



DOCTORAL THESIS NO. 2024:13
FACULTY OF NATURAL RESOURCES AND AGRICULTURAL SCIENCES

**Access To Land in the Context of HIV
and AIDS in Lyamba Ward, Rural
Tanzania**

A Case of Lyambamgongo Ward in Bukombe District

STANSLAUS PETER BUTUNGO

Access To Land in the Context of HIV and AIDS in Lyamba Ward, Rural Tanzania

A Case of Lyambamgongo Ward in Bukombe District

Stanslaus Peter Butungo

Faculty of Natural Resources and Agricultural Sciences

Department of Urban and Rural Development

Uppsala



SWEDISH UNIVERSITY
OF AGRICULTURAL
SCIENCES

DOCTORAL THESIS

Uppsala 2024

Acta Universitatis agriculturae Sueciae
2024:13

ISSN 1652-6880

ISBN (print version) 978-91-8046-290-7

ISBN (electronic version) 978-91-8046-291-4

<https://doi.org/10.54612/a.65p7klspad>

© 2024 Stanslaus Peter Butungo, <https://orcid.org/0000-0003-3920-6789>, Swedish
University of Agricultural Sciences, Uppsala

The summary chapter of this thesis is licensed under CC BY 4.0. To view a copy of this license, visit <https://creativecommons.org/licenses/by/4.0/>. Other licences or copyright may apply to illustrations and attached articles.

Print: SLU Grafisk Service, Uppsala 2024

Access To Land in the Context of HIV and AIDS in Lyamba Ward, Rural Tanzania

Abstract

Access to land is an important contributor to the wellbeing and social status of people in rural areas. However, this is often compromised for people affected with HIV/AIDS, a disease which is prevalent in Tanzania. Prior to this study, others have tried to associate between HIV/AIDS infection and land access. However, the link and the contextual factors underpinning such relationship are largely not well understood. This research explores: first, how and in which ways HIV infection affects access to land; second, what contextual factors underpin the impacts of HIV on land access, and thirdly, who among HIV-affected people is more vulnerable to loss of access to land. Drawing on theoretical accounts that frame land access as a question of social power, this study undertakes intensive ethnographic research in Lyamba ward in Bukombe District, Tanzania. The research draws from the life history accounts of 17 HIV-infected people and their access to land.

The study reveals a variety of ways in which HIV/AIDS negatively affects land access: destabilising social relationships, spousal or parental deaths, and diminished social status. Such cases happen in contexts characterised by existing land contestations, unequal social relationships, and a pluralistic legal system of overlapping formal and informal rules, norms and values that govern land access. While women and children are often at risk of loss, men with weaker land claims can also lose access. However, the study also documents instances where vulnerable people can fight back to secure land access through collective mobilisation, knowledge on legal land rights, and relations with authority figures. While loss of land can further exacerbate experiences of marginalisation, successful attempts to secure land access can validate personal worth and protect social esteem. The study calls attention to the contested nature of land and how changing dimensions of social power are central to shaping land access in the context of HIV/AIDS.

Keywords: HIV and AIDS, access, land, contestations, legal plurality, inequalities

Author's address: Stanslaus Peter Butungo, Swedish University of Agricultural Sciences, Department of Urban and Rural development, Uppsala, Sweden

Umiliki Ardhi katika Muktadha wa Maambukizi ya VVU na UKIMWI, Kata ya Lyamba Vijijini, Tanzania

Ikisiri

Kabla ya utafiti huu, tafiti nyingine zimejaribu kuhusisha maambukizi ya VVU/UKIMWI na umiliki wa ardhi, lakini muktadha wa uhusiano huu haueleweki vizuri. Kwa sababu hiyo, utafiti huu umefanyika kuchunguza: Kwanza, namna gani maambukizi ya VVU huathiri upatikanaji ardhi; Pili, ni katika muktadha gani athari hizi zinaweza kuonekana; Na tatu, ni nani miongoni mwa waathirika wa VVU na UKIMWI yuko katika hatari zaidi ya kupoteza umiliki ardhi. Kwa kuzingatia nadharia mbalimbali, utafiti wa kina wa kiethnografia umetumika kutafiti historia ya maisha ya watu 17 walioambukizwa VVU katika kata ya Lyamba wilayani Bukombe.

