



Research Report 10/5

**Widowhood and
Vulnerability
to HIV and
AIDS-related
Shocks:**

Exploring
Resilience Avenues

By Flora Kessy,
Iddy Mayumana and
Yoswe Msongwe

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Widowhood and Vulnerability to HIV and AIDS-related Shocks:

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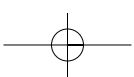
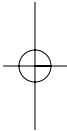
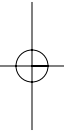
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Abstract

This study explored the contexts and factors under which violation of the inheritance and property rights of widows and orphans occurs, and resilience avenues for safeguarding these rights. Using the resilience framework, an analysis was made of the assets, capabilities and activities of widows as well as transforming structures and processes that enabled women to secure their inheritance and property rights following the death of their husbands.

The research was conducted in Makete district in Iringa region, Tanzania. Using a structured questionnaire, data were collected from 236 widows. The quantitative data were supplemented with information collected through focus group discussions (with widows and orphans) and individual life histories (a sub-sample of 30 widows). Key informant interviews were also held with local service providers on the types of services provided to widows and orphans, and on the constraints they faced in service delivery.

The study findings show that property grabbing after the death of the husband is a reality. Approximately, 17% of the widows interviewed were not allowed to inherit their husband's property through the actions of in-laws and other relatives. The main factors behind the property grabbing were the economic value of the property and cultural norms which allowed for the inheritance of the wife. The propensity of the in-laws to grab land and other productive assets, such as livestock, was found to be high. The refusal of widows to accept the levirate system was another major factor for property grabbing and the abandonment of widows and their children. The women's testimony also revealed that the inheritance of widows may increase the risk of transmitting HIV to the inheritor and to co-wives on one hand, but also of infecting widows who did not have the virus.

Several resilience avenues were identified as entry points in safeguarding the property rights of widows and their orphans. These include the expansion and strengthening of promotive social protection measures, such as building the productive skills and capacity of women to manage their livelihoods. In addition, transformative social protection actions are also vital, including increasing awareness on the property rights of widows, strengthening the judicial system so that it is able to respond to cases of violation of property rights within a reasonable time, and encouraging couples to prepare wills early in life. Further, effectively targeted protective measures also need to be instituted along with awareness-raising interventions to encourage the abandonment of outdated norms and the adoption of positive values that address the contemporary challenges facing widows and orphans.



Acknowledgements

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Introduction

1.0 Background and Rationale

The incidence and prevalence of HIV and AIDS will not be significantly reduced unless the gender dimensions in the risk of transmission are fully recognised and comprehensively addressed, including the prevailing social norms associated with widowhood in Tanzania. HIV is predominantly transmitted by heterosexual activity and women, on average, are infected at a significantly younger age than men. In Tanzania, the HIV prevalence rate among women is 7% whereas prevalence among men is 5% (TACAIDS et al., 2008). Indeed, the dangers faced by women from the HIV and AIDS pandemic have been described as “triple jeopardy”, that is, the disease potentially threatens women as individuals, as mothers and as carers (Baylies, 2004). In the context of HIV and AIDS, women have borne the worst burden of the pandemic and emerged as the social “shock absorbers” to deal with its worst consequences – as carers for children (orphans) and the sick.

Notwithstanding this burden, women who lose their husbands as a result of AIDS may also be stripped of their inheritance and property rights due to stigma associated with the disease and the customary rights prevalent in different societies (Muchunguzi, 2002). Furthermore, becoming a widow may entail being:

- Inherited by one of the husband’s relatives, typically a brother¹;
- Forced to have sex with one of the husband’s relatives in order to be cleansed;
- Blamed for the husband’s death;
- Accused of witchcraft; and/or
- Disliked by the family or community as a result of the stigma attached to AIDS.

With no male to depend on and limited livelihood means, women may be forced to resort to income-generating activities that are considered immoral by society, such as commercial sex work or beer brewing and selling, which place women and others at further risk of infection (Sleap, 2001; Kessy et al., 2008).

This study explores the circumstances under which the violation or protection of inheritance and property rights of widows occurs, and proposes policy recommendations aimed at securing these rights among this vulnerable group. Protecting vulnerable individuals and groups in society is both a moral imperative as well as an important component in poverty reduction as underscored in the National Strategy for Growth and Reduction of Poverty 2005-2010 (NGRSP or MKUKUTA to use its common Swahili acronym). MKUKUTA emphasises the importance of providing adequate social protection and safeguarding the rights of vulnerable and needy groups in the fight against poverty (United Republic of Tanzania [URT], 2005a).

¹ The levirate system is the practice of marrying the widow of one’s (childless) brother to maintain his line, as required by customary laws. In many African societies being inherited is not a matter of choice but convenience. The levirate system represents a sort of social security system within the African tradition which was instituted to protect the spouse and the children after the death of the husband.

The analytical approach employed in this study purposefully and positively transcends the emphasis on risks and vulnerability faced by widows to explore avenues for resilience among this group by drawing attention to the assets, capabilities and activities of these women as well as transforming structures and processes that can lead to a positive outcome, i.e., when the widow secures access to property after the death of her husband resulting in improved well-being of the woman and her children. The research builds on the concepts of resilience and sustainable livelihoods. It asserts that resilience is a process developed and supported by individuals, households and communities to avert or overcome a hazard or exposure to risk, and not a one-time shot for coping with that hazard or exposure (Obrist et al., 2008). Resilience is posited to have two faces; one occurs *ex-ante* as a process and the other takes place *ex-post* as either a process or a curative measure. Effective *ex-ante* interventions reduce the chances of the hazard and the need for *ex-post* interventions (Wuyts, 2006). The State has a role to play within both *ex-ante* and *ex-post* processes but emphasis is also put on the agency of widows and their potential, competence, capabilities and strengths in solving widowhood-related problems.



Conceptual and Analytical Framework

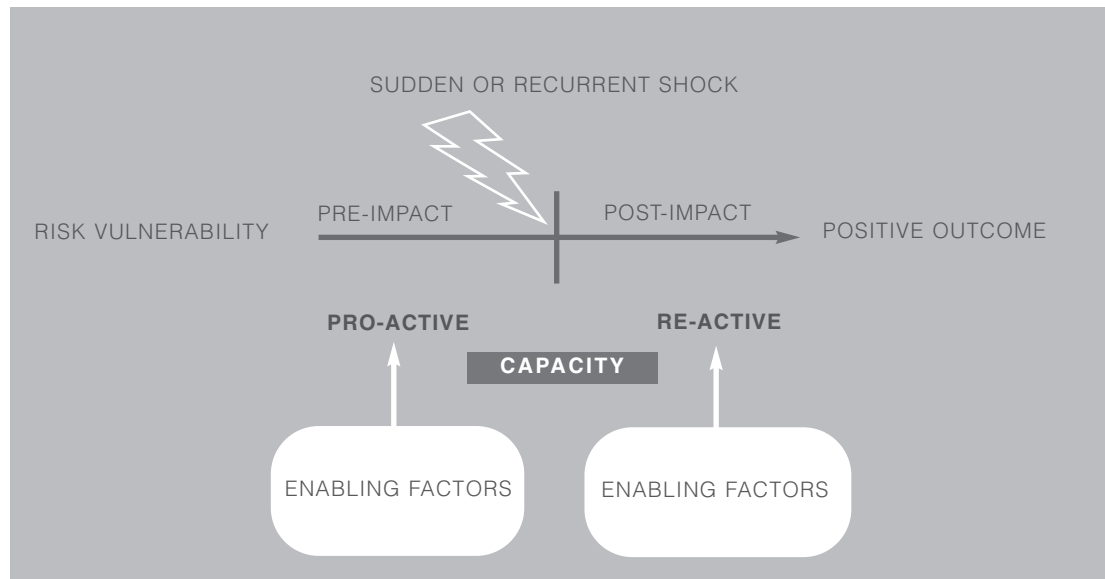
2.1 Vulnerability and Resilience

The concept of resilience originated in the work of ecologists (Hollings, 1973), but it has since been applied to people-nature interactions (Folke et al., 2002). In psychology, the concept of resilience has evolved from refined definitions such as “successful adaptation despite risk and adversity” (Masten, 1994 cited in Barton, 2005) to more elaborate definitions entailing exposure to a significant risk, overcoming risk or adversity, and success that is beyond expectations (Richman & Fraser, 2001). In social sciences, the concept of resilience has been applied to examine the ability of social actors not only to cope with and adjust to adverse conditions (reactive), but also to create sustainable options and responses (proactive) which open new pathways for living with the change (Obrist et., 2008).

Vulnerability on the other hand has been defined as the likelihood of being harmed by a given adverse event. For example, Chambers (1989) defined vulnerability as having two sides: an external side of risks, shocks and stress to which individuals or households are subjected to, and an internal side which is defenseless, referring to a lack of means to cope without a damaging loss.

Vulnerability and resilience concepts can also be linked with the concept of “sustainable livelihoods”. Glavovic, Scheynens and Averton (2002) argue that the vulnerability facing poor people can be better understood when conceptualised as “waves of adversity” against livelihood systems. Livelihood assets and the institutions that provide access to these assets are parts of the livelihood system that provides people with “layers of resilience” to cope with various disturbances. These authors stress that livelihood assets and transforming structures and processes are a multi-dimensional livelihood system that may be subject to disturbances. The strategies employed to cope with these disturbances reflect the capacity of individuals, groups, communities and even nations to access and use assets to achieve desired livelihood outcomes. The strategies chosen, in turn, affect the integrity of the livelihood system.

Resilience is also seen as a multi-layered process whereby several actors are involved in creating an adaptive system (Glavovic et al., 2002). These layers range from what the individual (for example, widow’s agency in the current study), household and community members (community agency) as well as state and non-state actors put in place to prepare for and respond to adverse shocks to systemic resilience avenues such as a functional legal system. Figure 1 presents one resilience model which draws attention to both pre- and post- impact processes when a shock occurs, and that both proactive and reactive enabling factors are necessary for bringing about positive outcomes.

Figure 1: Resilience Model

Source: Obrist et al., (2008).

