policy and practice drawn from the author's book *Women, Land and Justice in Tanzania* (Dancer 2015). The book itself is based on a year of ethnographic fieldwork conducted in and around Tanzanian land courts between 2009 and 2010, and subsequent visits, and addresses these and other questions surrounding women's claims to land in Africa. The book presents detailed case studies and analyses of women's claims as they progress from family and community, through the court system, to judgment, and offers in-depth socio-legal analysis and recommendations for policy and practice.

Tanzania is an important country to learn lessons from on these issues. At the time that the Land Act No. 4 and Village Land Act No. 5 of 1999 were passed, many Parliamentarians and activist groups considered that the new laws enshrined some of the most gender-progressive provisions on land rights in Africa (Tsikata 2003; Mallya 2005). This paper identifies limitations in the law and three lessons for transformation from the law in practice. Firstly, an holistic approach to family, land and inheritance law reform is needed, which acknowledges the gendered and intergenerational features of family land tenure. Secondly, an individual's ability to access justice is significantly affected by family and community power relations and the impact of pivotal social and political actors in legal spheres. Thirdly, courts must 'ask the woman question' (Bartlett 1990). Gendered power dynamics between litigants can easily affect the dynamics of dispute resolution and also shape the production of evidence which courts use when adjudicating land cases. All three lessons emphasise the significance of gendered norms and social relations as critical factors affecting the realising of women's land rights and access to justice in practice.

Symposium: Gender and Sustainable Development

Law in practice

When I began this research, I was a practising family legal aid barrister in England. My legal training had led me to see law as a tool that could be used to challenge inequality and realise individual rights. For lawyers, the law itself is often the natural subject and starting-point for analysing issues surrounding land tenure, equality and access to justice. Indeed, 'human rights-based approaches' have become a dominant discourse for many working on gender and women's rights issues (Cornwall and Nyamu-Musembi 2004). Positivist legal approaches can offer technical critiques of law and suggestions for *what* could be changed to bring about compliance with a particular normative standard or policy agenda. However, they are likely to be limited in the extent that they seek to understand the realities of people's everyday experiences of law in practice. By contrast, feminist and anthropological approaches to the study of law and legal systems offer lenses for developing a deeper understanding of *how* and *why* people engage with law and legal systems. Instead of making law itself the primary focus, I was inspired by feminist methodologies, such as Harding (1988), and Moore's conceptualisation of the 'semi-autonomous social field' (Moore 1973) to make women's claims to land the starting point for analysing law in practice. From the family home, to local leaders, the legal aid clinic, district council offices and multiple levels of court, the research oriented around the progression, mediation and judging of women's claims to land as they were articulated, shaped and transformed by social, legal and political actors throughout the dispute.

An extended case study

During my year of ethnographic fieldwork I collected detailed data on over fifty separate cases involving women litigants from land courts at ward, district and High Court level. In this paper I present one woman's experience as an important illustration of gender, power and law in action.

Naserian (a pseudonym) was married to a man who had sold their small family farm plot without her consent. During the legal proceedings that ensued, her home was levelled to the ground by order of the District Land and Housing Tribunal to make way for the purchaser of the land. The farm was situated in the foothills of Mount Meru, Tanzania's second-highest mountain, which overlooks the city of Arusha in northern Tanzania. Arusha region as a whole has experienced pressure on land and land-based conflicts for over a century, owing to its location on trade routes within East Africa, political and social tensions, mineral resources, fertile soils, rapid urbanisation and tourism. There is a burgeoning market for land and land-based investment and a high number of land-related disputes pass through all levels of court. Land disputes in Arusha occur on various scales and may involve village authorities, private companies, neighbours or family members. Claims to family land held under customary tenure, particularly on the fertile slopes of Mount Meru, are often triggered by significant life events such as marriage, separation and death of a husband or father. As in Naserian's case, they may relate to the sale or mortgage of

Symposium: Gender and Sustainable Development

family land without a spouse or wider family's consent. Both the Land Act and Village Land Act include provisions protecting a spouse's right against alienation of family land, but sale without consent remains a common source of conflict and dispute within families.