Utafiti unadhihirisha namna mbalimbali ambazo VVU na UKIMWI unaathiri mahusiano ya kijamii yanapelekea upatikanaji wa haki ya umiliki ardhi kwa njia mbalimbali. Athari hizi zinachagizwa na mashindano ya kumiliki ardhi, kukosa usawa katika mahusiano na sheria nyingi zinazokinzana katika kulinda haki za umiliki ardhi. Wakati wanawake na watoto walioathiriwa na UKIMWI wako katika hatari zaidi ya kupoteza umiliki ardhi, utafiti unaonesha kuwa hata baadhi ya wanaume hupoteza haki hizo. Kwa sababu hiyo, utafiti huu unashauri kuacha kuepuka kuweka tafsiri ka ujumla kuhusu makundi ambayo kila mara yanaripotiwa kuathiriwa, kwa sababu hata baadhi ya watu wanaofikiriwa kuathiriwa, hutumia nyenzo mbalimbali kurejesha umiliki wao wa ardhi. Japokuwa kukosa umiliki ardhi unapelekea mazingira ya unyanyapaa, mafanikio ya kuurejesha, yanaongeza na kulinda hadhi ya mtu. Utafiti unashauri kutazama namna umiliki ardhi unavyopiganiwa kwa namna mbalimbali katika muktadha wa maambukizi ya VVU na UKIMWI.

Maneno muhimu: VVU na UKIMWI, umiliki, ardhi, mashindano, ukinzani wa nyingi, kukosa usawa

Anwani: Stanslaus Peter Butungo, Chuo Kikuu cha Sayansi ya Kilimo cha Sweden, Idara ya Mandeleo ya miji na vijiji, Uppsala, Sweden pia butungo@gmail.com na stanslaus.butungo@aru.ac.tz, P.O. Box 35176, Chuo Kikuu Ardhi Dar es Salaam

Acknowledgements

After labouring all these years of PhD study, I now understand why it is important to say ‘thank you’ to many people who have contributed to bring this PhD to this final stage. I thank you Almighty GOD — apart from many countless good things you have given me, in this work specifically, I thank you for the resilient heart and the ability to sustain turbulent moments especially after loss of my young brother and that of my father while the PhD study was underway and for ability to sustain anguish, despair and depression. Thank you so much GOD. To the people of Sweden, accept my sincere thanks for the financial support through SIDA. The support I got through the embassy of Sweden in Tanzania and Sweden, the support from International Science Program (ISP) in support for my academic life was incredibly amazing. I am so much indebted to Ardhi University (ARU) for the academic and professional life I have been blessed to have and experience. Above all — the opportunity to pursue this PhD.

To my supervisors, Profs. Harry Fischer (Hal), Willbard Kombe, Flora Hajdu, Orjan Bartholdson, Adam Pain, Kjell Hansen and Linley-Chiwona Karlturn for your tireless supervision which guided this PhD. Hal and Flora, you deserve so much credit for reading my 75% seminar, and taking a turning point in my PhD. Hal, I credit you so much for your extraordinary brilliance, sharp mind, and ability to read and understand quickly and provide comments. You made my PhD life experience so much easier and I appreciate your compassion and humility. Thank you for devoting your time to reading my work and pushing me to reach critical PhD deadlines. Thank you, Prof. Kombe, for your father-figure attitude. You advanced my academic life to the present heights where I am today. Prof. Flora Hajdu, thank you for your listening, understanding, and mentoring skills. Thank you, as well as Prof. Örjan Bartholdson, for your insightful comments on the Theory Chapter. Profs. Linley-Chiwona Karlturn, Adam Pain, and Kjell Hansen were also helpful in the early stages of the project. Kjell, read my work during my initial seminar, I appreciate you all. Additionally, I would like to thank Prof. Per Brandstrom for reading my final seminar, offering

helpful feedback, and lending me his book “*Mhola: The utopia of Peace*” which has also helped me with Chapter Five of my thesis

Thanks to Dr. Patrik Oscarsson and Dr. Margarita Cuadra and our LAG Division Assistant and Head; also, to Profs. Seema-Arora, Kristina Marquardt, Klara Fischer, Cecilia Waldenstrom and Ann Grubbstrom for your administrative support. Thank you Dr. Yvonne Gunnarsdotter, Malin Beckman and Linda Engström, also Dr. Dil Karti, and Alin Kadfak for your moral support, and above all for inviting me to your homes where I got the opportunity to enjoy the Swedish and Nepalese food. I am grateful to all of the LAG staff members that we got to know at *fica* and other social events at SLU, including Dr. Emil Sandstrom, Linus Rosen, Anna Arvidsson, Arvid Stienstrom, Katarina Landstrom, and other LAG colleagues and fellow PhD students. I will miss you. Thanks also to my Tanzanian PhD colleagues in this bilateral cooperation; Dr Maglan Sang’eno, Dr. Edson Sanga, Dr. Said Nuhu, Dr. Lazaro Mngumi and Ms. Happiness Mlula. Thanks also to my other KTH buddies, Dr. Jenesta Urrassa, Dr. Eginio Millanzi, Mr. Hussein Kayera, and to my all-time friend Mr. Frank Nyanda for your support and encouragement. Thank you Nyanda for rejuvenating my mood with the discussions we frequently had, and the music we enjoyed.