2.2 Widowhood and Property Rights

Widowhood is a clearly defined social role for women. It is associated with prescribed and institutionalised cultural and religious norms as well as social sanctions if deviation from social role expectations occurs. An altogether different set of norms applies to men upon the death of their wives (Sleap, 2001). Indeed, the concept of “widowerhood” is not well known, especially in polygamous societies: a man does not become a widower upon the death of his wife because there are other wives in his family, or because there is an expectation that he will soon remarry. Widowers, even when old, are far more likely to remarry than widows of any age. A survey of literature and empirical studies on this subject reveal markedly different experiences of widows vis-à-vis widowers. This is partly due to the strict role prescriptions and socio-cultural controls that apply to widows, and not to widowers.

Widowhood is oftentimes associated with vulnerability and sometimes with a downward spiral in the widow’s socio-economic circumstances due to property grabbing. In the current study, property rights are conceived as the bundle of rights held by a person or entity in a thing owned. Thus property rights are seen as a logically connected “bundles of sticks” or incidents, which include:

- Rights to use, possess and manage property, and to receive income from one’s own economic activities or a spouse’s activities;
- Powers to transfer, waive, exclude and abandon rights to property; and
- Immunity from expropriation.

A command of most of these rights would constitute a strong property rights regime, while the opposite would amount to a weak or limited property rights regime. Critically, incidents or bundles of rights have to be socially recognised and enforceable by prevailing structures and processes. It is imperative, therefore, to examine the capabilities of vulnerable groups, in this case, widows, to fight for their rights, thus increasing their ability to exercise control over things that affect their lives and to hold public institutions accountable (Narayan, 2002).

The institutional economics framework incorporates the entitlement and transaction cost approaches in explaining the vulnerability of women to property grabbing (Ngwira, 2002). Under this framework, violation of women's property and inheritance rights is seen in the first instance to arise from the failure to assign property ownership and inheritance entitlements to women. This assignment of property rights is done primarily through the institutions of traditional customs governing marriage and inheritance and the body of statutory law. In the second instance, there is failure to secure whatever entitlements have been assigned, which may be due primarily to and is encoded in the costs and losses incurred in processing property ownership and inheritance claims, caused by red tape in administration and adjudication institutions or systems. People's perceptions of what is right or "proper" for women to do also affect both the assigning and securing of women's property and inheritance entitlements.

2.3 Existing Structures, Processes and Interventions

Figure 2 presents the analytical framework used in this study. The framework is premised on the major assumption that the violation of human rights is the result of existing structures – including social institutions and the resource bases/livelihood sources – operating in a given society. It recognises that households and individuals are interconnected with social institutions and the resource bases/livelihood sources on one hand. On the other hand, processes and interventions/mechanisms to protect the rights of widows (resilience avenues) exist, but the lack of capacity and/or priorities of key institutions in securing rights act as a barrier to the effectiveness of resilience. Thus, the impacts experienced at household and individual levels are the result of the interactions between existing structures and the processes and interventions/mechanisms to protect widows' rights.

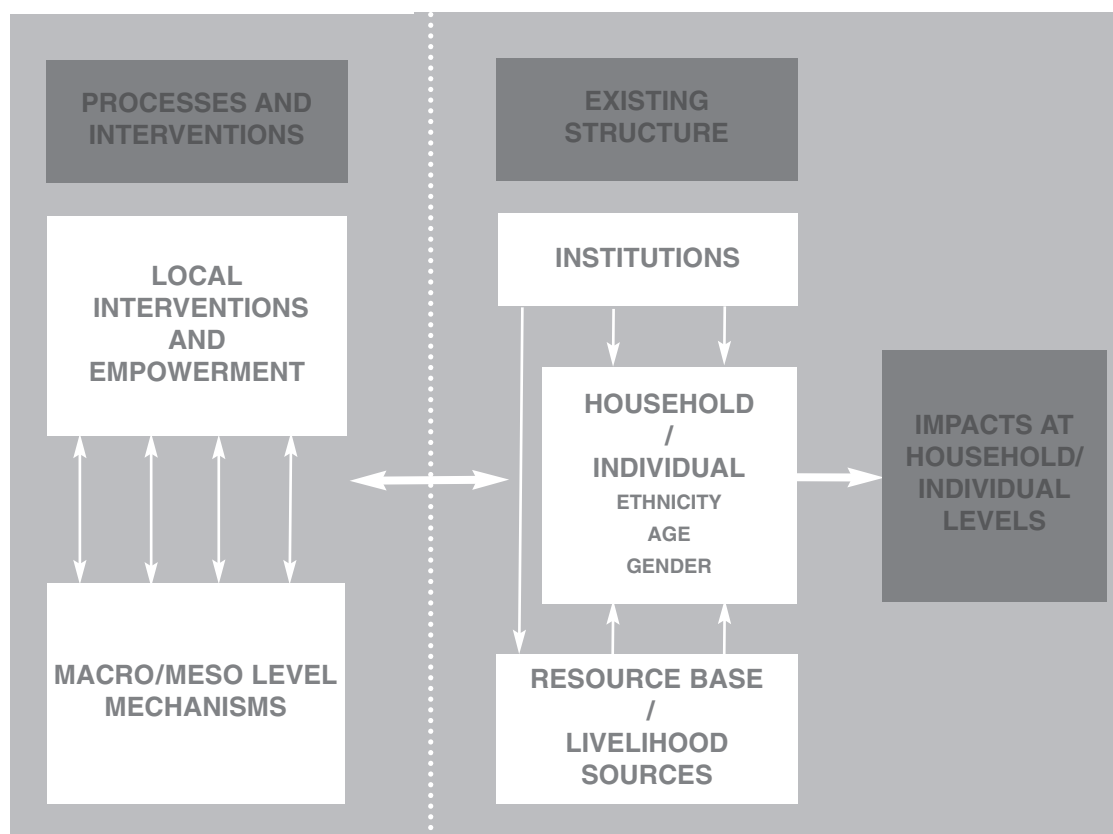
The existing structures (households, social institutions, resource bases) contribute to the violation of women and children's rights. Violations are produced and reproduced through these structures. For instance, at household level, the woman's position and status frequently determine her experience as a widow upon the death of the husband. Further, existing structures that perpetuate customary or statutory laws may exacerbate inequalities with regard to inheritance and property rights.

Social institutions – including political, legal, economic and educational systems, cultural and religious institutions, and the mass media – control or mediate social relations especially in relation to resource base. A new force that has emerged in the development field consists of non-governmental organisations (NGOs) and community-based organisations (CBOs) that can provide individuals or households with alternative means for coping with waves of adversity and for enhancing livelihoods. Given their role in negotiating social dynamics and change, understanding these institutions and analysing their capacity is central to this study. The dynamics of power are in large part determined by who has access to and control of resources. Resources include natural or environmental resources, such as land, sea, forest

and communal resources as well as financial and economic resources, such as labour, capital, markets, technology and information, that provide the means to make land productive and profitable. Social institutions and access to resources determine the types of livelihood pursued by widows.

The framework underscores the importance of local-level empowerment/participation, as well as meso- and macro-level mechanisms to break the cycle of poverty when poor communities cannot achieve this alone. In this way, individuals or households are linked with external opportunities and local initiatives. These processes and interventions can be used to alter problematic conditions/structures. Changes are envisioned through different kinds of interventions: empowering people locally, utilising macro-level enabling mechanisms, and linking top-down and bottom-up initiatives.

Figure 2: Diagrammatic Presentation of the Analytical Framework





Widows' Vulnerability in the Context of HIV and AIDS: A Literature Review

There is a correlation between gender equity and economic development. The wider the gender gap in all spheres of society, the slower the pace of economic growth (King & Mason, 2002). Further, there is a link between gender relations and a lack of access to productive resources.² Women's lives are defined by a historically constructed ideology of domesticity, which is closely linked to patriarchal gender/power relations, and by an artificial private/public distinction (Hansen, 1992). Patriarchy defines women in such a way that their full and wholesome existence depends on getting married, producing children and caring for the family. Thus, the domestic roles of mother, wife and homemaker become the key construction of women's identity in Africa. While patriarchy defines women in terms of domesticity, it simultaneously draws an artificial line to separate the domestic (private) arena from the public one. The public sphere represents men while the private is representative of domestic activities centered on the family. Women are confined to the domestic arena – a space where men rule over them as “heads of the family” and own and control all productive resources, including cash and no-cash resources – while men spend most of their time in the public realm, which is the locus of socially valued activities such as politics and business. The rationalisation for this dichotomy is that women's reproductive role makes them biologically and “naturally” predisposed to rearing children and taking care of the domestic sphere.

Biology, instead of gender,³ is therefore used to explain social differences between men and women. Gender differences are reduced and justified by biological differences. The distinction between public and the private serves to ensure that women lack both the capacity and the means to access and control material resources. This has serious consequences on the life-cycle of women, particularly when they become widowed.

The ideology of domesticity is so well-organised that the majority of African women have internalised it. This ideology informs their self-identity. Domesticity confines African women both conceptually and practically in ways that limit their access to resources and increases their vulnerability in the context of HIV and AIDS. Literature is replete with stories of wives who have been chased off their land that they till for survival; of mothers that have been thrown out of their homes by unscrupulous sons; of sisters that have been denied the right to inherit or use land by male relatives; and even of women who have been squeezed onto ever smaller and increasingly more unproductive plots of land (Manji, 1999; Muchunguzi, 2002; Eilor & Mugisha, 2002 cited in Aliber and Walker 2006; Kessy et al., 2008). The already precarious socio-economic position of women has been exacerbated by the HIV and AIDS pandemic. Patriarchy uses several tools including culture, the law and religion to safeguard the public sphere as a domain of male hegemony and relegate women to the status of second-class citizens. Because of the marginalised nature of the physical and symbolic space that women occupy in society, their legal and social status is subordinated to that of men. Where roles are divided into breadwinner and homemaker, the customs decree that the

² A resource is any good or service that is relatively scarce and relatively useful. Resources have value: they can be cash or non-cash resources, such as land, labour (energy, time and skills) or tools; something that can be used, or potentially can be used, as an input; or something that can be used for the production of a desired output. Resources are the raw materials of productive activity.

