

Exploring Land Tenure and Women Access to Land in Peri-Urban Areas: A Case Study of Mabwepande Ward, Dar Es Salaam, Tanzania

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ABSTRACT

This paper explores land tenure arrangement prevalent in the peri-urban Ward of Mabwepande in Dar es Salaam, Tanzania, embedded rights, and how women are enjoying those rights. As much research and government legal reforms have focused on urban and rural areas with distinct land tenure arrangements, the emerging peri-urban areas with fuzzy land tenure arrangement have largely not received due attention. In order to operationalize the study, the research used mixed methods design in data collection and analysis employing both quantitative and qualitative approaches. Three specific research questions were used: (i) what land tenure arrangements are existing in the peri-urban areas of Tanzania; (ii) what land rights are embedded in land tenure regimes present in the peri-urban areas; and (iii) how women are accessing and exercising those rights. The choice of Mabwepande Ward was informed by a number of criteria including its diverse land tenure ownership arrangements; and being among the fast-growing peri-urban areas of Dar es Salaam. A total of seventy (70) households who have established residence in the area for more than three years were interviewed. The study revealed that a number of legal reforms in favor of women's land rights have been done but the later have not sufficiently take up the opportunity. Further, awareness campaigns to enlighten women of their varied rights and how to pursue them have been done; but most of these were done in urban areas with little or no attention on the emerging peri-urban areas. The study also revealed that despite the legal reforms and awareness campaigns, women still don't enjoy full opportunities with respect to access, ownership and use of the land where especially where customary and quasi-customary land tenure prevails. It was also revealed that 75.7% of the land is owned by men; while the remaining 24.3% is jointly owned i.e., both husband and wife, conforming marginalized position of women with respect to access to the land, an important livelihood asset for peri-urban households. Further, the study unveils that rapid densification fueled by commercialization of the land have forced immigrants and recent land developers to access small pieces of land (between 300 and 400m²) which do not support multiple uses on the same piece of the land as it is expected for peri-urban livelihoods. The paper concludes that women's rights to access, own and use of land in the peri-urban areas are still infringed despite efforts by the government to undertake a number of legal reforms with respect to women's land rights. The paper recommends for more awareness campaigns on land rights among women in the peri-urban area. Acknowledging presence of quasi-customary land tenure and definition of the minimum dos and don'ts are also recommended.

Key words: Mabwepande, peri-urban, quasi-customary, customary land tenure, statutory rights, and land ownership

INTRODUCTION

This paper highlights land tenure and women's access to land in peri-urban areas and how women access and exercise various land rights. It dwells on how women access, use and dispose of land. Land is among the key resources that support livelihoods (Meikle, 2002). It also follows that decisions affecting the land have direct implications on the welfare of households (Wilk, 1993).

The paper seeks to highlight how women are exercising their legally conferred land rights in the peri urban areas of Dar es Salaam, as well as the resulting social and economic implications. The paper is informed by three

specific questions namely: (i) what land tenure arrangements are existing in the peri-urban areas of Tanzania; (ii) what land rights are embedded in land tenure regimes present in the peri-urban areas; and (iii) how women are accessing and exercising those rights.

LITERATURE REVIEW

Land tenure in the context of peri-urban interface

The peri-urban interface represents a heterogeneous mosaic of natural ecosystems and agro-ecosystems which supports livelihoods both in urban and rural systems (Kabila et al. 2013; Narrain and Nischal, 2007; and Parkinson and Tayler (2003). The Tanzania Land Act No. 4 of 1999 defines a peri urban area as one that is within a radius of ten (10) kilometers outside the boundaries of an urban or semi-built-up area; or within any large radius which may be prescribed by the Minister for Lands (URT, 1999a). As per extensive literature on peri-urban areas, this definition is still insufficient to capture the evolving and context-specific social and economic dynamics inherent in the peri urban areas.

Msangi (2011) further noted that a peri-urban area is one that is exhibiting an overlap of rural and urban land uses; accommodating mixed social classes and multiple land tenure regimes. Further qualifying land tenure existent in the peri-urban areas, Kombe (2005) in his work on land use dynamics in the peri-urban areas of Dar es Salaam, noted that it exhibits quasi-customary tenure where occupiers have acquired land from customary holders through non-customary modes such as purchasing. As will be seen in the unfolding sections, this overlap of customary and quasi-customary systems renders land tenure in peri-urban areas fuzzy with unclearly defined or overlapping land rights. The peri-urban area of Mabwepande, like all other peri urban areas globally is undergoing rapid transformations including rapid population growth, informal urban expansion, land pressures, infrastructure investment, and changing livelihoods (Simon and Ngereja, 2025). From mid-2000, the ward has experienced changes in the use of the land from rural and agricultural activities to semi and purely urban land uses fueled by informal urbanization, land subdivision, infrastructure expansion, and socio-economic diversification, (Koisianga, 2018)

Transformation of the peri urban areas in terms of land use changes from agricultural to urban uses as well as social and economic changes has implication to the existing land tenure regimes. Section 1(3) of the Tanzania Land Act No. 4 of 1999 recognizes two types of land tenure regimes namely statutory land tenure (under Certificate of Right of Occupancy) and customary tenure. Writing on customary land tenure regimes in Tanzania, Urassa, (2022) underscore its key characteristics as comprising the following:

- i) differs from one society to another (i.e., it is not homogeneous across societies);
- ii) entails a body of norms generated and enforced by a traditional, sub-state policy governing the action of its members who share the same social identity;
- iii) communal possession of the rights, often under the authority of traditional leadership;
- iv) an indigenous tenure; and
- v) differentiates the rights of community members from those who are considered as outsiders.

On the other hand, statutory tenure applies to land that is held under formal rules and laws; and in Tanzania, ownership to land held under statutory tenure is authenticated by a certificate of right of occupancy granted by the Commissioner for Lands (URT, 1999a). Unlike customary tenure, the scope of statutory tenure transcends customs and ethnic boundaries. As the focus of this paper is on peri-urban areas, the ensuing discussion will mostly dwell on customary land tenure which is dominant in rural and peri-urban areas.