My research would have not been successful had it not gotten the permission from the National Institute for Medical Research (NIMR), the Geita Regional Administrative Secretariat, Bukombe District Council and Lyamba Ward officials. I thank these institutions for the support I received including permission to carry out the research and avail to me the official data that supported my research findings. I also extend many thanks to Regina Kampala my study assistant and all my study respondents whose names I cannot mention for ethical reasons. To the love of my life, my life partner and a friend Alfreida, thank you so much for your patience and time spent raising our little buddies Gratia and Gratio, Gabriella and Gabriel while I was away. You must have endured a lot — that is why I dedicate this thesis to you for such amazing patience. Thanks to my beloved daughter Federica, my mother, my siblings and the entire Jegu’s family for your prayers. And, you Mzee OO (Opira Otto)! you deserve a lot of credit for helping me, both as a supervisor and a father. You visited my home in Lyamba, met my late father and ate *ugali*. You have always been inspirational all along my PhD through words of advice and courage.

To ‘*mama Africa*’ Professor Linley-Chiwona Karlturn; I owe you and your family a lot. I have decided to list your name at the end, not because you are the least, but because you deserve the most — for firstly admitting me to SLU and for being my first supervisor— for teaching me the social aspects of the academic life in Sweden — for the material privileges you helped me to get — the academic forums you invited me to attend — the people you wanted me to meet and mingle with — the places you wanted me to visit as a scholar and so many others. Above all, I can also not forget the day Eric (your husband) let me into your house after enduring long hours in the cold winter evening, because I had no access to my room. Like what Linus Rosen wrote, “these pages are not enough to express the gratitude I feel”. In fact, this list is not exhaustive of all people who deserve my thanks; I apologize for those whose names I have not mentioned, for those who I might have wronged during my PhD and for any errors that can be observed in this thesis. I remain solely responsible for all these shortcomings

Dedication

I dedicate this work to you my beloved wife, Alfreida Chrisantus Butungo, thank you for raising our children; Gratia, Gabriella, Gratio and Gabriel for all these years of my PhD study.

Also, to the loving memory of my Late father, Peter Stanslaus Jegu and the beautiful soul of my brother Ludovic Kagoma who passed away while this work was underway, and never got the opportunity to celebrate the fruits of my labor. I pray for the repose of your very dear souls. May the Almighty God grant us the opportunity to reunite again one day.

Amen

Contents

List of tables	15
List of figures	17
Abbreviations	19
1. Setting the Research Agenda	21
1.1 Linking HIV/AIDS and Access to Land: Lorena's Vignette	21
1.2 Introduction and research problem	22
1.3 Research Objectives and questions	25
1.4 The Outline of the Thesis.....	25
2. An Overview of HIV/AIDS and Land Access in Tanzania	29
2.1 Introduction	29
2.2 Recent scholarship on pandemics	30
2.3 Land Access in Tanzania: A Historical Perspective.....	33
2.4 Land reforms and the role of land ownership in Tanzania.....	37
2.5 Issues Underpinning Customary Land Access.....	39
2.6 The HIV/AIDS, Land Access Debate and Research Gap.....	43
2.7 Concluding Remarks	45
3. Theorising Access to Land in The Context of HIV/AIDS Pandemic	47
3.1 Introduction	47
3.2 Defining Terms Used in This Research.....	47
3.3 Theorizing access.....	51
3.4 A Summary of Key Issues and Concepts.....	61
4. Research Methodology	63
4.1 Introduction	63
4.2 Research Design	63
4.3 Case Study Strategy.....	65
4.4 Data Collection Methods.....	69