³ Gender as used here connotes the social and cultural meanings that are attached to the two sexes, male and female. Gender refers to the relationship between women and men based on socially or culturally constructed and defined identities, status, roles and responsibilities that are assigned to one sex or another, while sex is a biological determination. Gender is not static or innate but acquires socially and culturally constructed meaning over time.

breadwinner (normally the man) is owner of resources and in the event of the demise of the breadwinner, the consequences are telling for the homemaker, usually the woman.

A number of studies have looked at women's land rights in the context of HIV and AIDS. Manji (1999) studied women's claims to land in the context of the advanced epidemic in the Kagera region of Tanzania. She found that women's rights to land had been "profoundly" affected. With the epidemic of considerable duration in that region, norms surrounding land had become more stringent and different social players, including women, struggled to assert their claims to land. Manji made the point that while the HIV and AIDS epidemic was bringing the issue of women's land rights into sharp focus, the disease was not the only factor involved. She argued that women who are perceived to have little or no bargaining position within households are most likely to face problems in retaining access to land, and that women who own land in their own names are in a relatively strong position compared to women who do not.

Eilor and Mugisha (2002), cited in Aliber and Walker (2006), documented the life histories of 17 rural and 12 urban women in Uganda, all living with HIV and AIDS and, in all but two cases, widowed. Most of the widows were young women who had been the sole carers for their husbands before the men died. Land was sold to defray medical expenses in only a few cases, but all the women reported selling other household assets including small and large livestock. The death of their husbands exposed them to new strains in relationships with their in-laws, in which land featured as a major source of difficulties. Only one of the 29 women did not experience problems with land in the aftermath of her husband's death. In most cases, family land had not been handed over formally to their husbands by the women's in-laws and, as a result, the women found their claims to their marital land to be very insecure. The small number of women who did not have any children were especially vulnerable and were asked to return to their natal homes. Very few of the women knew about the legal steps to follow to obtain official "letters of administration" over their deceased husband's property. Stigma was found to be a more severe problem for the urban women in the study, who also identified access to decent housing as a pressing problem. The rural women were all open about their HIV status and regarded that as a very important element in the management of their health, as they were able to organise themselves into support groups and receive proper counseling on living positively with HIV.

HIV and AIDS have challenged the levirate system which has long been practiced in African societies. The system could be viewed as a resilience avenue for widows in terms of securing social rights (including, the right to be married) and economic rights (land and other properties). However, the system can also act to increase vulnerability to transmission of the virus and to further erode human and other resources.

A number of studies have documented where women themselves have shown unequivocal support for the levirate system. Platteau, Abraham, Gaspart and Stevens (2005) noted that widows in Senegal, much like divorced women, were traditionally allowed to return to their parents' home, and receive general rights to use land there. It appears that this tradition also

continues but given the limited nature of their rights to family land, and the inability for sons to inherit land in their family of origin, tenure is more secure if they enter into levirate marriage. As such, a majority of women in the Senegal study thought that the levirate system was good (Table 1). This arrangement also assured the deceased husband's family that any further children borne by his widow, if she is still of childbearing age, will be rightfully entitled to land in the family lineage.

Table 1: Opinions of Women on the Levirate System in Senegal (n=180)

Opinion	Frequency (%)
Levirate is good	61
Levirate is bad	36
Levirate is good conditionally*	3
No opinion	0

Source: Platteau et al., (2005).

Note: * These women think that levirate system can be good if the woman is rather old (one opinion) if the woman accepts it (two opinions), or if the relationship between husband and wife is good (three opinions).

Similar findings were obtained in Burkina Faso. Burkinabe women who were widowed at a young age tended to enter into levirate while widowed women who avoided levirate tended to be above childbearing age (average age 50 years), and had children near adulthood. Table 2 shows the reasons for supporting the levirate system as observed in a study conducted in Burkina Faso.

Table 2: Women's Reasons for Supporting the Levirate System in Burkina Faso

Levirate is a good practice because...	Frequency (%)*
...it prevents the dispersal of children	10.6
...it permits a mother to stay with her children	40.9
...the psychological and material support of widow and children is ensured	60.6
Other reasons	18.2

Source: Platteau et al., (2005).

Note: * Since several women mentioned two reasons, the total exceeds 100%

On the other hand, although the system of levirate is still practiced in some African societies as a means for guaranteeing access to land by widows, land security for deceased husband's families and inheritance for sons, negative assessments of levirate, like those of polygamy, are becoming increasingly prevalent among younger women (Table 3). The Burkina Faso study shows that women, in particular those with some primary education, are even more likely to assess levirate negatively, perhaps because educated women have other social security options outside of agriculture.

Table 3: Reasons for Rejecting the Levirate System in Burkina Faso

Levirate is not a good practice because...	Frequency (%)*
....the brother of the deceased husband does not take good care of the widow	45.5
....there are feelings of physical repulsion	20.6
....there is absence of love	13.6
....it gives rise to jealousy and quarrels	9.1
....it promotes the spread of HIV and AIDS	6.8
Other reasons	9.1

Source: Platteau et al., (2005).

Note: * Since several women mentioned two reasons, the total exceeds 100%

The current research seeks to expand on the existing knowledge of widowhood in the context of the HIV and AIDS epidemic in Tanzania by:

- Examining different contexts, dynamics and implications of violating or protecting the inheritance and property rights of widows;
- Collecting data from a large enough sample so as to quantify the impact of various factors in safeguarding the property and inheritance rights of widows and to establish causal linkages. Several other studies have only provided qualitative assessment (Sleep, 2001; Baylies, 2004; Kessy et al., 2008).
- Exploring resilience avenues (*ex-ante* and *ex-post*) in securing the property and inheritance rights of widows.



Methodology

4.1 The Study Area

The study was conducted in Makete district, one of the seven districts of Iringa region located in the Southern Highlands of Tanzania. The total population of Makete district as per the 2002 census was 106,061 (URT, 2005b). In the Tanzania HIV/AIDS Indicator Survey (THIS) 2003/04, Iringa region had the second highest HIV prevalence rate nationally (13.4%), only marginally lower than the prevalence rate in Mbeya region of 13.5% (TACAIDS et al., 2005). In the Tanzania HIV/AIDS and Malaria Indicator Survey (THMIS) 2007/08, Iringa region recorded the highest HIV prevalence rate (14.7%) nationwide (16.8% and 12.1% in men and women respectively in age group 15-49 years). Table 4 shows data on HIV prevalence among blood donors in Iringa region by district. It is worth noting that the National AIDS Control Program (NACP) does not have a sentinel site at Makete district although this district has shown a high level of HIV prevalence according to several other district and hospital reports (for instance Makete District Council Report, 2005).

Therefore, Makete district was chosen as the location for this study based on two major reasons:

- The HIV epidemic appears to have peaked in the district in the recent past which has resulted in an increased number of widows and orphans (Table 5).
- The district has received high attention in the mass media, and from local and international NGOs striving to halt the epidemic and mitigate its impact. This attention could have acted as a catalyst to improve resilience avenues among individuals affected by the epidemic.

It is also worth noting that Makete District has the highest number of widows and orphans nationwide (Table 6).

Table 4: Prevalence of HIV Infection among Blood Donors, Iringa Region, 2000-2004

District / Region	HIV Prevalence among Blood Donors (%)					
	2000	2001	2002	2003	2004	2005
Iringa Municipality	14.7	21.4	16.6	14.2	9.7	10.6
Ludewa	15.2	18.4	17.6	-	26.5	12.9
Mafinga	-	10.4	-	14.9	-	-
Mufindi	8.9	3.2	6.6	3.6	10.2	-
Njombe	16.6	13.9	13.7	22.1	-	20.8
Makete*	-	-	-	22.9	18.0	-
Iringa	14.6	18.7	14.8	15.4	12.1	17.4

Sources: URT, 2007; *Makete District Council, 2005

Table 5: Rate of Widowhood and Orphanhood in Iringa Region

Indicators	Widowhood (%)			Orphanhood (%)		
	Males	Females	Total	Males	Females	Total
Iringa Rural	2.1	11.5	7.0	2.37	2.07	2.23
Mufindi	1.8	10.0	6.2	2.71	2.98	2.84
Makete	1.8	10.0	10.2	4.42	4.82	4.62
Njombe	2.0	10.4	6.6	2.36	2.38	2.37
Ludewa	1.6	9.2	5.7	2.22	1.90	2.06
Iringa Municipality	1.9	8.2	5.8	3.94	3.70	3.81
Kikolo	1.5	9.3	5.6	1.89	1.74	1.82
Iringa	1.9	10.5	6.5	2.59	2.57	2.58

Source: URT, 2003

Table 6: Districts with the Highest Rates of Widows and Orphans

Sn.	District	Orphanhood (%)	District	Widowhood (%)
1.	Makete	4.6	Makete	10.2
2.	Iringa Urban	3.8	Bukoba Rural	8.0
3.	Bukoba Rural	3.6	Njombe	7.0
4.	Kyela	3.2	Dodoma Rural	6.7
5.	Rungwe	3.2		

Source: URT, 2003

4.2 Sampling Strategy

Makete district is administratively divided into 17 wards and 97 villages. To ensure a representative sample, the district's wards were stratified into those located near to and far from the district headquarters with assistance from district officials. Two wards were randomly sampled from the nearby group (Bulongwa and Iwawa wards) and two wards from distant group (Mang'oto and Matamba wards). District officials, however, cautioned that Matamba ward was at considerable distance and unreachable during the rainy season. Thus, this ward was replaced by Lupalilo ward. Villages were then randomly selected from the four wards as shown in Table 7.

Table 7: Sampled Wards and Villages

Sn.	Ward	Village
1	Bulongwa	1. Ilo
		2. Bulongwa
2	Iwawa	3. Ivalalila
		4. Ndumali
3	Mang'oto	5. Mang'oto
		6. Malembuli
4	Lupalilo	7. Lupalio
		8. Kisinga

The following sampling design was applied to select a representative sample of the target population of widows in the district that was sufficient in size to enable quantitative statistical analysis of results. From census data, the estimated proportion of women in Makete that have been widowed is 10%. This proportion was used in a statistical formula to generate the required sample size for quantitative analysis with a confidence interval of 95%. The sample size calculated was 139 widows. To overcome any design issues/problems related to clustering of the population, this sample size was doubled to arrive at a total of 278 households with widows to be sampled for interview. Among these households, a total of 236 widows were engaged by the research team.