Writing on customary land tenure in Malawi, Tsutomu, (2008), informed that local chiefs exercise trusteeship of the land, and rights are collectively owned “...every indigenous inhabitant by virtue of membership in a community, is entitled to access a piece of land...when a land holder and his or her kin members all die or move

out of the village, the land must be returned to the community for re-allocation to other community members...” (Tsutomu 2008), 2008). This underscores the position of the Tanzania Land Act (URT, 1999a) and the work of Urassa, (2022) above on characteristics of customary land tenure that land rights are confined within customs and ethnic boundaries. This understanding is contrary to the situation in many peri-urban areas where aliens or non-natives access land from natives. Kombe (2005) has referred to this kind of arrangement as quasi-customary land tenure.

While it is true that access to; and embedded land rights under statutory tenure are clear, , it is unclear how women access various land rights embedded in a fuzzy land tenure regime in peri-urban areas

By virtue of the preceding discussion, it is clear that customary tenure allows natives of the land to access land in their communities; and this is common in the rural areas. Statutory tenure is common in planned areas, and on individual parcels of land in unplanned peri-urban and rural areas where respective land holders have taken initiatives to plan, survey and register their pieces of land. Of interest and where a lacuna exist is on what land rights are existent in the peri-urban areas with fuzzy land tenure arrangement, and how such rights are exercised by women in the midst of unclear land tenure arrangement.

Different Land tenure regimes and their characteristics

Land tenure is defined as the way the land is held or owned by individuals and groups and the set of relationship legally or customarily defined among people with respect to the land (UNCD, 2017). It is therefore reflecting relationship between people and land directly; and between individuals and groups of people in their dealings in land and natural resources (ibid). Land tenure further determines how property rights (use, control and transfer) are to be allocated within societies. Further, (UNCD, 2017) has identified four types of land tenure and tried to define the rights enjoyable under each type (Table 1). These are nationalized land tenure; freehold land tenure; leasehold land tenure and customary land tenure

Table 1: Different land tenure regimes and their characteristics

Land tenure	Characteristics and associated rights
Nationalized land tenure	• Full ownership of land rights under the state; individuals enjoy usufruct rights • Land users cannot sell or lease the land legally; thus, no incentives to invest or make improvements on the land • The government can acquire the land. A disincentive for investments
Freehold land tenure	• Absolute ownership of rights i.e. ownership, control, use and dispose (i.e. perpetuity ownership) • Despite perpetual ownership, land can be acquired by the state under powers of eminent domain • Considered more secure form of tenure; and it incentivize investments on the land • Common with large scale farming and elite land ownership regimes
Leasehold land tenure	• Based on long or short term “rental” of the land on a lease agreement • Land can belong to the state or individuals; and it is leased out to another entity • The lease agreement is registered against the title of the land, and the rights are defined to ease enforcement

Land tenure	Characteristics and associated rights
	• Common with large scale farming and elite land ownership regimes
Customary land tenure	• Land is owned by indigenous communities and administered in accordance with respective customs (vested in the tribe, group, community or family) • Land is allocated by customary authority e.g. chiefs • Access to land is restricted by kinship or ethnicity, excluding outsiders and restricting land sales • Associated with lack of transparency and accountability • Most land is not registered; hence lack security of tenure • There is gender disparity in land management

Source: UNCD, 2017

Land tenure regimes in Tanzania and the associated rights

Land in Tanzania is divided into three categories namely general land; village land; and reserved land. Further, 70% of the land in Tanzania is under village land; 28% is reserved land (forests, national parks, game reserves, river basins, wetlands, and land put aside for social and economic infrastructure); and 2% is general land which comprise urban and rural estates with granted rights of occupancy (ADB, 2019).

Both the Land Policy (1995 revised in 2023); Land Act No. 4 and Land Act No. 5 (URT, 1999b) recognize two forms of tenure namely the granted rights of occupancy; and the customary rights of occupancy. Under granted rights of occupancy, land is held by the state and the President is the custodian of public land. Land is granted to individuals or groups or institutions for a period of time and under certain conditions relating to land use and right of disposition. On the other side, under customary tenure, land is not necessarily held under a certificate of title; and it does not carry terms limit or development conditions

As the paper is among others, focusing on how women are accessing and exercising land rights in peri-urban areas, it is important to look at women engagement on the land. UNCCD (2019) underscores that women play a pivotal role in maintaining and strategically using the land and natural resources for supporting livelihoods and their families. Historically, also socially, economically, and culturally, women in many parts of the world (Africa, Asia, and Latin America), are expected to manage household welfare and daily survival needs. These includes food production, income generation, shelter, and economic security, (Tantoh, et al., 2021). Despite this central role, the predominance of patriarchal system in Africa and Latin America relegates women to minority positions, giving them access to land through their spouses or male-relatives. This experience is noted in Ethiopia, in many Asian countries under traditional and customary laws; also, in the Philippines (where over half of land certificates issued do not include the name of wife), UNCCD (2019).

Under customary land tenure, land is generally held by indigenous communities and administered in accordance with their traditions. It is dominant in most African countries, Tanzania inclusive (UNCCD, 2019). Customary tenure suffers from among others, insubordination of women's access to, and use of the land resource, unclear land boundaries, unclear determination of the rights/correct authority to approve alienation; duplication of land allocation as well as imagination of ethnic and ancestral domain (ibid).

In an African context where land constitute a prime source of livelihood and respect to mankind (Msangi, 2014), its access, use and disposal become vital to determine the social, economic and political welfare of respective communities. As such, embedded land rights and the way they can be exercised is important aspect which needs

to be examined and understood. However, different arrangements under which land can be accessed, used, and disposed of offers different rights to the owners (UNCCD, 2017).

Legal premises for women to access and use land in Tanzania

Article 13(1) of the Constitution of the United Republic of Tanzania recognizes equality before the law among women and men, Article 24(1) of the Constitution of the United Republic of Tanzania further provides for equal rights among all citizens to ownership of properties, and that any deprivation of a person's property is unlawful unless done with due recognition of fair and adequate compensation (URT 1977).

Further, Section 1.2.1.1 of the Land Policy (revised 2023) established different levels of land administration with an objective of ensuring equal access to land. While the granted rights of occupancy are under the jurisdiction of the Commissioner for Lands, the Village Councils manage customary rights of occupancy, (URT 1997). This structure ensures that customary tenure is legally recognized, thereby protecting equal land access.