4.5	The Research Process	75
4.6	My Role as an Insider Researcher	78
4.7	Ethical Considerations	79
4.8	Challenges and how they have been addressed	80
5.	Lyamba Ward: Location, Land Access and HIV/AIDS	
	Prevalence	83
5.1	Introduction	83
5.2	Lyamba ward	84
5.3	Household land relations and access	93
5.4	Emergence and Prevalence of HIV/AIDS in Lyamba	95
5.5	HIV and AIDS and Land Access Linkages	100
5.6	Conclusion	104
6.	Ethnographic Cases of HIV Affected Individuals and their	
	Access to Land.....	105
6.1	Introduction	105
6.2	Case Household of Mariam	106
6.3	Eight other stories corroborating Mariam's story	114
6.4	Diverse Mechanisms to Regain Access: Excerpts from Other	
	Ethnographical Cases	136
6.5	Conclusion	141
7.	Analysis and Discussion of Case Studies.....	143
7.1	Introduction	143
7.2	A summary of the studied cases.....	143
7.3	Analyzing HIV and AIDS impacts on access to land	144
7.4	Context for the analysis of HIV/AIDS impacts on land.....	150
7.5	Intersectionality approach on impacts of HIV/AIDS	154
7.6	Conclusion	159
8.	Conclusion, Contributions and Broader Research Implications	
	161
8.1	Introduction	161
8.2	A summary of main conclusions	161
8.3	Contributions of the research.....	164
8.4	Broader implication of the study	166

References.....	173
Popular science summary	183
Populärvetenskaplig sammanfattning	185
Appendix 1: List of Key informants and their role in this research ..	187
Appendix 2: HIV and AIDS affected respondents	189
Appendix 3: Focus group participants, and discussion themes	191

List of tables

Table 1. Population distribution Lyamba 89

List of figures

Figure 1. Global HIV/AIDS statistics.....	32
Figure 2. Tanzania HIV and AIDS adult prevalent statistics	33
Image 3. A group conversation with village elders	74
Image 4. A young women's <i>rika</i> , and me cultivating	75
Figure 5. Research Process	77
Figure 6. Location of Lyamba ward in the District setting	85
Figure 7. Caravan routes at Ushirombo	86
Figure 8. Lyamba ward population size.....	90
Figure 9. Ward average household size in the four villages	91
Figure 10. Education levels in Lyamba ward.....	92
Figure 11. HIV prevalent in Tanzania	96
Image 12. A house Mariam was given by her brother in-law	108
Figure 13. Signed certificates of land purchase.	124
Figure 14. Minutes of a customary meeting on Ashura.....	133
Figure 15. Rika women cultivating	137

Abbreviations

AIDS	Acquired Immuno-Deficiency Syndrome
ARU	Ardhi University
COVID-19	Corona Virus Disease of the year 2019
CTC	Care and Treatment Centre
DC	District Commissioner
HIV	Human Immunodeficiency Virus
IMF	International Monetary Fund
Lyamba	Lyambamgongo ward
PMC	Planning and management Committee
SADC	Southern African Countries' Development Corporation
SAPs	Structural Adjustment Programmes
SIDA	Swedish International Development Agency
SLU	Sveriges Lantbruks Universitet (Swedish University of Agricultural Sciences)
TASAF	Tanzania Social Action Fund
URT	United Republic of Tanzania
VA	Village Assemble
VC	Village Council
VEO	Village Executive Officer
VLA	Village Land Act, No 5 1999
VLC	Village Land Council
WB	World Bank
WHO	World Health Organization

1. Setting the Research Agenda

1.1 Linking HIV/AIDS and Access to Land: Lorena's Vignette

The motivation to pursue this PhD study dates back in 2017, when I was awarded a SIDA-funded bilateral scholarship as part of a project titled Access to Land and HIV-Related Vulnerability in Tanzania. During the recruitment stage of the project, I was asked to develop a research proposal on the topic. At the time, I found it difficult to draw a connection between HIV/AIDS infection and access to land. Some of the people I talked to had a reaction much like my own initial reaction to this topic. They questioned its relevance — Are those who are infected with HIV really denied the right to own land? This was my perspective as someone who was well informed about the 1977 Constitution of Tanzania, the 1995 Land Policy and Land Act Nos. 4 and 5 of 1999 — which advocated for equal rights irrespective of social background, ethnicity, gender or HIV/AIDS status. It did not make sense to me that those who were HIV-infected would be denied rights to land ownership. Besides, the formal laws gave priority for land rights to historically marginalised groups such as women. Yet, formal laws and customary practices are often not the same.

I recalled a case of Lorena, a middle-aged woman who migrated to Lyambambamgongo¹ ward in 2006 to stay with her eldest son after being divorced by her husband from marriage with the suspicion of being HIV infected. For a smaller village of fewer than 2000 people like Lyamba at that time, a week would not pass before people would realise there was a newcomer to the village — in this case Lorena — and speculate about why

¹ I will refer to this ward as Lyamba to shorten it.

she came. I wondered how such rumours spread, who spread them, how fast they were known to every person in the village and how valid or reliable they were. Although the information about Lorena, her divorce and the rumour of her HIV infection was not disclosed to me by Lorena herself, many people in the village shared it until I, too, overheard it from my social networks.