Naserian took her claim to family elders, her local *mwenyekiti wa kitongoji* (the leader of her locality within the village), to ward, to district to High Court. She lost at every stage, until, with assistance from a local legal aid clinic, she was granted a temporary High Court injunction which allowed her to plant annual crops on the land pending a full hearing. The court case lasted for years. How did Naserian ground her claim to the land? Not by reference to statute, constitutional or human rights, but to local customary practices concerning the allocation of land to a woman upon marriage:

I say that the farm is mine because when I came to that *boma* I asked Bibi when I met her where is the farm that I will be tilling; she told me there was one ... (*English translation from Kiswahili*)

Herein lies the tension and complexity of the issue, as Whitehead and Tsikata (2003) identified in their article on the recurring debates surrounding customary and statutory recognition of land rights. In customary tenure systems, claims to land of women and men are often founded on gendered kinship relations. These same social ties also form the power relations that underpin gender inequalities. This and other case studies in my book demonstrate the significance of gendered and intergenerational social relations as the foundations of customary land tenure and many family land disputes. These social power relations often shape the ways in which women and men frame their claims to family land, their ability to access justice, and the adjudication of their interests in land by courts.

An holistic approach

Historically, legislators in many African countries, including Tanzania, have treated the issues of family, land and inheritance laws quite separately. The 1999 Land Acts introduced a specialist system of land courts for land disputes (village land councils, ward tribunals, district land and housing tribunals, the High Court and Court of Appeal). However, matters of inheritance of land and matrimonial cases are treated separately and remain the jurisdiction of the ordinary court system. This has proved a recipe for confusion, expense and delay for many litigants who make claims concerning family land or matrimonial property in either the wrong or multiple fora. There is also a consistent pattern of omission by most African legislatures on the issue of women's inheritance rights. This is in striking contrast to many progressive reforms on women's equal rights in land and marriage laws. Such a pattern is not unique to Tanzania.

I have argued (Dancer 2015; Dancer forthcoming) that this inconsistent approach to family land matters appears to stem from two main factors. The first, as other

Symposium: Gender and Sustainable Development

scholars have observed, concerns the political and economic drivers for land law reform across Africa in the 1990s: the grievances and conflicts over land which have long existed within states, and wider international agendas toward economic liberalisation (Manji 2006; Whitehead and Tsikata 2003). The result of this neoliberal focus has been land laws which may include women's land rights provisions, but which are not truly transformative in addressing the gendered nature of inheritance of family land through customary practices. The second, linked factor concerns social and political sensitivity and widespread reluctance at a statutory level to enact legislation which intervenes in matters of inheritance of family land. Yet, maintaining the status quo serves only to reproduce gendered power inequalities.

I have argued that to resolve fully the tensions that exist between these areas of law legislators need to take an holistic approach to family, land and inheritance law reform (Dancer forthcoming). This also requires a whole-hearted engagement with the principle of equal rights for women and men at a constitutional level, while recognising the social realities of claims to land based on kinship relations. African feminist lawyers have called repeatedly for the repeal of discriminatory codified customary laws, which in Tanzania are a legacy of the postcolonial state of the 1960s. This is an important step, for although law reform alone does not bring about social transformation, state reluctance to resolve this issue tacitly favours maintaining the social status quo. At the same time, as the Tanzanian Presidential Commission of Inquiry into Land Matters which preceded the 1999 Land Acts observed, it is the living laws of local communities that are expressed and evolve with processes of social change, not codified customary law (URT 1994, 252). Ultimately, the potential for social transformation lies in communities reconciling local living customary practices with principles of equal rights. I have argued (Dancer forthcoming) that this would require legal and constitutional reform to be combined with sustained programmes of community engagement and spaces for discussion which are truly socially inclusive.