This constitutional and policy positions above are further reiterated in Section 3(2) of both Land Act No. 4 (1999) and Section 3(2) of the Village Land Act No. 5 (1999b) which state that “...*the right of every woman to acquire, hold, use and deal with land shall, to the same extent and subject to the same restrictions be treated as a right of any man...*”. Further, Section 29(3) of the Constitution of the United Republic of Tanzania declares that no citizen shall have a right, status or special position on basis of lineage, tradition or descent (URT, 1977).

The National Land Act (1999a) in its Section 3(2) affirms that women have equal rights as men with respect to land acquisition, hold, use and dealings with the land “...*the right of any adult woman to acquire, hold, use and deal with the land shall to the same extent and subject to the same restrictions, be treated as a right of any man...*”.

Section 20(2) of the Village Land Act No.5 (1999b) provides that customs, traditions and practices of the community may not be applied if they deny women lawful access to ownership, occupation or use of the land. Any application of customs which deny women such lawful access shall be void and inoperative (URT, 1999b). In addition to discouraging discriminative customs and traditional practices, the laws also provide for joint ownership under Right of Occupancy, either jointly or individually as defined by Section 159 of the National Land Act (URT, 1999a) i.e. land can be owned or occupied jointly or in common with other persons.

However, twenty-nine (29) years after the Land Policy of 1997; and twenty-seven (27) years after enactment of the Land Act of 1999, what is the situation with respect to women's rights to access, use and dispose of land in peri urban areas?

MATERIALS AND METHODS

Location of the case study area

The case study area (Mabwepande Ward) is located in Kinondoni Municipality, Dar es Salaam. It is among the twenty (20) wards which comprise the Municipality. As per 2022 Population and Housing Census report, the Ward ranks fifth by having a large population in the Municipality. It is bordered by Bunju and Wazo Wards in the East; Mbezi Ward (Ilala District) in the South; Pangani Ward in the West; and Kerege Ward (Bagamoyo District Council) in the North.

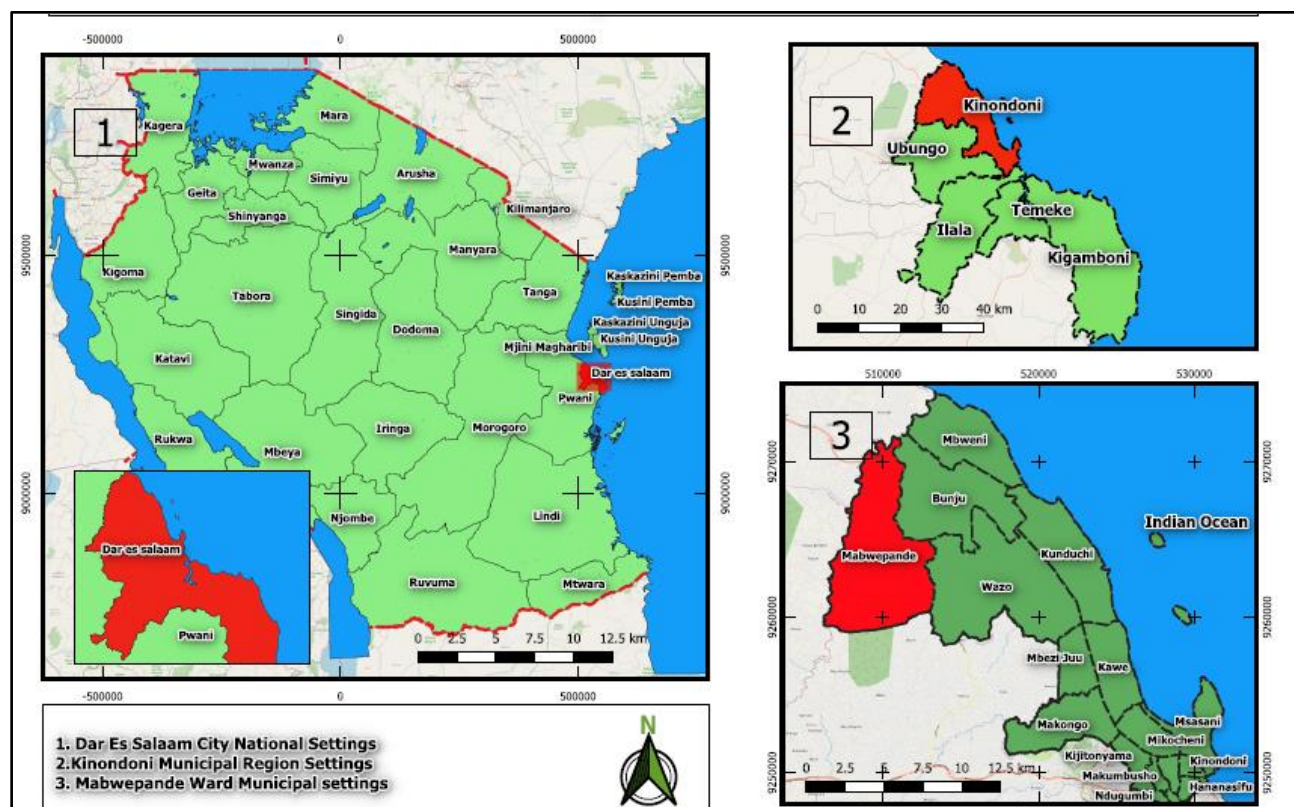
As per 2022 Population and Housing Census report, out of the twenty (20) Wards comprising Kinondoni Municipality, seven Wards depict increasing total populations while the rest have decreasing total populations. Out of the seven wards with increasing total population, two (2) Wards i.e., Wazo and Mabwepande exhibit high absolute increase (62,188 and 41,334) as well as high percentage increase (68.5% and 162.3%) respectively. Looking at the seven (7) Wards in terms of increase in women population, the same trend (as for total population) is also depicted. Absolute increase in number of women is 33,164 and 21,554 for Wazo and Mabwepande respective. This further translates to 70.8% and 66.3% percentage increase of women for Wazo and Mabwepande respectively (See Table 2). Further, following the flooding of Msimbazi Valley in 2011 due to heavy rains,

Mabwepande Ward was chosen by the Government of Tanzania as a resettlement area for flood victims from Jangwani and Magomeni areas (John et al., 2019).