Households with widows were identified with the assistance of village leaders and the widows themselves. Using a snowballing method, each widow interviewed was asked to mention another widow in the village, who was then approached to participate in the study, and if consent was given, interviewed. A total of eight focus group discussions (FGDs) were also held and 30 life histories were collected. Each FGD had a total of 8-12 members. The women who participated in the FGDs and who provided individual life histories were randomly selected from the total sample of 236 widows.

In addition, a total of six FGDs were held with orphans in six schools in the sampled villages. These were facilitated in front of a teacher. These discussions were conducted to collect information on the support available for orphans.⁴ Information obtained from both widows and orphans on support mechanisms were corroborated by data collected from interviews with nine service providers who were purposively selected. The main criterion for selecting the providers was their involvement in HIV and AIDS interventions or legal work.

4.3 Data Collection

Data collection took place during February and March 2008. The study used both quantitative and qualitative tools to enable triangulation of data sources.⁵ A household questionnaire was used to collect information from the 236 widows interviewed. The information collected included:

- socio-economic and demographic characteristics of households;
- livelihood sources;
- ownership and decision making on the use and disposition of household property (before and after the death of the spouse); and
- awareness of institutions (economic, social, legal, religious, etc.) working on protecting the human and property rights of community members.

⁴ A comprehensive in-depth study on vulnerability of orphans and resilience avenues needs to be conducted. This study has to be properly designed based on the REPOA protocol on researching children.

⁵ See Madey (1982) for the benefits of integrating qualitative and quantitative methods

Focus group discussions, collection of individual life histories and key informant interviews were the main qualitative data collection methods used. FGDs and individual life histories were held with widows to collect in-depth information on:

- the demographic characteristics of households;
- livelihood sources;
- access to and control/ownership of household resources;
- decision making in the household;
- status of orphaned children including their access to life improvement opportunities; and
- support services available in the study area and their effectiveness in relieving the negative consequences of HIV and AIDS on afflicted individuals.

As noted above, additional FGDs were held with orphans but the focus was only on the support mechanisms available for orphans. Key informant interviews were also held with service providers in NGOs, community-based organisations, faith-based organisations (FBOs) and government institutions. The purpose of these interviews was to collect information on the types of services provided by these institutions and the constraints they faced in service delivery. In this way, information was captured on interventions to protect the rights of widows and their children, which formed a basis for assessing whether these services could be considered as potential sustainable resilience avenues.

4.4 Empirical Analysis of the Factors Determining Whether Widows can Secure Their Property and Inheritance Rights

The incidence of property inheritance for widows was empirically measured by an econometric model. The study adopted a simple model in which the probability of successful inheritance of property by widows (*PI*) is modeled as a function of the key variables derived from quantitative analysis (including characteristics of widow, the deceased and household, and whether the husband's death was due to HIV and AIDS). The study model is as follows:

$$(1) \quad \lambda(PI) = \beta_0 + \beta_i X_i + e_i$$

Where:

λ = a latent variable of probability of *successful* inheritance (*PI*), and which assumes value of 1 if *PI* is successful (implying that widow inherited the property without difficulty) and 0 otherwise;

X_i = individual household explanatory variables which are related to the probability of *successful* inheritance (*PI*) for the i^{th} household; and

e_i = the error term (accommodating other unobservable variations in *PI* that are not included in X_i). The estimated model was specified as follows (see Appendix 1 for *a priori* expectation on some variables):

$$PI = \beta_0 + \beta_1 \text{Econvalue} + \beta_2 \text{AgeW} + \beta_3 \text{Children} + \beta_4 \text{EdupriW} + \beta_5 \text{EdunoneW} + \beta_6 \text{Childnumber} + \beta_7 \text{Malechild} + \beta_8 \text{Will} + \beta_9 \text{HIVdeath} + \beta_{10} \text{Tribe} + \beta_{11} \text{Ageson1} + \beta_{12} \text{Ageson2} + \beta_{13} \text{EdupriHus} + \beta_{14} \text{EdunoneHus} + \beta_{15} \text{Maritalson} + \beta_{16} \text{Demand} + \beta_{17} \text{Decision} + e \dots (2)$$

Where:

PI	a dummy variable which is equal to 1 if the widow was able to inherit the husband's property; else = 0
Econvalue	a dummy variable which is equal to 1 if the property is used for income generation; else=0
AgeW	the age of the widow which is a continuous variable
Children	a dummy variable which is equal to 1 if the couple had children; else = 0
EdupriW	a dummy variable which is equal to 1 if the widow had primary education; else = 0
EdunoneW	a dummy variable which is equal to 1 if the widow has no education; else=0
Childnumber	a continuous variable on the number of children the deceased had with the widow
Malechild	a dummy variable which is equal to 1 if the couple had a male child; else=0
HIVdeath	a dummy variable which is equal to 1 if the cause of the death of the husband was HIV and AIDS related; else = 0
Tribe	a dummy variable which is equal to 1 if the spouses are from the same tribe; else = 0.
Ageson1	a dummy variable which is equal to 1 if the age of the youngest son is less than 18 years (a child); else = 0.
Ageson2	a dummy variable which is equal 1 if the age of the youngest son is between 19-35 years (adult); else = 0.
Will	a dummy variable which is equal to 1 if the deceased left a written will; else = 0
EdupriHus	a dummy variable which is equal to 1 if the deceased husband had primary education; else = 0
EdunoneHus	a dummy variable which is equal to 1 if the deceased husband had no education; else = 0
Maritalson	a dummy variable which is equal to 1 if the youngest son is married; else=0
Demand	a dummy variable which is equal to 1 if the demand for land/shamba in the study area is high; else = 0
Decision	a dummy variable which is equal to 1 if the husband was the sole decision maker on the use of plots of land before his death; else = 0
e	the error term. ^{6,7,8}

⁶ A logistic regression was run since the dependent variable is a dummy variable. In this case the estimated betas are converted to odds ratio which shows the increase or decrease in the probability of inheriting the property after the death of the husband in relation to increase/decrease in the magnitude of specified variables.

⁷ No community variable was entered into the regression analysis. This is because no meaningful data were obtained on the two major community variables; the distance to the court and presence of a functional land tribunal at ward level.

⁸ For the dummy variables—education of the widow and education of husband, the omitted category was education beyond primary level; for the age of the son dummy variable, the omitted category was age above 35 years.



Study Findings

5.1 The Extent of Property Grabbing

Communities in Makete are customarily patrilineal. This means that, when a woman is married, all children of the marriage belong to the father's clan and their (children's) inheritance is expected to come from their father's estate (upon his death, or upon the children marrying). Women are expected to benefit from their prospective husband's assets and any inheritance bequeathed to the husbands. With time, this traditional inheritance system is becoming more flexible and women can inherit their husband's estate upon his death. Thus, a majority of widows interviewed (70%) mentioned that the property rights regime has become more secure compared with the situation ten years ago. This was attributed to greater awareness received through different media on the rights of women and widows in particular. About 75% of the 236 interviewed widows revealed that they were allowed to inherit their husband's estate without harassment, although 54% were not the sole inheritors. About 17% (40 widows) were not allowed to inherit and, of these, 29 were also asked to leave their matrimonial home after the death of their husbands.

Although the extent of property grabbing – i.e. the percentage of widows who were not allowed to inherit their husband's property – was not high, some widows were chased away like trespassers. Nine widows were threatened and a further 12 widows were also harassed which forced them to leave. Cases in which widows were threatened and harassed were motivated by different reasons, for example, widows refusing to be inherited by one of the husband's male relatives (as described by 11 women out of 30 who provided their life histories), women pursuing legal action after their in-laws had shown an intention to seize the property, and widows insisting on staying in the estates left by their husbands. It is worth noting that in some cases the in-laws didn't seize the land and the house, but took other assets such as radios, saw-mills, animals and money. In other cases, the widows lost their properties to their in-laws upon the pretext that the in-laws would take care of the children. However, in most instances, the in-laws took the property but never took care of the children. In several cases, widows were kindly asked to leave (5 widows) and some (3 widows) were expected to leave based on tradition (for example, the marriage had not produced a child or did not have a male child). Box 1 provides five narratives of widows on the experiences of property grabbing.

Box 1: Experiences of Property Grabbing Among the Widows Interviewed⁹

"After the death of my husband, my in-laws, led by the senior brother, asked me to choose between being inherited, or leaving my matrimonial home and returning the properties of their relative but I refused. I even refused to attend the family meeting to decide the matter. After realising that their first attempt was not successful they started threatening and harassing me. To start with, they grabbed the animals (three pigs) that I had and sold them claiming that they wanted to recover some of the expenses that they incurred to seek treatment for my late husband. Despite their intimidation, I became adamant and decided to report the incident to the village government office. The case was held at the village office and the accused attended the proceedings but no action was taken because the village authorities said that it was necessary for them to sell the animals so as to recover those expenses. After the case I was not satisfied with the decision but the village officials colluded with my in-laws and told me that they were not

⁹ For anonymity purposes, hypothetical names are used throughout the paper.

ready to write a letter for me so that I could petition at the higher/ward level. Fortunately, my brother in-law who wanted to inherit me and who was behind all these events passed away and the harassment stopped."

Anna Habibu, 39 years old, Bulongwa village

"After the burial of my husband, my in-laws conducted a family meeting where they decided that one of my brothers-in-law had to inherit me. So while in Bukoba, my husband's relatives forbade me to go back to Makete. I refused to be inherited and one of my sisters-in-law suggested that if I didn't want to be inherited, then I had to leave the children and go. I fought my way out and I left with my children with assistance from some villagers who helped to show me the way back. My sister-in-law then traveled from Bukoba to Makete to claim her brother's property and she managed to take the documents for pension claims as well as three months' salary which was paid to the deceased due to government regulations."