Social power relations and access to justice

Naserian's claim lasted many years and conflicts on the land continued. Crops were uprooted and slashed. Some of her supporters were intimidated - even cursed and arrested on false claims. Institutional delays and the language of the court, particularly in the High Court, compounded the social challenges she faced in accessing justice. These are not the only barriers to justice. Disputing at village and ward level can incur additional costs if tribunal members levy fees on litigants for witness summonses or site visits to compensate for a lack of funding. A Kenyan case study found similarly, that litigants in land tribunals in Kisii were expected to pay unofficial transport costs and lunch for officials because salaries were insufficient (Henrysson and Joireman 2009). The result is that litigation in local tribunals can be far more expensive than in the higher courts. Some of these issues can be addressed with adequate funding and statutory regulation of tribunal fee structures. From the perspective of a litigant, they are yet another obstacle to justice. At their worst, the

Symposium: Gender and Sustainable Development

cumulative effect of these social and economic challenges can force an individual to give up on their claim altogether.

In Naserian's case, the evidence of her village chairman as recorded by the ward tribunal, was pivotal to the outcome. Outside the courtroom, I was told that this local leader had also gone beyond his powers on a number of other occasions. However, Naserian continued to pursue her claim through the courts. A major factor in her ability to do so was the support she received from her *mwenyekiti wa kitongoji* and certain family elders. They gave her important moral and practical support in escorting her to court and to the local legal aid clinic that assisted her to pursue her claim in the High Court. Her case is just one illustration of the ways in which (mostly male) family and community leaders can be pivotal in the progression and outcome of women's legal claims.

The influence of these leaders becomes even more critical when, as often occurs, a tribunal calls upon them to facilitate peaceful reconciliation. This practice is actively encouraged by statute, which provides that the primary function of each ward tribunal is 'to secure peace and harmony in the area for which it is established' by mediating the parties to a dispute (Ward Tribunals Act No. 7 of 1985, section 8 (1) and Land Disputes Courts Act (LDCA) No. 2 of 2002, section 13 (1)). Ward tribunals are also required to:

... seek to do justice to the parties and to reach a decision which will secure the peaceful and amicable resolution of the dispute, reconciliation of the parties and the furtherance of the social and economic interests of the village or ward as a whole in which the dispute originates (Ward Tribunals Act, section 16 (1)).

In land cases it is within the jurisdiction of the ward tribunal to 'adjourn any proceedings relating to a dispute in which it is exercising jurisdiction if it thinks that by so doing a just and amicable settlement of the dispute may be reached' (LDCA, section 13 (4)). These statutory provisions conceive of justice at the local level as a communitarian process of peaceful reconciliation. It can often result in a collective favouring of disputes being sent home for settlement. In many countries, peaceful settlement through alternative dispute resolution is promoted as preferable to litigation. However, where inequalities of power between the parties exist, this 'harmony ideology', as Laura Nader (1990) has described it, amounts to a conservative practice that serves to preserve (male-dominated) social power relations within family and community. Ward tribunals should therefore be alert to the consequences for the less powerful party of sending a case back home.

There are a number of important advantages to locating ward tribunals within a local community. As well as physical proximity, their language and knowledge of customary practices tend to reflect those of the people they serve. Tribunal members know the local leaders, who in turn are likely to know the villagers. These

Symposium: Gender and Sustainable Development

leaders will often give a tribunal information relating to tenure of the disputed piece of land and its boundaries with neighbouring plots. Tribunals may attach significant weight to such local knowledge. Reliance on well-known community leaders reduces the risk of fake witnesses being called to substantiate a claim. If a woman litigant has pivotal actors on her side, this is likely to be to her advantage. However, for a litigant who does not have the support of the individual in a position of authority, many of the perceived advantages of these local connections with the tribunal are actually disadvantages. Ward tribunals are also likely to pay close attention to evidence from family elders. In these situations, the concern is that the success or failure of a woman's claim to land can easily turn upon whether a key individual in a position of social or political power uses that power to defend or obstruct a woman's claim to land. The normative standpoint of these individuals is therefore critical for women's access to justice.