Table 2: Total Population

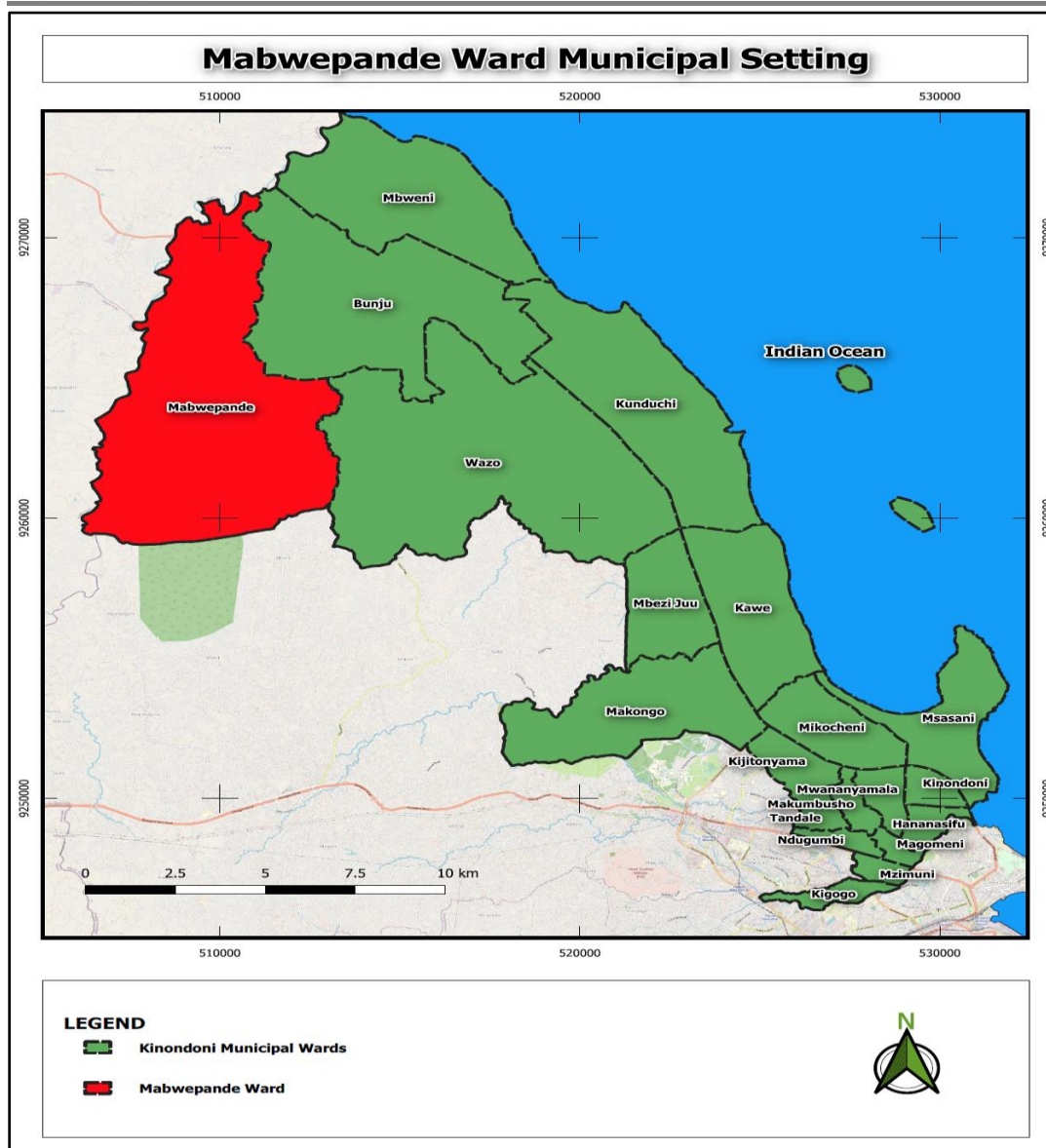
SN	Ward	TOTAL POPULATION				WOMEN'S POPULATION			
		2012	2022	Absolute increase	%age increase	2012	2022	Absolute increase	%age increase
1	Wazo	90,825	153,013	62,188	68.5	46,822	79,986	33,164	70.8
2	Bunju	60,236	92,587	32,351	53.7	31,079	48,397	17,318	55.7
3	Kunduchi	75,016	89,814	14,798	19.7	38,406	46,582	8,176	21.3
4	Kawe	67,115	67,675	560	0.8	34,689	35,521	832	2.4
5	Mabwepande	25,460	66,794	41,334	162.3	12,960	34,514	21,554	66.3
6	Mbweni	13,766	25,970	12,204	88.6	7,094	13,468	6,374	89.8
7	Mbezi Juu	41,340	51,485	10,145	24.5	21,496	27,149	5,653	26.3

So, the two wards of Wazo and Mabwepande favorably qualify as the best laboratory to investigate women access to; use and disposal of land. However, as the focus of the paper is on peri-urban area, Mabwepande qualifies most compared to Wazo which is rapidly urbanizing Maps 1 and 2 shows the location of Mabwepande ward.



Map1: Location of Mabwepande Ward – National and Regional Setting

Source: Coordinate System/Map Projection: WGS1984 – Universal Transverse Mercator (UTM), Zone 37 South



Map 2: Location of Mabwepande – Municipal Setting

Source: Coordinate System/Map Projection: WGS1984 – Universal Transverse Mercator (UTM), Zone 37 South

Data collection and analysis

A total of 70 households purposively selected were interviewed. The 2022 Population and Housing Census report indicate that by then the Ward had a total of 19,000 households. However, further interviews were stopped after reaching a saturation point .i.e., no new information was coming in with additional interviews. This saturation point means that enough information capable of replicating the study has been collected and the ability to obtain additional new information has been attained, (Hennink, and Kaiser, 2022; and Fusch and Ness, 2015). In the case of data collection in Mabwepande, upon reaching 70 households, the already collected information was being repeated with no additional valuable information; meaning that the collected information was sufficiently giving a general picture of land tenure prevalent in the ward as well as women's situation with respect to access, ownership and use of the land.