Vivian Andakisye, 36 years old, Lupila village

"After the death of my husband the children of his other two wives claimed that my animals (five pigs and goats) were the property of their late father so they wanted to take them. I refused to let them take those animals and I reported the matter to the village authority. Having reported the case to the village office, the case stayed pending for almost two months and I was not told the reason. During that time, the children of those wives kept on pressing me to give them all the animals or else they would teach me a lesson. Still I was adamant to not allow them to grab the animals. Since the case was taking forever to be heard, one of my friends advised me to sell the animals which I did. The children quarreled a lot when they found out and even the village government was against my decision. I threatened to take the case to the district authorities. With this threat, the village government ruled in my favour and asked my step-sons to stop harassing me."

Anye Kabala, 30 years old, Bulongwa village

"After the death of my husband all properties I had with him were grabbed by my in-laws. We had a house, land and tree farms. These properties were taken by my father-in-law. I was not even able to take some domestic appliances because my father-in-law chased me away. Having no children with the deceased, I failed to take any action against my father-in-law. Nobody was ready to help me because I was seen as a barren woman who was worthless. My in-laws were very bitter with me; they were very angry with me, they said I had killed their relative. After the burial of my husband I was forced to leave the house and all other properties. I am living with my parents and I am always too sick to work."

Rose-Mary Manyika, 40 years old, Mang'oto village

"After the death of my husband there was a meeting of my husband's relatives and it was agreed that one of my brothers-in-law had to inherit me. They informed me that in our culture I have to be inherited so as to preserve the genealogy of my late husband. I refused to be inherited! After telling them my decision, they grabbed almost all of the property which I owned with my husband; they took the house, bed, tables, chairs, couches and some other plots of the land. I managed to collect only my clothes. I reported the case to the ward tribunal where my father-in-law apologised to the council and to me and promised to build another house for me and my children. The ward tribunal accepted the idea and forced me to agree to that idea though I was not satisfied. Until this moment (the time of survey) no house has been built for me and I am still living in my natal home."

Josina Kamba, 34 years old, Mango'to village

Sometimes women had to leave even if nobody had asked them to leave. These situations arose in cases when the women could not cope with the demands from their in-laws. This scenario is portrayed by the following story;

"I did not see the need to trouble myself in the court of law since nobody grabbed my property but I decided to leave. What my in-laws told me is that if I want to leave I could leave but, if I leave, the properties will no longer be mine. In order for the properties to remain mine I had to live at the same place. I couldn't live there because of the harassments from my sisters-in-law. It is better to live in a place where I suffer in fending for myself rather than living in the place where I received constant harassment."

Roseana Mtegwa, 33 years old, Kisinga village.

5.2 The Context of Vulnerability among Widows: Why Property Grabbing?

As mentioned above not all widows were able to inherit their property after the death of their husbands and those who managed were not necessarily the sole inheritors. Several factors were mentioned by these women as reasons for the loss of property. Although some reasons were anchored in traditional social norms, most of the reasons were related to the greed of in-laws in wanting to secure the economic value and gains from the property. Table 8 presents results from a logistic regression analysis of selected variables.

The average age of the widows was 44 years. In 48% of cases (all interviewed women), the cause of the husband's death was described as HIV and AIDS-related. Among the life histories collected almost every widow mentioned that their husband was diagnosed with tuberculosis and had suffered a long illness (more than three years) before death. Thus, the major cause of widowhood in Makete is AIDS. The results of the analysis show the probability of the widow inheriting the deceased's property to be low if the cause of death was HIV and AIDS-related ($p=0.023$). This may in part reflect the stigma associated with the disease and the belief that the widow will also most likely die after a short while. This finding, however, is not corroborated by data from the life histories which revealed perceptions on the extent of stigma related to HIV and AIDS. Among the narratives, the majority of widows

believed that their vulnerability to property grabbing was not correlated with the cause of their husband's death – whether AIDS- related or not – but just the death itself. This is because the society at large in Makete tends to attribute every death to witchcraft. This widespread belief in witchcraft is fuelling the spread of the virus as clearly evidenced by the cases of remarriages and co-habiting and the number of incidences where the widow has been asked to be inherited (see section 5.3 below).

Table 8: Logistic Regression Results of Property Inheritance by Widows and Household Characteristics (N=221)¹⁰

Variable	Odds Ratio	z	P>z
Economic value of the property	1.161988	0.37	0.712
Age of the widow	1.001145	0.05	0.959
Widow had children	2.182947	0.70	0.484
Widow has primary education	12.27273	2.23 **	0.026
Widow has no education	8.269025	1.48	0.053
Number of children	1.360424	2.57 ***	0.010
Widow had a male child	.7790484	- 0.71	0.480
Husband's death is HIV and AIDS-related	.4352684	- 2.28 **	0.023
Same tribe as husband	15.25701	2.31 **	0.021
Age of the youngest son (less than 18 years)	.3832435	- 1.90 *	0.058
Age of the youngest son (18-35 years)	.3833912	- 1.82 *	0.068
Husband left a will	.9325412	0.16	0.870
Husband had primary education	14.12973	3.14 ***	0.002
Husband had no education	2.098354	0.81	0.421
Marital status of the youngest son	.7791166	- 0.46	0.648
Demand for land	.5096278	- 1.96 **	0.050
Husband as the major decision maker	.2621873	- 3.40 ***	0.001

Note: * shows significance at 0.1 level (Z-value is 1.645 but less than 1.960).

** shows significance at 0.05 level (Z-value is 1.960 but less than 2.567).

*** shows significance at 0.01 level (Z-value is 2.567 or larger).

Other socially-related variables examined included the number of children that the couple had at the time the husband passed away, and whether the couple had male children. Although having a male child alone did not seem to have a significant impact on the probability of inheriting the husband's property ($p=0.480$), the number of children had a positive impact, that is, the more children the widow had at the time of her husband's death, the higher the probability that she inherited the estate ($p=0.010$). This is also correlated with the age of the widow since the older the widow the higher the probability that she would have more children. Moreover, older women can be allowed to stay in the estate, because given their more advanced years, widows were considered to be less likely to attract men and remarry and have children outside the clan.

¹⁰ Out of 236 widows interviewed, only 221 provided complete data necessary for the regression analysis.

The variable 'will' which shows whether the husband left a will before his death had a positive but insignificant coefficient. However, very few husbands were mentioned to have prepared a written will before their death. About 22% of the deceased husbands had left a will but most of these wills were oral. Although the last word is a type of oral will, it was mentioned as a different kind of will given its usefulness; people always respect the last word from the dying person. Results from the regression analysis show that writing a will was positively correlated with the probability of inheriting the deceased husband's property although the relationship is weak (18%). This weak correlation might be caused by the fact that few men left a will and also very few had post-primary-level education (7%) which is likely correlated with their ability to write a will and with their understanding of the importance of a will.

Property registration was not common in the study area although it may have a high probability of enhancing widows' property rights and in particular when the property is registered under the name of the widow.¹¹ However, in-laws could still manipulate the property even if it was registered, as is clearly shown in the following testimony:

"My in-laws failed to seize the house because the house had been registered and the land lease was under my possession. Despite these, the land was divided into three plots whereby I only own one plot and the rest have been taken by my in-laws."

Hananase Seenga, 39 years old, Iwawa village

The study also collected information on who was the major decision maker on the use of land before the death of the husband. About 63% of the widows mentioned that their husbands made all the decisions regarding the use of land before their death. This aspect of gender relations was found to have a high and negative probability of successful inheritance by widows ($p=0.001$). If the husband and the wife were from the same tribe, the likelihood of inheriting the property was also high and significant ($p=0.021$). In this case the widow was much more accepted in the social-cultural context. Although they happen, inter-tribal marriages are not easily accepted in many tribes in Tanzania due to concerns that a wife from a different tribe might not be able or willing to fully observe the traditional norms of her husband's tribe. This includes the family's apprehension that upon death of the husband the widow might just leave with everything the husband had accumulated while alive including the children, whereas she is expected to stay and observe the rituals practiced by the tribe to which she entered upon marriage. In some tribes, for instance the Luo, a man who has married a woman from a different tribe is not considered to be properly married unless he also has a wife from his own tribe. In some cases arranged second-wife marriages have been organised. With time, however, adherence to this custom is changing and inter-tribal marriages are gradually becoming acceptable.

Economic-related variables examined by the analysis included the economic value of the property (which was measured by the variable of whether the property could be used for income generation), the demand for land (land as property) and the education of both the deceased and the widow. Results indicated that the likelihood of widows inheriting land was low ($p=0.050$) and this was particularly so in the cases of inheritance of tree plantations. Of

¹¹ This variable was not entered into the regression equation because only a fraction of the interviewed widows (3%) mentioned that their properties were registered.

the interviewed widows, 57% had primary education, 40% had not gone to school, and less than 2% had secondary education. Similar data on education level was found among the deceased men – 34% had no education, 59% had primary education, and only 7% had secondary education. Having at least primary education (among the deceased) was positively and highly associated with successful inheritance of the property by the widow ($p=0.002$). So too, the education level of the widow was positively and highly correlated with the probability of inheritance ($p=0.026$). Again these findings may indicate that educated men are more likely to write wills that are intended to protect their wives against property grabbing.

Several other processes are known to contribute to the vulnerability of widows but these variables could not be quantified in this study, for example, the sale of assets, including livestock, in order to get money for the care of a sick husband.¹² This was not uncommon in the study area as supported by the following quotes from widows.

“When my husband was alive, we had 3 cows, 3 tree farms, 2 sheep, 11 goats, 3 saw-mills and valuable utensils. These properties supported our life and we had a good life. In showing that I loved my husband, I had to sell all these in order to support him. Selling them led us to have a very difficult life but what else could I have done so as to rescue the life of my husband? When he died in Makete hospital I was supposed to transport the body back home by hiring a car and nobody could assist. I had to sell the last tree farm so as to manage the transport cost.”

Seve Mahinga, 42 years old, Ivalalila village.

“During the sickness of my husband, I had to work in people’s farms so as to get money to buy him medicine but the money was not enough. Thus, I had to sell two plots of land but the money I got was not enough to buy the drugs. I didn’t get a good price. Having lost many of his relatives due to AIDS, my husband depended solely on me for any support. I was the sole provider of everything in my house starting from what to eat and where to get it and getting the money to buy medicine. Truly I was in very hectic situation.”