At an institutional level, there are additional concerns surrounding executive influence in local justice. In Tanzania, land courts at village and ward level are located in the executive branch of government. This fusion of powers makes the walls of the court porous to the influence of other local government actors, as well as family and community leaders. Before the Land Acts were passed, the Presidential Commission of Inquiry into Land Matters drew attention to the heavy involvement of the executive in land dispute settlement and its undermining of the constitutional principle of separation of powers (URT 1994, 102-5). It seems clear that access to justice for all cannot be consistently assured unless these powers are disentwined and local tribunals are located exclusively in the judicial branch of government.

Academic discussion on the question of women's access to justice in African courts is not new, although policy debates have yet to grapple with many of the substantive issues that have been highlighted here. I cite four earlier examples of work about women litigants in African courts: three by scholars of law and anthropology, and a series by African feminist lawyers. They are important in pointing ways toward transformation in women's access to justice. First, a paper by Nader and Collier (1978) in an edited volume entitled *Women in the Courts*, drew attention to the constraints that socio-economic pressures place on women's access to justice in African and American contexts. Second, Anne Griffiths (1997) used women's life history narratives to explore the gendered nature of access to resources in Botswana through interconnected social and legal worlds. Third, Susan Hirsch's (1998) ethnographic study of gendered courtroom discourse revealed women's perseverance in Kenyan *kadhi* courts, in spite of a male style of 'pronouncing' in family disputes. Fourth, between 1999 and 2000 the African feminist lawyers' association - Women and Law in Southern Africa, produced a series of case studies on women and access to justice in seven African countries (WLSA 1999-2000).

Symposium: Gender and Sustainable Development

Across these studies, and in my own work on Tanzania, there is a consistent message: It is only by taking into account all factors – socioeconomic, political and legal - that we may begin to understand the challenges that individuals and different social groups face in accessing court justice in practice. To make law and legal systems truly accessible to all, we must learn from people's experiences and make changes. Family, community and executive actors play a very significant role in legal processes in ways which affect women's access to justice in land courts. I have already argued that resistance to enshrining women's equal rights to inherit land tacitly promotes social inequality through inaction. Equally, failing to address the porosity of the courtroom to social, political and executive influence, preserves power structures that will continue to favour a male-dominated status quo.

Law's male bias

Naserian's farm was an unregistered plot that had been apportioned to her husband by his family according to local patrilineal principles. To be successful in her legal claim, she had to be able to rely on the oral evidence of family elders who could confirm that she had acquired an interest in the land as a wife, and that the land had been sold without the family's agreement or her consent. Chapter five of my book offers a detailed analysis of the social and legal challenges she encountered in establishing her claim, and its subsequent transformation through higher levels of court. In Naserian's claim, and in most cases involving family plots, land tribunals attach considerable importance to the oral testimony of male family elders and the documentation they produce, such as family and clan meeting minutes. This evidence may be supported or refuted by a local village leader who is present when a tribunal undertakes a site visit to the 'suit land'. At the time of my original fieldwork between 2009 and 2010, documentary proof of land title in the form of land registration documents was rarely produced in ward tribunals. Most villages in Arusha had not begun to implement land registration schemes under the Land Acts and the process of surveying and registering individual plots of land was prohibitively expensive for the majority of individuals. As a consequence, the evidence that was most frequently relied upon in family land cases, whether oral or documentary, was produced by male family members and community leaders.

Legislators have attempted to address gender imbalance in the courtroom through changes in court composition. LDCA requires village land councils to be composed of three women (out of a total of seven members), and ward tribunals must include three women (out of a maximum of eight members). However, as much of the evidence relied upon in family land matters is produced through male-dominated social processes, court proceedings have retained an implicit male bias. To be transformative, tribunals will need to reflect on their reasons for valuing certain kinds of evidence more than others, and the ease with which oral testimony and documents may be fabricated. Feminist legal theorists have stressed the importance of 'asking the woman question' (Bartlett 1990); 'noticing the gender implications of apparently neutral rules and practices', 'paying particular and careful attention to the individuals before the court' and 'the reality of women's lived experience'

Symposium: Gender and Sustainable Development

(Hunter 2010, 35). By way of example, should the uncorroborated oral testimony of a woman who claims that she entrusted her child's father with cash toward the building of their home, be any less worthy of belief than the claim that a handwritten document represents the minutes of a meeting about family land?