Selection of households for interview focused on households who have established residence in the Ward and have lived there for not less than three years (both spouses living together). Key questions on time (when) they moved to Mabwepande, how they accessed land (and the position and role of women), how decisions affecting the land are made as well as their awareness on legal provisions which empower women to access and use land on their own rights were asked. Both primary and secondary sources of data (legal documents and scholarly works) on tenure regimes and associated rights were reviewed and contrasted against actual practices on the

ground. Both quantitative and qualitative data were collected through open-ended questionnaires; likewise official and key informant's interviews were done. Both quantitative and qualitative data analysis technics were used to analyse collected data. While tabulation, quantification and calculation of percentages with the aid of excel were used to analyse quantitative data, content analysis and pattern matching were used to analyse qualitative data (Patton, 2002). The results of the analysis are presented in tables and quantified in percentages.

RESULTS AND DISCUSSION

Land access and establishment of residence in Mabwepande Ward

Interviews conducted in Mabwepande ward with 70 households revealed that the settlement started to receive people from mid-1980's with the rate of influx increasing with years. Of the interviewed 70 households, 60 (equal to 85.5%) established residence in Mabwepande Ward between 1996 and 2020; with climax recorded between 2006 and 2020 (41 out of the 70 households equivalent to 58.7%) as presented in Table 3.

Table 3: Land access and settlement in Mabwepande

SNr	Time settled in Mabwepande)	Numbers	%age
1	Born in Mabwepande (native)	1	1.4
2	1985 - 1990	4	5.7
3	1991 - 1995	1	1.4
4	1996 - 2000	10	14.2
5	2001 - 2005	9	12.9
6	2006 - 2010	16	22.9
7	2011 - 2015	16	22.9
8	2016 - 2020	9	12.9
9	2021 – 2025 (to date)	4	5.7
TOTALS		70	100

These statistics confirm Mabwepande as a fast-growing peri urban area mostly contributed by immigrants from mid-2000's. Triggers for this growth include government's action to relocate people to this settlement from flood-invaded areas of Magomeni and Jangwani in the city centre (Asia and Hussein., (2021). Others were movement of people from outside the ward to access land in the ward. Easy access to land was among the catalysts for this movement. Writing on peri urban turn and associated growth drivers Lakshmi et al., (2024), L.P. Rajendran et al., (2024), and Putu et al., (2024) noted that rapid population growth, availability of affordable land, a sense of place inherent in the peri urban areas (i.e. meaningful engagement with the physical and social settings), sociable people attached to each other, opportunity for incorporating practices such as urban agriculture and associated urban forms are among the drivers for peri urban growth.

Land access in the peri-urban areas follows both formal and informal systems, however the informal systems are more predominant (Said, 2019). In the peri-urban Mabwepande, the major means through which people accessed land was buying (67.2%); followed by land access through husbands i.e., women who got married to men who already owned land in the area (14.2%); and inheritance (10.0%). There were also those who accessed land by being given by a friend (4.3%) or through government allocation (4.3%) as also indicated in Table 4.

Table 4: Modes for land access in Mabwepande

SNr	How land was accessed	Numbers	%age
1.	Buying (individual)	31	44.3
2.	Buying (jointly)	16	22.9
3.	Inheritance	7	10.0
4.	Through husband	10	14.2
5.	Allocation by Government	3	4.3
6.	Given by relative	3	4.3
TOTALS		70	100

Similar trends in accessing land were also observed in Wazo and Goba Wards where 85 per cent of land occupiers had purchased land; 6 per cent had inherited land; 5 per cent had invaded vacant land; 2 per cent were given land as a gift from friends, relatives or family members; while 2 per cent were allocated land by political or government leaders, (S. Nuhu, 2019).

However, the fact that Mabwepande was chosen by the government as a destination for flood victims from Magomeni and Jangwani during 2011, the low percentage (4.3%) of those allocated land by the government (among the interviewed population) is explained by the fact that those who were given land (under this category) sold the land (also construction materials) and went back to their former settlement areas in Magomeni and Jangwani; (Asia and Hussein., (2021); and John, R. , Magina, F. and Kemwita, E. (2019).

Globally, the increasing commercialization of the land, expansion of land rental markets, growth of informal land markets, and rapid urbanization are posing threats to indigenous and communal ways of accessing land. As a result, trends in land access through customary rights, inheritance and allocation by governments are slowing down, land access through purchase are rapidly going up, (FAO, 2022; ILC, 2026; and World Bank, 2023). The experience from Mabwepande, likewise Goba and Wazo are just few examples that explain the phenomena in most developing countries including Tanzania, Kenya, Nigeria and India. These trends, if left to market forces alone will not only jeopardize the ability of poor households, women and the youths to access and use the land for economic support, but will also frustrate the on-going regulatory reforms to give equal rights to women on land matters

Although only a small percentage (4.3%) of all land access in Mabwepande were through government allocation, the government's influence in land administration in the country and globally cannot be underestimated. In a country like Tanzania where all land is public and vested under the President as the custodian (URT 1999a; URT 1999b); the government has an upper hand in directing, guiding and regulating land development. In the case of Mabwepande for example, the government's intervention was in two ways – land allocation through the government; and relocation of flood affected people from areas affected by floods which occurred in Dar es Salaam way back in 2011. As also noted elsewhere (L.P. Rajendran et al., 2024; Putu Indra Christiawan et al., 2024), government action (guidance and regulation) through introduction of development projects, planning intervention, provision of social and community services, etc cannot be underestimated. As this is true on one hand, on the other, access to land through buying and/or selling remains the major mean through which people can access land in the peri urban areas. Given the weak financial and economic position among many women (Dorrit and Michael, 2009), they remain not only marginalized with respect to access to and use of the land, but also unable to fully enjoy the many legal opportunities offered by the existing regulatory frameworks

Land ownership arrangements and use rights

This study further investigated land ownership arrangements, either single or joint ownership. Out of 70 interviewed households, 75.7% owns land as individuals (single) and in all the cases these were male spouses; while the remaining 24.3% have joint ownership i.e., both husband and wife. Literature also shows that women are still excluded from owning and controlling properties along customs and traditional lines. They are often barred from accessing, using and owning resources that could enable them to improve their livelihoods (ICRW, 2004). A press release by the World Bank (2019) also asserts the same “...women in half of the countries in the world are unable to assert equal land and property rights despite legal protections...”. The situation in Mabwepande directly maps this position; thus, further frustrating national and global efforts to leverage women land rights.