The issue of divorce invokes power relations and differences between people in marriages — such as who decided a divorce and what gave them the power to do so. Lorena’s divorce meant she had weaker social power that made her lose her access to land and, as a result, a place to live and ability to earn her livelihood through crop cultivation. At the same time, the negative perceptions of her, the stigma associated with being a divorced, and the rumour she was HIV-infected would affect her freedom and ability to interact and be a respected member of society. While being divorced was linked in people’s minds with a woman’s immoral behaviour, the idea that she might be HIV-infected further reinforced the multiple layers of stigma that would have certain consequences on land access. Nevertheless, Lorena was ultimately able to reclaim back access to land through social relationship with her son in Lyamba.

Lorena’s story — and several other personal experiences, along with inspiration from the literature — motivated me to look at social relationships as the means through which access to land is secured and how it can be affected in the context of HIV/AIDS. I saw that the centrality of social relations in the village played both an enabling and constraining role in Lorena’s access, and by extension there was indeed a connection between HIV/AIDS infection and access to land.

1.2 Introduction and research problem

The Government of Tanzania undertook land reforms in 1995, which gave birth to the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999 (Askew et al., 2013; Biddulph, 2018). The reforms were touted to address, among other issues, gender inequality in terms of ownership and control of land; these were also in line with the structural adjustment programmes at that time, which called for the privatisation of sectors of development including land. It is often claimed that access to formal titles to land is among the most important (and sometimes the only) path forward to empower gender-disadvantaged people, especially women, in the context of land

insecurity (Agarwal, 1994; Goldman et al., 2016). Prior to the 1990s land reforms in Tanzania, the claim of women's marginalisation with respect to having their own independent right to land was a hot agenda item. It was observed that women's marginalization in terms of economic wellbeing, social status and empowerment was a result of their lack of ownership and control of land (Agarwal, 1994).

Three decades after the reforms, the Government of Tanzania has called for reviews of the Land Policy, 1995 and the issue of gender disparity in ownership and control of land has also re-emerged. It is observed that the Land Policy (1995) and its subsequent Land Acts No 4 and 5, 1999 have not successfully ensured the security of land tenure and how to facilitate market in land (Fimbo, 2004; Pedersen, 2010). This claim is also supported by studies conducted in many rural areas of Tanzania, where customary practices dominate access to land. The studies show that women's land claims are still insecure compared to those of men (Yngstrom, 2002; Dancer 2015; Goldman et al., 2016; Dancer, 2017; Moyo, 2017). Ownership and control of land enhances productivity from agriculture, land security and investment (Agarwal 1994;2003, HakiArdhi, 2005; Sylvester, 2013). While gendered land inequality remains a key topic in the ongoing land policy reforms in Tanzania, HIV/AIDS — which has been prevalent in the country for nearly four decades, is also claimed to exacerbate those inequalities beyond the burden of the disease itself (Drimie, 2002; 2003 Aliber et al., 2004; Aliber and Walker, 2006; Okuro, 2007).

Several writers, for example, have explored how the disease negatively affects the land tenure status of affected people (Kiai et al., 2002; Mbaya, 2002; Drimie, 2003; Aliber and Walker, 2006; Villarreal, 2006; Okuro, 2007). Villarreal (2006), for example, documents how AIDS causes land to lay idle as a result of household mortality. Several other researchers have also highlighted issues of prolonged AIDS-related illness or mortality exerting an economic burden on already impoverished households. Some of these households sell their land to defray the cost of care, treatment and funerals (Drimie, 2002; Mbaya, 2002; Okuro, 2007). There is also evidence to indicate that HIV has caused a change in widow inheritance practices. As a result of these changing practices, instances of land dispossession have been prevalent in many HIV-affected households (Mabumba et al., 2007; Okuro 2007; Oluoch & Nyongesa, 2013).

However, other studies, such as that of Aliber and Walker (2006) in Kenya, have challenged the conclusions of those studies, claiming they had both conceptual and methodological flaws. Aliber and Walker (2006) argued that there is no link between being infected by HIV/AIDS and losing land, and that studies which have observed this link had methodological weaknesses of only interviewing HIV infected people alone. According to Aliber and Walker (2004), results could have been different if other non-HIV infected persons were also included in the research. Overall, these works show diverse pathways in which HIV may matter, yet, they show lack of consensus over the link, the processes and mechanisms underpinning the relationship between HIV/AIDS and access to land.