Where a woman succeeds in her claim to land, a tribunal might refer to principles of gender equality contained in the Land Acts in its judgment. However, most litigation ultimately turns on the facts as they have been recorded and assessed by the tribunal. This means that the transformative possibilities of equal rights principles are not usually tested in practice. Where family land is concerned, women's claims do not get far without the evidential support of at least one influential family elder or local community leader. Court decisions are based upon, and in this way mirror, the evidence that is recorded. Instead of challenging the power relations of a dispute, courts typically reflect and reinforce them. Transformation therefore occurs, not simply when the letter of the law is changed, but ultimately through the conscious choices and actions of social, political and legal actors, and their willingness to become an agent of social change.

Conclusion

To what extent has legal recognition of women's land rights had a transformative impact on women's claims to land in practice? Statutory equal rights provisions are often seen as a route to realising women's interests in land. However, it is also important to recognise that women and men's claims to family land are often framed by reference to gendered customary practices and kinship relations. In rural areas in particular, these social ties form the power relations that underpin gender inequalities. Although the Land Acts of 1999 were progressive in enshrining women's rights to 'acquire, hold, use and deal' with land to the same extent as any man, the matter of equal inheritance rights and gender-discriminatory codified customary laws was left unresolved. The Land Acts also produced a separate land court system which was not designed to deal with the range of relationship and inheritance issues that surround family land tenure. Taking women's experiences of making claims to land as the starting-point for reform, an holistic approach is needed which seeks to unravel the contradictions between land, marriage and inheritance laws by using the principle of gender equality consistently. Such an approach would also provide a further catalyst for dialogue and social transformation within families and communities.

These same gender inequalities can also affect the dynamics of disputing when women make claims to land in court. Adjudicators at all levels of court need to consider how social power inequalities may be affecting access to justice in their courtroom. Adjudicators have considerable discretion as to how they conduct proceedings and minimise court delays, what questions to ask, and the evidence that they consider credible. They can retain a case in court or send it back home for settlement. Through all of these decisions, for women's access to justice to be realised, courts must be conscious of the relative power of the parties and other

Symposium: Gender and Sustainable Development

actors in a dispute, as well as their own gender bias in assessing the evidence. If they are not mindful of these factors, existing power imbalances are likely to be reinforced. Law and legal processes have the potential to be sites of social transformation for women who make claims to land; but only if those in positions of authority consciously seek to redress inequalities in legal processes and actively facilitate women's access to justice.