When the findings from Mabwepande are analyzed against the background of the fuzzy quasi-customary land tenure existent in many of the peri-urban areas, there still remain footprints of the customary land tenure where the male-partner is on the control of household’s assets including the land; and the female partner remains as a tenant to the land owned by the male partner. The same picture is also evident when looking at who decides what uses are to be made on the land. Interviews in Mabwepande shows that 75.7% of the decisions are made by the male-partner; while only 24.3% of the decisions are made jointly (exactly the same as for land ownership). Among the interviewed households, no cases were recorded where decisions are made by the female spouse.

While customary tenure in the villages restrict selling of land to aliens and at the same time offer use rights to women, quasi-customary tenure in the peri-urban areas allows everybody to access land through buying (or even inheritance) as it is in customary tenure regime, but ownership and use rights are mostly on the male partner as indicated in Table 5.

Table 5: Tenure regimes in Mabwepande and associated rights

Tenure regime	Bundle of Rights					Remarks
	Ownership	Use	Parcel and sell	Inheritance	Mortgage	
Customary	Men	Women	- Open to male members of the clan - Restricted to aliens	Open to male members of the clan	- Restricted as land is communally owned - No legal document to authenticate ownership	- Men have exclusive rights - Restricted rights to women
Quasi-customary	- Men (mostly) - Women (few)	- Men (mostly) - Women (few)	- Open to men and women - Women slightly grabbing the opportunity	Open to all; but decreasing due to ethnic mixture	Open to all; but subject to legal ownership documents	- Rights are open for all - Men usurp all the rights - Women are yet to grab and exercise legally conferred rights

Takane (2008), underscores the same experience from Malawi where, depending on matrilineal or patrilineal societies, women have weaker rights to land ownership unless in situation where there are exceptions. Along traditional beliefs, it is often construed that if land is given to a woman, and if it happens that the woman is divorced, she will remain with the land. This means that the land will move out of the clan’s ownership.

This is in fact one of the areas where, despite legal provisions to give women more rights to access and use the land, traditional customs and beliefs still seem to have deep roots in the societies (World Bank, 2019). It underlines the negative consequences of customary norms and practices among many ethnic tribes regionally and globally; and remains a contentious issue in many societies. This situation, coupled with increasing informal urbanization and commercialization of the land against the backdrop of weak economic powers among women, the rights of the later to access and use the land is further jeopardized.

Findings from Mabwepande resonates similar trends both nationally (Kongela & Didas, 2021; Genicot and Hernandez-de-Benito, 2022; Miku et al., 2024); regionally (Doss, et al., 2015); and globally in regions including Sub-Saharan Africa, South Asia, Southeast Asia, and Latin America (Meinzen-Dick, et al, 2019); that women have narrow chances in either sole ownership of the land or with joint ownership as provided for in the laws. Therefore, this leads to another dimension which is the clash between modalities for land access vis-à-vis legally conferred bundle of rights within village customary tenure and peri-urban quasi-customary tenure regime.

Land parceling and selling

When interviewed on whether residents in Mabwepande have sold land or not, it was revealed that 95.7% of the respondents have not sold land, while the remaining 4.3% have sold. Among the reasons why majority have not sold land is that they bought land because they needed it for construction of houses and establishing residences. Further, they said that the amount of land they own is just too small. The few who sold land were compelled to sell so as to raise cash to construct the houses they are currently living in.

Land parceling and selling is common in peri-urban areas due to that possibility being offered by quasi-customary tenure regime. Literature indicates that land parcelling and selling in the midst of land commercialization constitute the most important forces that shape and drive peri-urban transformation globally. Although it is providing opportunities for investment and housing expansion, it also generates negative consequences including urban sprawl, loss of agricultural land, environmental degradation, growth of informal settlement, rising land conflicts (Kombe, 2005; Kironde, 2006; and Andreasen, et al, 2020). However, as this is the trends globally, realities from interviewed immigrants in Mabwepande suggest the opposite where 95.7% have not sold land (after they had initially bought it).

As depicted in Table 5, over 81.4% are holding small pieces of land ranging of less or equal to 600m² which is a high-density plot. As per the Tanzania's Urban Planning (Planning and Space Standards) Regulations, a high-density plot ranges between 301 and 600m²; while a medium density plot ranges between 601 and 800m² (URT, 2018) Therefore, most of plot sizes held by interviewed residents are on the category of a high-density plots (81.4%); followed by medium density plots (15.8%) as indicated in Table 6.

Table 6: Land sizes held by the respondents in Mabwepande

SNr	Land sizes (in square meters)	Numbers	%age
1.	≤ 100		
2.	100 - 200	7	10
3.	201 - 300	4	5.7
4.	301 - 400	32	45.7
5.	401 - 500	4	5.7
6.	501 - 600	10	14.3
7.	601 - 700	2	2.9

8.	701 - 800	9	12.9
9.	801 - 900	0	0
10.	901 - 1000	0	0
11.	1001 - 1100	0	0
12.	1101 - 1200	1	1.4
13.	≥1201	1	1.4
TOTALS		70	100

The phenomena in Mabwepande where majority of residents are holding small pieces of land, as opposed to big areas which often characterize peri-urban areas, continue to underscore the ever-changing and fluidity nature of the peri-urban areas. It also underscores rapid transformation of the peri-urban areas to assume a consolidated nature of informal settlements

The small sizes of land held by residents is a restraint to undertake multiple livelihoods supporting activities on the piece of land being held. This reality is challenging the long time-construed character of peri-urban areas as areas which support combination of livelihood activities on the same piece of land (Msangi, 2011). In the case of Mabwepande peri-urban area, majority of the interviewed residents accommodate only one use on the plot, either residential (91.4%) or rental (2.9%) or commercial (1.4%). It is only a small proportion (4.3%) who combined two uses on the plot - residential and commercial (4.3%) as also indicated in Table 7.