This thesis aims to fill this gap. I explore the multiple social factors, mechanisms and processes that may influence how access to land is lost or gained in the context of HIV and AIDS infection. As I will elaborate in the subsequent chapters of the thesis, I draw from Lyamba, a rural ward in Bukombe District in Tanzania, in the Lake Victoria Region, characterised by prevalence of HIV and AIDS infection and where access to land is largely dominated by patrilineal customs. The timing of this research also comes at a moment when discussions about reforms of land policy in Tanzania posit that access to exclusive formal rights to land can transform the economic wellbeing, social status and empowerment of socially and economically disadvantaged people, specifically women (URT, 1995).

Given the current emphasis on formal land rights as a means of transforming the social status and wellbeing of disadvantaged people, it is timely and important to develop a better understanding of the social and economic dimension of HIV and AIDS infection, and the extent to which it exacerbates insecurity to land access for the affected people. I draw from existing theoretical account on land access and the diverse ways in which people derive benefits from land (Ribot and Peluso, 2003). I locate access through formal/legal rights to land as one, but not the only mechanism by which people gain access to land (Goldman et al., 2016). Such a lens reframes dominant thinking which have analysed access to land through formal title and legal status, as has often been advocated by policies. Rather, the study directs attention to the diversity of social factors that shape the ability to exercise power and claim access. As I have indicated in the case of Lorena above, a wide range of social factors may enable or constrain access. I therefore examine how the social relationships in which access to land is

embedded, are affected by HIV/AIDS and negative perceptions attached to it. The study also calls the attention to the contested nature of land and how changing dimensions of social power are central to the shaping access in the context of HIV/AIDS.

1.3 Research Objectives and questions

1.3.1 Main Objective

The main objective of this study is to explore how HIV and AIDS impact the ability of affected people to derive benefits from land resources in Lyamba ward in Bukombe District.

1.3.2 Specific objectives

- a) To explore the different mechanisms that may both undermine or enable people to gain access to land in the context of HIV and AIDS.
- b) To explore contextual factors underpinning the impacts of HIV and AIDS on land access.
- c) To analyse the categories of people who are more vulnerable to land exclusion in the context of HIV and AIDS.

1.3.3 Research questions

Based on these research objectives, the study brings together theoretical and empirical considerations to answer the following sets of questions:

- a) How do HIV and AIDS affect people's ability to claim access and benefits from land?
- b) What contextual factors shape access to land in the context of HIV and AIDS?
- c) Who among those affected by HIV and AIDS face greater challenges to access land and who are more at the risk of losing its access?

1.4 The Outline of the Thesis

This thesis has a total of eight chapters. Chapter Two provides a broader view of issues that underpin land access in rural Tanzania and exposure to HIV and AIDS. I begin the chapter by highlighting the ongoing exposure of

Tanzania to the pandemics and the societal challenges they expose. I specifically zero in, to the topic of HIV/AIDS, and highlight the current statistical figures and the documented challenges it causes. I then re-emphasise the land–HIV/AIDS debate I raised in the introductory chapter. I further move on to the discussion on land access in Tanzania with a specific focus on customary land which is the focus of the study. I explain the historical context of customary land in Tanzania and proceed to the description of the post-colonial policies and reforms on the land sector. The chapter provides scholarly discourses about issues of gendered land inequalities, land contestations and the diversity of institutions that govern land. I also discuss the controversy with regard to gendered ownership and control of land — a debate which raises further questions about whether the control and ownership of land might be important in the context of HIV and AIDS exposure. At the end of the chapter, I raise the gap that this research aims to address.

The third chapter theorises about access to land in the context of HIV and AIDS. I draw from Ribot and Peluso's (2003) 'theory of access', as well as Hall, Hirsch and Li's (2012) Powers of Exclusion and the intersectional approach. The chapter expands the theoretical understanding of ways in which people's abilities to derive benefits are constrained in distinct ways according to their HIV and AIDS affectedness. Here I focus on both access and exclusion, meaning how access is lost or gained in the context of HIV and AIDS. I also use the intersectionality framework mainly to understand how inequalities between different social categories of people unfold on multiple dimensions in the context of HIV and AIDS, and how they are used as a means to affect access. The framework helps to respond to the question of what categories of HIV- and AIDS-infected people are more affected than others. Chapter Four discusses the methodology carried out, which guides the study. I explain the strategy I employ to address the research questions, the process I followed from start to finish, and the different methods that I employed at different stages of the research — from literature review and fieldwork to data analysis. I explain the ethical issues that were observed before carrying out the research, how I selected the subjects and how I ensured their protection given the sensitivity of the subject. I also detail the challenges that I encountered and how I was able to overcome them.