Andy Kalikasi, age not known, Lupalilo village

5.3 Enforcement of the Levirate System amidst the HIV and AIDS Epidemic

Findings in section 5.1 showed that some widows had lost property to their in-laws and were asked to leave their nuptial home, and Section 5.2 quantified some of the important socio-economic and cultural factors that can contribute to the vulnerability of widows. In this section, perceptions of factors that may contribute to widows being able to stay in their nuptial home or being asked/forced to leave are investigated. From the study findings, it was learnt that some women do succumb to the pressure and leave their nuptial home but some do withstand the harassments and stay. The following reasons were mentioned by widows who had managed to stay:

¹² See Economic and Social Research Foundation (2003), a study of the social and economic impacts of HIV in Tanzania.

- 1) Most of the deceased husband's relatives who could have been a threat had died so the widow was free from the interference of her in-laws (this is a further manifestation of HIV and AIDS);
- 2) The husbands relatives acted justly and appreciated the importance of keeping her husband's estate for her own livelihood and that of her children;
- 3) The widow was old, therefore, the relatives of the deceased husband believed that she would not get married again. Under these circumstances, the in-laws tended to be comfortable that what was left with their relative would only be used by his family and would not go to another family (note that from the regression analysis the age of the widow is positively linked with the likelihood of inheritance although the relationship is not significant);
- 4) The widow managed to defend her rights despite the high cost (financial and emotional/psychological torture) involved. The major cost was mentioned to be hatred by the in-laws and cost in terms of taking the risk of being bewitched by the relatives of the deceased husband; and
- 5) The widow succumbed to and agreed to follow the levirate system by accepting to be inherited by one of her in-laws.

In defending their rights, only 9% of the 236 widows interviewed mentioned that they took legal actions against the perpetrators and in most cases the legal action was reporting their grievances or mistreatment by in-laws to the village/ward office. The major reason cited for not taking action was because of the conflicting and often confusing advice received by the widows. In many cases, it was found that friends advised the widow to take legal action but the relatives from the natal side would defer or argue against her taking action based on that advice. This reflects community expectations of widows that they should as much as possible avoid entering into confrontations with in-laws. Confronting the in-laws, it is believed, could put the widow in an insecure situation not only with the in-laws but also with the whole community. Sometimes, the tables might be turned against the widow and she might be accused of being confrontational and disrespectful to her in-laws.

The levirate system in Tanzania is not history but a fact of life for widows! For most widows, being inherited is not a matter of choice but convenience. It is imperative to understand the origins of these customs. The levirate system represented a sort of social security system within the African tradition which was instituted to protect the spouse and the children after the death of the husband. Thus, while customary marriage systems – such as marriages which involve payment of a bride price, polygamy or levirate marriages – are taboo in Western society, these constitute viable conventions through which women's access to agricultural land is protected in many African societies. Although these systems do not allow explicit control of land, they tend to protect women's livelihoods in the short run and may extend greater independence and control to women than what they might enjoy otherwise, given the institutional context for land tenure in African countries.

The findings from the current study corroborate the literature as presented in Section 3.0 above. More widows rejected to be inherited by the in-laws compared with those who accepted. Among the 30 widows who provided their life histories, 11 were asked to be

inherited by their in-laws but refused, two accepted to be inherited, four mentioned that they remarried after the death of the husband, and one had experienced the deaths of three husbands. The widows' transcripts presented in Box 2 drive the point home. What is striking is that the widows were not keen to test for HIV after the death of one spouse, possibly due to fear of stigma, and one widow remarried without taking a HIV test. Of further note, one of the respondents who accepted to be inherited did not respond to the survey questions on: 1) whether her brother in-law knew that she might be HIV-positive 2); and whether she took any measure to protect her brother in-law (the new partner) from the transmission of HIV. These questions made her very uncomfortable to continue with the interview despite having established a good rapport with the researcher. Thus, despite the good intentions of the levirate institution, its impact must be examined closely in the context HIV and AIDS and amid the rapidly changing societal values and norms fuelled by globalisation.

Box 2: Despite the Impact of HIV and AIDS, the Levirate System is not History

"In September 2002 my husband died. In a family meeting held after the burial ceremony, I was asked to make a decision on whether I would like to remain in my nuptial home or not. I decided to stay in the house where I was living with my husband. The elders asked me to make a clear statement about where I could go in case I or my children had any problem. I declared that in case of any problem I could seek help from one of my brothers-in-law. The statement was clear to everyone. This decision made the elders advise my brother-in-law to inherit me. Their argument was that because I was still young, to let me go free could lead to somebody else moving into the house as my new husband. If I were to marry another man and that man moved and stayed in that house this could be an embarrassment to the family. As a result, in November 2003, my brother-in-law moved into the house. I agreed to be inherited by my brother-in-law; to become a second wife to a man who had a family with children. I live with this in-law since then although we always quarrel on how to use the proceeds from our properties."

Talasa Chegula, 39 years old, Kisinga village

"I married Iddy in 1983 but we parted in 1987 and I lived in several towns (Mbeya, Iringa, Makambako) while practicing prostitution. I returned home in 1995 and Iddy accepted me back. We lived together but he died in 1999. I was inherited by Iddy's brother, Sandawe, who also died in 2002. Again I was inherited by Sandawe's brother who died in 2007. I am now very sick because of HIV. No properties were taken from me after the death of my husband because I accepted to be inherited. I regret because I might be the one who infected all my three husbands."

Renei Ikanga, 42 years, Lupalilo village.

"I didn't face any harassment because there was nobody who could have interest in inheriting my husband's property. Who was there to inherit me and the properties? All of my brothers-in-law had died already so there was nobody to inherit me."

Pia Lundi, 54 years, Endulamo village.

5.4 Support Mechanisms

Information on the types of support provided to widows and orphans was obtained from all study participants – widows, orphans and service providers. The data collected indicate that support (social protection interventions) was provided by a few institutions located in the study locations, but support from family members was limited due to two main reasons:

- 1) Family members were willing to carry the responsibility of taking care of the sick husband but this same support was not extended to the widow beyond his death. A possible explanation could be that these family members were also burdened by responsibilities of taking care of their own families;
- 2) Some widows mentioned that they were not receiving any support because some or most of the in-laws who could have supported them had died of AIDS or other causes.

The major institutions mentioned to be providing support were NGOs, CBOs and churches. Although few organisations were operating on the ground, they did provide a diverse range of services to widows and orphans ranging from health-related services, capacity building on inheritance and property rights, income generation, legal support and social welfare.

In respect of healthcare, these organisations have provided palliative care to people living with HIV and AIDS (PLWHA) and other HIV and AIDS-related services such as counselling, testing, prevention, and care and treatment. Under the care and treatment programs available, anti-retrovirals (ARVs) were provided at the regional hospital and the majority of women who provided their life histories and who were living with the virus were using this service. NGOs have also increased awareness on the rights of widows and orphans and built community capacity to implement income-generating activities. Provision of HIV and AIDS education at primary and secondary schools, and important life skills education for when children leave primary school were also found to be part of capacity-building interventions.

Some NGOs provide welfare-related services, in particular to orphans, such as the provision of uniforms and school fees, shelter, clothes, food and health services, including the payment of health insurance (Community Health Fund). To a limited extent, some households, in particular child-headed households, have been provided with construction materials such as iron sheets. Home-based care for PLWHAs was also available. Income-generating activities mentioned included provision of technical advice on agriculture, seeds and fertilisers, and small loans that have been extended to vulnerable groups, in particular to people living with HIV and AIDS.

A few NGOs were involved in the provision of legal and reconciliatory services, and in solving land disputes and problems related to housing. However, these services were mainly provided by government bodies such as village, ward and district tribunals. Local CSOs had limited capacity to deliver these services, as most were not well-vested on legal issues. The most they could do was assist widows or orphans to initiate the court or clan proceedings needed to secure their property rights.

The services described above are essential to enhance the life of widows and their children, in particular ones living with HIV and AIDS. However, interviews with the women revealed that few of them had been reached. Of the 236 widows interviewed, only 10% had received some kind of support from local based CSOs, 14% from churches, and 6% from the district.

In seeking support, most widows actively expanded their social networks. Most of them joined church groups and/or formed or joined widows' self-help groups. The most notable network was through the church whereby one becomes a born-again person/convert. Of course this is an ex-post decision as most women became "born-again Christians" after their husband's death.

"After the death of my husband, I have pushed myself into doing everything from the village government, school committee, Makete Widows Organisation as a treasurer, and a church-based NGO in the TUNAJALI program¹³ that supports widows and orphans. In each of these organisations, I am guaranteed to get a little money which I use for subsistence and for sending my children to school. Currently TUNAJALI pays school fees for my son who is at secondary school while I meet other costs."

Matoledo Mbalanya, 35 years old, Iwawa village.

5.5 Institutional Challenges to Protect Inheritance Rights of Widows

The surveyed organisations expressed several challenges in providing services to the intended beneficiaries. Major challenges relate to socio-economic, legal and organisational constraints and issues of accountability.

Socio-economic Related Challenges

- The complexities surrounding relationships: It is sometimes hard to resolve property issues because of the various social, cultural and economic issues surrounding the relations of the plaintiff.
- An increasing number of widows and orphans relative to the resources available to assist them.
- The practice of inheriting wives which hinders efforts towards halting the spread of HIV (see examples provided in Box 2 above).
- Infrastructural problems – villages located far from Makete Town are not reachable during the rainy season and thus women from these areas have limited access to support
- Too many and often unrealistic expectations from the community. For instance, carers of orphans expect to get food and money from the organisations surveyed which is not possible in many cases as it isn't within their mandates. Further, community members demand to be paid for attending any awareness-raising meetings. This behaviour is fuelled by high levels of poverty.

¹³ TUNAJALI Community Care for People Living with HIV and AIDS and Orphans and Vulnerable Children project is led by Family Health International (FHI) Tanzania. The project seeks to build the capacity of community-based organisations and support groups to deliver services, reduce stigma, and conduct home-based HIV counseling and testing.