Table 7: Uses undertaken on the plot in Mabwepande

SNr	Uses on the land	Numbers	%age
1.	Residential	64	91.4
2.	Residential commercial	3	4.3
3.	Rental houses	2	2.9
4.	Commercial	1	1.4
TOTALS		70	100

The tendency where majority (81.4%) are accessing small pieces of land of high-density sizes is questioning the long-known characteristics of peri-urban areas as breathing pockets and sources of food to the urban areas (Buxton, M., et al.,2016). Underscoring the transformations on-going in the peri-urban areas, Briggs, J. (1991) notes that it is changing from meeting the household needs to more of commercial dimensions. Driven by commercial aspirations, an argument is made that sooner than later, there will not be land remaining for farming in the peri-urban areas or serve as breathing pockets for the urban areas.

While smaller size of land, different cultural meaning of land, emotional and psychological attachment to the land comprise the reasons why immigrants don't sell land; enjoyment of social security networks, un-attractiveness of agricultural livelihoods, financial incentives created by urban land values are on the other hand constitute the reasons for natives to sell land (Bhanye, 2024). Further underscoring the reasons for non-land selling (Mercer, 2024) notes that people's attachment to the land is reinforced by the position which land holds in their lives; and a meaning they attach to it.

The implication of small plot sizes in the peri-urban areas, denotes not only a changed conception of the peri-urban area, but also a steady transformation to informal densification of the peri-urban areas in selected pockets. This do not only erode the pre-conceived function of peri-urban areas in the eyes of urban planning and urban expansion processes, but also provides a continuum of informal settlements from the urban to the peri-urban areas that are informally densifying.

Awareness on policy and legal positions for women access to land

Despite regulatory reforms on the land sector to among others create a level ground between men and women on issues related to access, ownership and use of the land, women remain unable to use the legal opportunities already conferred to them. Among the 70 interviewed households, 41.5% were not aware of legal opportunities for women defined in the existing regulatory frameworks. Although majority (58.5%) claimed to be aware, but this is only vague through hearsays as none of them could recall any legal position or rights stated by the laws to that effect, (Table 8).

Table 8: Awareness on legal provisions allowing women to access land on their own?

SNr	Awareness on legal provisions allowing women to access land on their own?	Numbers	%age
1	Not aware	29	41.5
2	They are aware	41	58.5
TOTALS		70	100

The situation in Mabwepande echoes current trends globally where Europe and North America exhibit higher levels of awareness on legal issues related to the land (FAO, 2024; and UN-Habitat, 2022); many of the African countries Tanzania inclusive exhibit low levels (William, 2016; and Miku et al., 2024). The low-level awareness particularly among women have several negative implications which include among others: low female land ownership, weak participation in land governance, gender inequality in land ownership; and women exclusion from land administration processes (ibid).

As majority of the population living in urban and peri-urban areas today have their roots in the villages where customary tenure and its restrictive nature on access and ownership rights among women prevailed. That culture is seemingly being extended to the peri-urban areas. Breaking this culture does not come automatic; it takes both enlightenment through generational change. This means that formulation of the laws by itself is not enough, but rather a step forward to empowering the communities on their land rights is needed. Much as a lot of awareness creation campaigns have been done (Manara and Pani, 2023; Kongela, and Didas, 2021), and are still going on in urban areas; and among the elites and middle- and high-income level cadres (Tsikata and Yaro, 2014; Englert and Daley, (Eds.), 2008), but a focus towards the low-income people in the villages and peri-urban areas where male-domination is still strong, is important.

Viewed in the light of participation, women still seem to have inferior rights with regard to access, use and disposal of household assets, including the land. Toker (2007), Hamdi (1991) and Arnstein (1969) argue that participation entails involving people or families in decisions and actions that concern their development. It is also about taking aboard the voices of the economically and politically weak groups or those whose rights to say or own resources such as land are affected, (Msangi, 2014). Reflecting on this, UN-Habitat, 2009, IFAD, 2006 and Carpano, 2010 observe that in the African context, generally women have inferior rights with regard to participation in decision-making that concern disposal of household assets, particularly land.

Mabwepande's experience on women's land rights and the global discourse

Nationally, the experiences from Mabwepande are reflected in many other peri urban wards including but not limited to Msongola, Bunju, Tegeta, Mbezi along Morogoro road; Mbagala and Kawe in Dar es Salaam. Different authors writing on the phenomena have shown that women in these peri-urban areas have continued

to experience marginalization in land access and ownership despite progressive legal reforms (Nuhu et al., 2026; Moyo & Kangalawe, 2023; Kironde, 2019).

The reviewed literature and analyses of data from Mabwepande on tenure system and women's land rights reveals similar trends with other global peri-urban areas. Although 67.2% of land access in Mabwepande (Table 4) were through buying (jointly or individually), but patriarchal systems still favored men over women. Trends in Mabwepande where statutory and customary land tenure systems overlap to create a blurred mix of formal-informal land tenure system (quasi-customary) underscore an on-going phenomenon globally. Akaateba (2019); Geyer (2025), Nuhu, et al, (2026); and Muthama (2023) show that the emergency and expansion of quasi-customary land tenure systems and the retrospective institutional overlaps in its governance is not only a situation in Mabwepande, Tanzania, but an unfolding experience in Africa (Ghana - Accra, Kumasi, Tamale; Kenya - Nairobi, Kisumu, Eldoret; Uganda - Kampala and Kasese; Nigeria - Lagos, Abuja, Ibadan; Botswana (Peri-urban Gaborone); Asia (India -Urban fringe villages).and Latin America (Papua New Guinea -Port Moresby; and Fiji - Peri-urban Suva).

Although Tanzania is reported to have a comparatively progressive statutory land framework through the peri-urban regularization programmes which seeks to among others, purposefully safeguard and support women's land rights, but customary practices, household power relations, social and cultural norms, low incomes among women, dominance of patriarchal institutions in decision-making, and limited awareness among women is pulling women down from fully enjoying the created legal opportunities (Nuhu, et al., 2026; Vanya et al., 2025).