In Chapter Five I present the village environment from an aerial view, before continuing on to present it as an insider researcher; that is, a native of

the village. The relative ease with which I could gain acceptance is the reason I chose to base my study here. In addition, this also gave me an opportunity to explore both the merits and drawbacks of being an insider researcher. Specifically, I use the advantage of my being a native when I introduce the village, including describing its location, the people and their livelihoods. I explain their cultural issues and their access to land. I use this information also to describe the historical accounts of HIV in the area, how it came, how it was received and how it is presently perceived. The information from Chapter Five forms the basis for understanding and describing the selected case households in Chapter Six.

In Chapter Six I describe in detail nine case studies that I selected from the seventeen case households. Each of the case studies details the experience of every individual, their life-accounts, their HIV/AIDS infection status and their access to land. I explain each specific story on its own and the reasons why I found it to be important, then finally I summarise what the story draws or builds upon. At the end of the chapter, I preview the main strands which I discuss in Chapter Seven. Chapter Seven brings together what emerges from Chapters Five and Six. I discuss the mechanisms that people use to gain access to land, and distinguish the customary from other mechanisms. I also explain the different ways — such as instabilities in marriages, conflicts and land contestations in which HIV and AIDS emerge — as factors that constrain access. I also explain how different layers intersect to explain different vulnerabilities to factors that constrain land access in the context of HIV/AIDS. Chapter Eight concludes the thesis. Here I summarise the main findings, conclusions and limitations of the study.

2. An Overview of HIV/AIDS and Land Access in Tanzania

2.1 Introduction

In recent years the world has increasingly been exposed to unprecedented global pandemics such as COVID-19 and HIV/AIDS. These diseases pose not only health challenges but also economic and social consequences on people's livelihoods. Discussion about livelihoods in rural areas cannot ignore the issue of land. Land remains the only sector in Tanzania that is relied upon by more than three-quarters of the rural population who directly depend on it to sustain their livelihoods. This chapter draws from a larger body of research on customary land usage, showing its evolution from extended family tenure or collective forms of land holding to more individualistic or private tenure systems. These dynamic changes in land tenure often result in intra-household conflicts, and contestations are tied to the divisions and exclusions, alliances and inclusions that constitute class formation

By studying HIV and AIDS, this chapter specifically expands the discussion along issues and the ways in which the disease and its social consequences affect access to land in rural areas. My review begins with a description of the ongoing global pandemics and their impacts. I then move on specifically to HIV/AIDS which is a long-wave event in comparison to other short-wave ones. I then map Tanzania in the context of global HIV and AIDS statistics before moving on to discuss the literature on land in the context of rural Tanzania, where customary land access prevails. From there, I draw out the complex issues of gendered inequality and legal pluralism that

underpin land access which I try to connect with the debate on HIV and AIDS impacts on land.

2.2 Recent scholarship on pandemics

It is common when an event attracts global attention for scholars to try to look at it in different ways, and to examine how it affects people's wellbeing positively or negatively. Over the last four decades, an unprecedented occurrence of global pandemics, such as HIV/AIDS and recently COVID-19 has hit the world, and researchers have attempted to assess their impacts on different aspects of development. This thesis was designed before the COVID-19 pandemic emerged. Although COVID-19 was not part of the research formulation, the emerging literature on this pandemic helps to build upon the existing literature on HIV/AIDS with regard to its impact on land.

2.2.1 An overview of the current global pandemics

Recently, the world has been home to several pandemics. For nearly four decades HIV/AIDS has been a continuing long-wave world event, and in specific ways the countries in the Global South have been disproportionately affected. The world was also plagued by the COVID-19 pandemic in 2019, while HIV and AIDS was ongoing. *The International Business Times*² magazine for example, recorded a statement from Bill Gates, who claimed that the world got "lucky" with the COVID-19 pandemic. Gates argued that the next one could be "society-ending", with a fatality rate much higher than the coronavirus death toll. Gates reportedly commented at the Time 100 Summit in New York City that "the chance of another pandemic in the next twenty years, either natural or international, will be over 50 percent" (International Business Times, June 2022), and appealed for the need to prepare for the next pandemic to hit the world. The lesson, however, is that the future situation with regard to pandemics is uncertain, and it is not known when a new pandemic will emerge and what consequences there will be.