Legal-related Challenges

- Legal literacy is low in the communities. Even the committees entrusted to handle legal matters at the village level are not very conversant with traditional and contemporary legal issues.
- The majority of community members are ignorant of their rights.
- There are few grassroots-level legal-based CSOs.

Organisational Constraints and Accountability-related Challenges

- Poor accountability of some workers, who misdirect funds earmarked for vulnerable groups to their personal benefit.
- Corruption whereby affluent people use money during court proceedings to suppress the rights of poor people.
- Central and local government contributions to these organisations for the care of orphans are minimal. This creates a very high donor dependence syndrome – all NGOs depend heavily on donors. Therefore, if funds from donors are not forthcoming then the pace of implementing activities is impaired.
- Due to meagre resources some organisations are working on a voluntary basis. This is not sustainable in the long run.
- Misleading information from community leaders on the roles of the NGOs and their resource base.
- Too many organisations are concentrating on HIV and AIDS issues at the expense of other crucial development issues.



Discussion

6.1 Resilience Building

Based on findings from the study, resilience avenues were explored for curbing property grabbing related to widowhood. For this analysis, the process of resilience building for an adverse event/shock (pre-impact) is distinguished from coping after the shock (post-impact). The research team explored enabling factors such as processes and interventions at the local level and meso/macro mechanisms and existing institutions which facilitate structural and relational processes required for building resilience. The diversity and roles of actors in building resilience were also investigated.

In exploring avenues for resilience, the study considered the layers of hazards whereby one hazard is linked to another which necessitates a multitude of multi-faceted solutions. Mixed results were obtained with regard to property grabbing; some women survived the harassments of their in-laws and remained in their nuptial homes albeit with conditions such as being inherited while other widows had to leave their homes. Whether or not a widow left her nuptial home is dependent on both *ex-ante* and *ex-post* processes that build resilience which and which are influenced by existing structures, processes and interventions in place. These coping mechanisms delineate how widows gain control over, and maintain access to the property owned with their deceased husbands. The major mechanisms relate to institutions, knowledge, government leadership, and networks (Table 9).

Table 9: Resilience-building Mechanisms

Mechanisms	Examples on how these mechanisms can be employed
Institutions	Institutions in place (government and non-government) to facilitate the process of safeguarding the property rights of widows, for example, legal institutions such as an efficiently functioning court system as well as institutions that collect statistics on widows to inform the effective targeting of interventions.
Authorities	Government actors and leaders to play leadership roles in curbing property grabbing
Knowledge	Capacity of widows and orphans to utilise institutions to fight for their rights
Networks	Community-based organisations and non-governmental organisations providing wide range of socio-economic and legal support to vulnerable groups
Financial resources/assets	Financial resources and assets to follow up court proceedings and sustain the livelihoods of widows

With respect to *ex-ante* measures, HIV and AIDS erode the conditions necessary for creating resilience avenues over time. This is because when a spouse is sick (in particular the male spouse) and no other financial means are available, major assets are sold to generate the money needed for the care of the husband. In the study area, livestock and tree farms were sold to take care of the sick husband. Further, the study found that building resilience *ex-ante* did not take place in most cases because of an already low economic base (poverty), inability to anticipate future shocks and their impacts, and expectations that the extended family would be able to provide support to cope with unforeseen shocks. Except for the small number of spouses who wrote wills and/or registered their properties under the names of their wives, no other *ex-ante* mechanisms, for instance, insurance, were practiced.

Several resilience avenues *ex-post* can be identified from the findings of the study. Expanding social networks was the major *ex-ante* resilience avenue that was adopted by the widows interviewed. Widows exercised their personal agency by joining formal and informal networks. The networks were useful both socially and economically. Women sought psychological and economic support from these networks and they also sought sympathy in particular from church groups. Networks were also important in providing financial resources to enable widows to follow up court proceedings as these frequently took a long time and to support the purchase of necessities such as food. Networks were mentioned to strongly influence the ability of the widows to survive and take care of their children even if she moved from her nuptial home to her natal home. Networks cement the solidarity of women and they are the best platform for women to exercise their agency and solve widowhood and AIDS- related problems. As Ulin (1992:64) cited in Baylies (2004:1) pointed out “the solidarity of women in rural African communities may be their greatest resource for coping with the AIDS epidemic.”

Another resilience avenue is the presence of meso- and micro-CSOs for the support of widows and orphans. These organisations were providing a wide range of services albeit at a low scale due to their meagre resource bases. They provide social and economic services which are highly relevant in addressing the vulnerability of widows and orphans. These organisations are also transforming (again on a limited scale) the physical capital of widows by providing inputs for production.

The judicial system¹⁴ as one of the pillars for effecting justice in the community was found to be weak. The study findings showed that village authorities were not very helpful at resolving cases of property grabbing. This can in part be attributed to the social relationships and ties that exist in communities. Moreover, the situation is compounded due to the weak capacity of widows to utilise institutions beyond this level to fight for their rights. As one case showed, widows who know their rights and who are outspoken and aggressive in protecting their rights end up with better outcomes. The low level of awareness and capacity to initiate legal proceedings could, in turn, be linked to the low educational attainment of the widows interviewed. The overwhelming majority of widows (97%) had either primary education or no formal education at all. Legal literacy among the widows was low, and few CSOs offered legal assistance. Thus, the legal system at the grassroots level needs to be transformed to bring about positive inheritance outcomes for widows.

Collecting epidemiological data on widows could be another effective step in combating HIV and AIDS and could play a significant role in creating resilience avenues in communities even if it is done *ex-post*. Sleaf (2001) pointed out that epidemiological studies to date have tended to ignore widows. Statistics on the number of women who have been widowed due to an AIDS death or of the number of widows living with HIV and AIDS are not easily available. Thus, reaching them with effective programs, for example, care and treatment services, becomes difficult.

¹⁴ Here we define the judicial system to include all government institutions starting from the village level which are responsible for handling all disputes in the community.

6.2 Destructive Coping Strategies

HIV and AIDS and discrimination against widows are inter-related in two ways. First, HIV and AIDS significantly compounds the burden associated with the inferior status of widows. Second, this economic, social and political inferiority makes widows (and women in general) more vulnerable to HIV infection. It is a vicious circle of discrimination and poverty (Sleep, 2001). As a result, denial is one of the coping strategies used by widows with potentially destructive consequences on the lives of the women and others. In the study area, people do deny that the cause of death is often HIV and AIDS related. However, the situation is improving and people are becoming more open. Self-denial and blaming witchcraft as the major culprits for deaths which are clearly HIV related deter efforts to curb the spread of the virus.

Succumbing to the levirate system is another destructive solution in the HIV and AIDS era. In the absence of the proof of the cause of their husband's death, a widow may transmit the virus to the men who inherit them and to their co-wives unknowingly. On the other hand, widows face the risk of being infected by inheritors. Moreover, being inherited jeopardises the welfare of women since most in-laws are already married. Self-denial is also linked to wife inheritance since both the inheritor and the widow may deny the fact that the cause of death of the deceased husband might be HIV and AIDS related. As a result, no HIV testing is done before remarrying. The consequence of infecting the inheritor is that this source of support for the widow is also jeopardised.

Widow inheritance is one practice that people feel (even traditional clansmen) should be revived. In Kenya for instance, the Luo elders in Kisumu where the adult rate of infection was around 20% in early 2000 wanted to identify HIV-positive women and impose restrictions on them. These restrictions would include the practice of widow inheritance as an attempt to strengthen extended families and care for the growing number of orphans in their community but the elders have stated that they seek to stop the "sexual cleansing" element of the practice, and to rename it "symbolic inheritance." As far as this may help stop the spread of the virus, this could have negative repercussions on widows; the fear of the widows is that the loss of these customs may penalise widows who wish to be inherited since the alternative is destitution (Schoofs, 1999). Identification of HIV-positive widows would also likely aggravate stigma directed at these women.

6.3 Resilience Building as a Social Protection Issue

In conventional thinking, social protection is commonly defined as a collection of measures that includes:

- (i) social or welfare assistance;
- (ii) social investment and development funds (including micro-credit, investments in education, health, etc.);
- (iii) labour market interventions; and
- (iv) pensions and other insurance-type programs.

Under contemporary thinking, a new framework for social protection has developed that includes:

“public measures intended to assist individuals, households and communities in managing risks in order to *reduce vulnerability, improve consumption smoothing, and enhance equity while contributing to economic development in a participatory manner.*” Holzmann, R and Jorgensen (1999) pp 1006

Thus, under this approach, social protection is forward-looking and takes a more pro-active role; social protection is not only meant for consumption smoothing but can be an important catalyst for growth and equity (see Wuyts 2006; Kessy, 2008). For vulnerable widows, promotive social protection measures would aim to enhance the real incomes and capabilities of recipients and this should be seen as a resilience avenue. Promoting the productive capabilities of widows could be achieved through a range of livelihood-enhancing programs at household and individual levels, such as microfinance.

About 24% of households in Makete live below the basic needs poverty line (URT, 2005b). Thus, based solely on the poverty headcount ratio, Makete is not among the poorest districts in Tanzania. However, the district remains in a state of endemic vulnerability as a consequence of the HIV and AIDS epidemic. Where the majority of community members are vulnerable, economically insecure, and social protection is low, there is strong justification for promotive social protection measures. If social protection efforts for widows focus only on mitigation and coping measures and do not support the building of assets and capabilities requisite for enhanced productivity, many insecure widows will remain in impoverished conditions and probably fall into extreme vulnerability. Thus, the prevailing context of generalised insecurity demands that interventions be linked to productive opportunities and asset building (financial, human, social and physical assets), i.e., *ex-ante* mechanisms. These programs can, in turn, be linked to poverty reduction and *ex-post* coping mechanisms.

Beyond promotive social protection initiatives, transformative social protection interventions address social equity (for example, cases of social exclusion) and redistributive issues. In the study context, transformative measures would include upholding the human rights for vulnerable groups, such as strengthening the regulatory framework to protect widows and orphans against discrimination and property grabbing, as well as sensitisation campaigns (such as HIV and AIDS anti-stigma campaigns) in order to transform public attitudes and behaviour and thus enhance social equity.