Future implications of the observed trends – nationally and globally

From the above trends it can be deduced that legal reforms alone are not sufficient to secure women's land rights particularly in the African, Asian and Latin American countries where marginalization has taken roots. These trends are pointing to the need to undertake effective implementation, social transformation, as well as and institutional accountability. This apart, the observed trends are confirming that, despite purposeful legal reforms to empower and safeguard women rights to land, the patriarchal structures remain a force to reckon with to ensure women's enjoyment of their right to properties. Inheritance, household decision-making, and ownership registration have continued to be in the domain of the male-spouse. In order to redress the situation affirmative actions including but not limited to community sensitization, male engagement programmes, and empowerment of women in land governance institutions are required. Last but not the least, this study is underscoring an important fact that continued silence on the growing quasi-customary land tenure system and its associated implication is further creating more challenges on the governance of peri-urban land. The wide spread of quasi customary in Africa, Asia and Latin America suggest that the emerging tenure system is increasingly becoming a major global land governance issue. Efforts are required to legally recognize it; and integrate it future discourses and systems of land governance in peri urban areas.

CONCLUSIONS

Tenure arrangements prevalent in the Peri Urban Areas

The reviewed literature and field studies in Mabwepande indicates presence of mixed land tenure regimes in the peri-urban areas. These are customary, statutory and the quasi-customary regime which is emerging in the peri-urban areas. While the former two are captured and defined in the legal frameworks, the latter is not captured in the legal framework though exceedingly being reported in emerging land ownership literature. While customary rights are exercised through inheritance, being given land by a friend, or through a certificate of customary right of occupancy; statutory rights are enjoyed through allocation by the government through a certificate of right of occupancy. Quasi-customary happens when a non-native access native land either through buying or being given by a native; which is against the formular which restrict giving customary land to non-natives. Literature and experience show an overlap between customary and quasi-customary regime and hence blurredness of land tenure arrangement in the peri-urban areas.

Land ownership still favors men despite a number of legal reforms and awareness campaigns in favor of women that have been undertaken. This is especially in the peri-urban areas where land tenure is still vague, and there is a drift away from customary land tenure to quasi-customary. The regulatory frameworks are yet to recognize

this emerging land tenure; and as such, there are no formal ways to oversee, guide, direct and/or regulate it. It allows a free (do as you wish) kind of *modus operandi*; and sooner than later, it will profoundly compound the problem of urban sprawl, informal urbanization and land ownership conflicts.

Land rights embedded in land tenure regimes present in the peri-urban areas

As discussed above, the peri-urban Mabwepande, as for all other peri-urban areas globally hosts two prominent types of land tenure regimes namely statutory (for the urban areas) and customary land tenure (prevalent in the rural areas); and an emerging third category of quasi-customary land tenure which is present in peri-urban areas. The later also present a blurred landscape of enjoyable bundle of rights though not legally recognized or regulated.

As discussed in preceding sections, statutory tenure is legally recognized and land ownership is authenticated through a certificate of rights of occupancy or a certificate of customary right of occupancy. In Tanzania this is provided for under the Land Act No. 4 of 1999. Various rights including ownership, lease, and transfer are legally provided for. Legally, both men and women have equal rights with respect to access and use of the land. These are less prevalent in most peri-urban and rural areas Mabwepande inclusive.

Customary land tenure is also legally recognized; and in Tanzania it is enshrined in Village Land Act No. 5 of 1999. Among the rights enjoyable under this tenure regime includes equal rights among men and women to access, own and use the land; and equal legal status (of the tenure arrangement) as statutory rights. Despite these legal positions, still tribal norms, low formal education and low awareness among women present a hindrance for women to exercise the legally conferred rights. Further, aliens can access and own tribal land against the cherished norms that tribal land can only be given to fellow tribesmen. Despite legal reforms in favor of women, overall, men still enjoy exclusive rights over women. Quasi-customary regime presents a drift away from the customary and fills in the gap on definition of land tenure regimes in the emerging peri-urban areas; also covering the gap created by societal transformations and weakening of the tribal norms than held tribal land together.

How women are accessing and exercising land rights embedded in peri urban land tenure regimes

Examination of land access in Mabwepande reveals that different modes were used as follows: buying (67.2%); inheritance (10%); getting land through the spouse (14.2%); allocation by the government (4.3%); and given by a relative (4.3%). Of paramount here is that there were no restrictions on who gets the land i.e. both men and women had equal rights to get the land. Buying depended on having the required cash; inheritance depended on discretion of the one who was giving out land; and allocation by the government depended on who applied and had fulfilled the required conditions. However, as noted earlier, women are yet to fully grab and exercise these rights. This is partly fueled by low awareness and low formal education among women. However good the regulatory frameworks and other attempts like awareness campaigns are, if the intended beneficiaries are yet to take up and exercise the benefits, the created opportunities amount to wasted investments.

RECOMMENDATIONS

Need for education, awareness creation and enlightenment on land issues

Low awareness and low formal education among women were noted to be among the factors that slows down women uptake of the created legal opportunities like equal access to the land. It is imperative for the government, activists, researchers and training institutions involved in the land sector to further enlighten women on the noble economic, social and political importance of the land and other landed properties; likewise, policy and legal opportunities which can further enhance their position for improved use of the land which will subsequently improve their livelihoods. Unlike present experience where awareness campaigns have largely focused on urban areas, it will be more rewarding if such trainings are also extended to the people in the PUA and the villages.

Legal recognition of tenure regimes and land rights in PUAs

Literature and empirical findings have revealed existence of an emerging quasi-customary land tenure regime in the peri urban areas. This tenure regime is neither legally recognized nor regulated. Statutorily recognizing the

emerging quasi-customary land tenure in the PUA will provide a stable legal reference point to take intervention measures in these areas. However, this may seem to be difficult due to the fact that the PUAs are growing and changing very fast; also, customs and traditions, but the minimum dos and don'ts can be prescribed. Due to the prime importance of the land in supporting livelihoods particularly in the African context, and its categorization as a Constitutional category, it should not be left to regulate itself especially in the PUAs where neither a clear land tenure nor development conditions are defined.

Areas for future research

As this study mostly explored women access and ownership of land from the legal perspective, future research in this topic is recommended to explore the socio-cultural and institutional barriers that prevent women from fully benefiting from legal reforms related to land ownership and use. Perspectives from local leaders, land officers, and community organizations will provide more insight into the phenomena thus bringing enlightened discussion on peri urban land governance and management.

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