Bibliography

- Bartlett, Katharine T. 1990. "Feminist Legal Methods." *Harvard Law Review* 103: 829.
- Cornwall, Andrea and Celestine I. Nyamu-Musembi. 2004. "Putting the 'Rights-Based Approach' to Development into Perspective." *Third World Quarterly* 25(8): 1415-37.
- Dancer, Helen. 2015. *Women, Land and Justice in Tanzania*. Woodbridge: James Currey.
- Dancer, Helen. "An Equal Right to Inherit? Women's Land Rights, Customary Law and Constitutional Reform in Tanzania." *Social and Legal Studies* forthcoming.
- Englert, Birgit and Elizabeth Daley, eds. 2008. *Women's Land Rights and Privatization in Eastern Africa*. Woodbridge: James Currey.
- Griffiths, Anne M. O. 1997. *In the Shadow of Marriage: Gender and Justice in an African Community*. Chicago: University of Chicago Press.
- Harding, Sandra. 1988. "Introduction: Is There a Feminist Method?" In *Feminism and Methodology*, edited by Sandra Harding, 1-14. Milton Keynes: Open University Press.
- Henrysson, Elin and Sandra F. Joireman. 2009. "On the Edge of the Law: Women's Property Rights and Dispute Resolution in Kisii, Kenya." *Law and Society Review* 43(1): 39-60.
- Hirsch, Susan F. 1998. *Pronouncing and Persevering: Gender and the Discourses of Disputing in an African Islamic Court*. Chicago: University of Chicago Press.
- Hunter, Rosemary. 2010. "An Account of Feminist Judging." In *Feminist Judgments: From Theory to Practice*, edited by Rosemary Hunter, Clare McGlynn and Erika Rackley, 30-43. Oxford: Hart.
- Knight, Rachael S. 2010. *Statutory Recognition of Customary Land Rights in Africa: An Investigation into Best Practices for Lawmaking and Implementation*. FAO Legislative Study 195. Rome: FAO.
- Mallya, Ernest. 2005. "Women NGOs and the Policy Process in Tanzania: The Case of the Land Act of 1999." *African Study Monographs* 26(4): 183-200.
- Manji, Ambreena. 2006. *The Politics of Land Reform in Africa*. London and New York: Zed.
- McAuslan, Patrick. 2013. *Land Law Reform in Eastern Africa: Traditional or Transformative?* Abingdon: Routledge.
- Moore, Sally Falk. 1973. "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study." *Law and Society Review* 7(4): 719-46.
- Nader, Laura. 1990. *Harmony Ideology: Justice and Control in a Mountain Zapotec Village*. Stanford: Stanford University Press.

Symposium: Gender and Sustainable Development

- Nader, Laura and Jane Collier. 1978. "Justice – A Woman Blindfolded?" In *Women in the Courts*, edited by Winifred Hepperle and Laura Crites, 202-221. Williamsburg, VA: National Center for State Courts.
- Razavi, Shahra, ed. 2003. *Agrarian Change, Gender and Land Rights*. Oxford: Blackwell.
- Tsikata, Dzodzi. 2003. "Securing Women's Interests within Land Tenure Reforms: Recent Debates in Tanzania." *Journal of Agrarian Change* 3(1-2): 149-83.
- Tsikata, Dzodzi and Pamela Golah, eds. 2010. *Land Tenure and Globalisation: Research and Analysis from Africa, Asia and Latin America*. New Delhi and Ottawa: Zubaan/International Development Research Centre.
- URT. 1994. *Report of the Presidential Commission of Inquiry into Land Matters Volume 1: Land Policy and Land Tenure Structure*. Ministry of Lands, Housing and Urban Development, Government of the United Republic of Tanzania, in cooperation with the Scandinavian Institute of African Studies: Uppsala, Sweden.
- Wanyeki, L. Muthoni, ed. 2003. *Women and Land in Africa: Culture, Religion and Realizing Women's Land Rights*. New York: Zed.
- Whitehead, Ann and Dzodzi Tsikata. 2003. "Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary" *Journal of Agrarian Change* 3(2-1): 67-112.
- Wily, Liz Alden. 2012. *Customary Land Tenure in the Modern World, Rights to Resources in Crisis: Five Briefs on Reviewing the Fate of Customary Tenure in Africa*. Washington DC: Rights and Resources.
- WLSA Botswana. 1999. *Chasing the Mirage: Women and the Administration of Justice*. Gaborone: WLSA.
- WLSA Lesotho. 2000. *In Search of Justice: Where Do Women in Lesotho Go?* Morija: WLSA.
- WLSA Malawi. 1999. *In Search of Justice: Women and the Administration of Justice in Malawi*. Blantyre: Dzuka Publishing House.
- WLSA Mozambique. 2000. *The Justice Delivery System and the Illusion of Transparency*. Maputo: WLSA.
- WLSA Swaziland. 2000. *Charting the Maze: Women in Pursuit of Justice in Swaziland*. Mbabane: WLSA.
- WLSA Zambia. 2000. *Women and Justice: Myth or Reality in Zambia*. Lusaka: WLSA.
- WLSA Zimbabwe. 2000. *In the Shadow of the Law: Women and Justice Delivery in Zimbabwe*. Harare: WLSA.