Table 10 provides some examples of social protection based resilience avenues for vulnerable groups, inclusive of widows. The current study has clearly shown that widows are a highly vulnerable group due to the impoverishing forces they frequently face, property grabbing being one of them.

Table 10: Social Protection Based Resilience Avenues for Vulnerable Groups

Socially Vulnerable Groups	Categories of Interventions	Examples of Types of Programs
1. Ethnic minorities 2. Abducted children 3. People living with HIV and AIDS 4. Victims of domestic violence 5. People with disabilities 6. Street children 7. Widow-headed households	(a) Transformative actions	(i) Changes to the regulatory framework to protect vulnerable groups
		(ii) Operationalisation of economic, social and cultural rights
		(iii) Sensitisation campaigns on the rights and opportunities for vulnerable groups
	(b) Promotive actions	(i) Capacity building on crop diversification (for agricultural-based economies) and diversification of income sources
		(ii) Programs to promote building of women's human capital through formal education system.
		(iii) Provision of microfinance
	(c) Protective actions/ social services	(i) Community-based care programs
		(ii) Orphanages
		(iii) Pre-school programs
		(iv) Free health care

Source: Adapted from Devereux and Sabates-Wheeler, (2004).

6.4 Are the Numbers of Vulnerable Widows Big Enough to Act?

As mentioned earlier, data from 2002 census show that 10% of all women in Iringa region are widows (and 10% of women in Makete district) making it the region with the highest number of widows in the country (URT, 2003). Testimony from the widows' life histories and focus group discussions provide clear evidence of the hardship faced by these women. Notwithstanding the fact that only a small number of women provided their life histories (30 widows), the results are intriguing. AIDS has created a generation of relatively young and middle-age widows. The average age among the sample of 236 widows interviewed by this study was 44 years, with an age range of 24 to 60 years. These widows, often raising young children, face the burden of discrimination on two counts – the loss of their husband and living with the virus. Their relatively young ages also increase the probability that they will be subject to the levirate system, as well as the likelihood of property grabbing.

As pointed out earlier, statistics on how many women have been widowed by the pandemic and their poverty status are not available. One immediate question is, therefore, whether institutions should wait for demographic research to show that the numbers of widows are significant before they implement interventions to protect this population. If the requirements of the conventions on human rights to which Tanzania is a signatory are to be followed, then every individual must be given the means to live a decent life. Thus, even when the evidence is based on small numbers, providing life-saving and life-affirming support to vulnerable individuals should be the motto of any well-meaning government and non-state actors. As long as data are not routinely collected and, as a result, widows remain largely invisible, state and non-state actors will have to rely on the information captured by a few small,

localised studies such as this one. However, researchers must be wary of making generalisations as every individual and every community differs. But until more comprehensive information is available localised studies are all that is available to get an idea of the scale of the effect of HIV and AIDS on widows.

6.5 Addressing Property Grabbing as a Human Rights Issue

It is clear that the violation of widows' human rights, such as property grabbing, is connected to the spread of HIV and AIDS. What is less clear are what rights have been violated and by whom. Sleaf (2001), however, provides a most valuable summary, which is applicable to Tanzania given that it is based on the international human rights instruments to which Tanzania is a signatory. To date, the Government has failed to adequately fulfill the following provisions within major conventions:

- To ensure equal access to education (Convention on the Rights of Children [CRC] 28; Convention on Elimination of All Forms of Discrimination Against Women [CEDAW] 10);
- To remove legal or social barriers to equal access to healthcare (CEDAW 12);
- To modify laws and the social behaviour to eliminate customary practices that discriminate against women (CEDAW 2f & 5a)
- To ensure the right to marry who one pleases (CEDAW 16).

However, what is less obvious is how to ensure that these rights are respected and the situation of widows improves. Human rights instruments define the relationship between the individual and the State. Attempts to bring human rights from the public into the private sphere where they are most pertinent to women and widows have had little success. Unfortunately, CEDAW is one of the least effective of the international instruments despite its high ratification rate. Activism in the HIV and AIDS era has mainly concentrated on improving poor health infrastructure and access to anti-retroviral treatment but little has been done to safeguard women's social rights more broadly, such as concerted efforts to eliminate property grabbing.



Conclusions and Policy Issues

This study has outlined some of the obstacles facing the increasing number of women who are widowed as a result of AIDS. The study findings show that property grabbing after the death of the husband is a reality and not a myth. The widows interviewed lost property to in-laws and other relatives as a result of several socio-economic factors, the major ones being the economic value of the property and the cultural practices allowing inheritance of the wife. Findings clearly show the high propensity of in-laws to grab land and other productive assets such as livestock. Women's refusal to accept the levirate system was another major factor for property grabbing and the abandonment of widows and their children. The women's testimony also reveals that the inheritance of widows may increase the risk of transmitting HIV to the inheritor and to co-wives on one hand, but also of infecting widows who did not have the virus.

Currently, only limited interventions target widows and their families, principally in rural areas. However, legal rights have mainly been advocated by governmental entities as non-state actors have not ventured far into rural areas. Several resilience avenues are, therefore, seen as entry points in safeguarding the property rights of widows and their children. Each resilience avenue identified is viewed as a sustainable measure for improving the well-being of widows within a broad-based social protection framework.

Promotive Interventions

The expansion and strengthening of promotive social protection is seen as a resilience avenue for empowering women.¹⁵ Building the productive capacity of women by giving them requisite productive skills and inputs will empower women *ex-ante* to manage their livelihoods with less dependence on the husbands. The same social protection measures are needed *ex-post* to help women mitigate the shock of losing property. It is recommended that programs aimed at improving income-generating skills and opportunities should be promoted to achieve sustainable livelihoods for beneficiaries. Operationalisation of the National Social Protection Framework is seen as a channel through which vulnerable groups in this case widows can participate in realising the goals of economic growth and poverty reduction envisaged by MKUKUTA.

Transformative Actions

The level of legal literacy was found to be low among the widows interviewed. This is in one way attributed to their low education levels but also on the lack of institutions with legal expertise to defend widows' rights. As such, interventions to increase awareness of the law among community members and build the capacity of institutions to provide legal services are imperative. Measures could include:

- Strengthening the capacity of the judicial system in terms of financial and human resources so that it can extend activities to rural and marginalised areas;
- Enacting and enforcing special laws based on the contemporary challenges of orphanhood and widowhood;
- Linking government legal offices with NGOs such as the Women's Legal Aid Centre (WLAC) in order to tap synergies and fill the gaps in service delivery, particular in rural areas;

¹⁵ In the absence of promotive measures to alleviate poverty, women resort to destructive coping strategies such as sex work which in turn put them at the risk of contracting HIV (see Mbilinyi and Kaihula, 2004).

- Capacity building and sensitisation on the processes involved in writing a will and the importance of leaving a will;
- Creating awareness on human rights issues, including the rights of widows to inherit her deceased husband's property and the right to refuse the traditional levirate system, and the right of HIV-positive widows to access ARVs; and
- Establishing village advocacy committees on the property rights of women and children. Village HIV and AIDS committees could be given such a mandate.

Protective Interventions

- Collection of demographic data on the number of widows and also those who have been made vulnerable by a HIV related death. This is critically important to enable effective targeting of social protection interventions.
- Collection of epidemiological data on widows. This is a prerequisite for widows to be able to access ARV.
- Education of women on how they can secure their rights over land based on the relevant land laws. This training would need to include how to obtain land title deeds.



Suggestions for Further Research

1. Customary land tenure is complex in many societies because properties are often considered to be collectively owned by an entire clan. This has made it difficult for women to inherit land even where a will has been written by the deceased spouse. Further, women may possess usufructuary rights to land, that is, the right to use land that is not owned. Research is therefore needed to examine the gender dimensions of ownership and use of land through the customary rights lens and the interplay between the ownership and use of land and trade-offs therein. Such a study would need to shine a light on the extent to which customary rights are apprehended, what changes have occurred over time, and whether there have been debates at the grassroots level on how to overcome gender inequities relative to land ownership and use.
2. There is also a need to conduct a fully-fledged study on the vulnerability of orphans and resilience avenues. This study has to be properly designed based on the REPOA protocol on researching children.
3. The legitimacy of the levirate system needs to be judged by empirical findings, that is, to what extent (in the contemporary state) the levirate system serves the intended purpose as a social security system.



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Appendix 1: Factors Determining Property Inheritance Incidence for Widows and Orphans

No.	Factor	Impact on Widows/Orphans	Indicators/measurement
1	Economic value of the property	The incidence/occurrence is worse (disputable) where the economic value of the property is high (e.g., land)	Binary: high or low value
2	Age of the widow	The older the higher the incidence	Age (continuous variable) number of years at the time of death
3	Couples has children	Property grabbing is more likely if the couples had no biological children	Binary, whether or not had children at time of death
4	Education of the widow	The more educated the higher the incidence	Binary: whether the widow has primary, secondary education or none.
5	Number of children in the household	The greater the number of children the higher the incidence	Number of children belonging to the deceased and widow at the time of death
6	Male children	The incidence is higher with a male child	Binary: whether or not the deceased had a male child at the time of death
7	HIV and AIDS related death	The incidence is lower with apparent HIV and AIDS death	Binary: whether it was apparent the death was HIV and AIDS related
8	Indigenous factor	The incidence is lower if the surviving widow is not from same tribe	Binary, whether or not she is from same tribe
9	Type of property	The more commercial (demanded) the lower the incidence	Binary: whether the property earns income or not (subsistence) – e.g. renting for income generation or produce for sale
10	Marital status of the youngest son	If single, the lower the incidence	Binary: whether single or married
11	Age of youngest child	The older the higher the incidence	Age (continuous variable) number of years at the time of death
12	Having a written will	The incidence is higher with a written will	Binary: whether the deceased husband left a written will or not
13	Community factors such as distance to the court	The incidence is higher with nearby legal facilities	Continuous variable - distance to the legal facilities
14	Community factors such as presence of a functional land tribunal at ward level etc	The incidence is higher with functional legal facilities	Binary: whether these legal facilities are functional or not

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