Although pandemics differ in many ways in terms of duration and nature of infection, there appears to be something to be learnt about the context in which pandemics emerge, and their impact. Judith Tett commented in the *Financial Times* about social inequalities associated with COVID-19

² Accessed on 23rd of June 2022.

pandemic; “We are all in the same storm but we are not all in the same boat” (Zuckerman, 2021:2). In other words, pandemics not only expose, but also reinforce and exacerbate structural inequalities in communities with regard to resource access. A considerable number of studies have exposed pre-existing inequalities that were sharpened in the wake of the COVID-19 pandemic (Bibby et al., 2020; Cheater, 2020; Kerrigan et al., 2020). These are inequalities between households and in relation to resource access in different countries. Bouchard (2020) made a very interesting comment showing that these inequalities both further disadvantage those who are already disadvantaged, and further advantage those who are already advantaged. The COVID-19 pandemic differs significantly from HIV/AIDS in terms of duration, nature of transmission, and extent; however, it is a useful model from which to draw lessons when analysing the footprint of HIV/AIDS and structural inequalities it poses on access to land resources.

2.2.2 Mapping Tanzania in the Present Global HIV/AIDS Statistics

HIV infection continues to be one of the world's most widespread pandemics, affecting nearly every country on the globe (Challacombe 2020). By September 2018, it was estimated that 38 million people worldwide were living with HIV, representing the equivalent of more than half of the Tanzanian population. Of these, 30 million people are aware of their status, and 23 million people are taking antiretroviral therapy. Thus, an estimated 8 million people are currently unaware that they are HIV-positive, and 15 million persons are not being treated. There are also nearly 15 million orphans (aged 0–17) to HIV/AIDS-related deaths. According to Girum et al. (2018) HIV/AIDS infections declined by 81% between 1995 and 2008, but since then the HIV incidence rate has risen by 10%, and new diagnoses have increased by 36% across all ages and doubled among adults. UNAIDS 2022 reported a global increase of about 1.5 million infections in 2020. The SADC region, which includes Tanzania, continues to shoulder a heavy burden on HIV infections and AIDS deaths worldwide. Statistics show that at least two-thirds of HIV infections and AIDS deaths are from the region (See the circled region in Figure 1; the redder the area, the more HIV/AIDS infections).

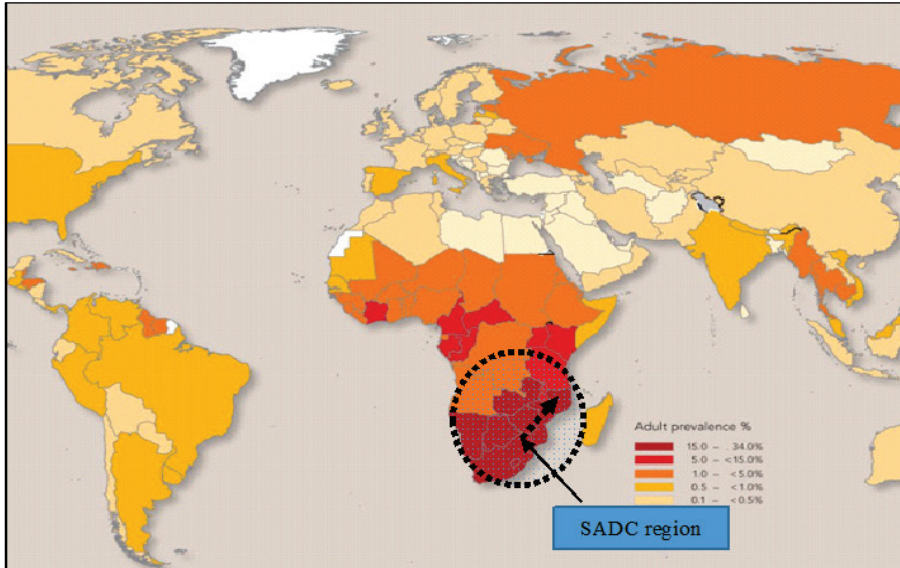


Figure 1. Global HIV/AIDS statistics. Source: UNAIDS, 2021.

According to the 2020 Tanzania HIV impact report, for about two decades, Tanzania has witnessed a slower decline in HIV adult prevalence rates from 6.1% in 2002 to 4.7% in 2020 (Hall et al. 2020). Despite these results, Tanzania ranks among the top four countries in the world with the largest numbers of people infected with HIV and AIDS³, preceded by South Africa, India and Mozambique. Eswatini, Lesotho, Botswana and South Africa remain the countries with the highest adult HIV/AIDS rates, ranging between 19 and 27%. In Tanzania, the three major zones with the highest HIV prevalence rates are the Southern Highlands region (14.8%), which borders most of the much-affected SADC countries. The second is the Lake Victoria region (7.1%), which is very popular for mining activities (diamonds and gold) on the continent, and where the first Tanzanian HIV-infected person was diagnosed in 1983. It is also the region where this study is carried out. The third is the Coastal Zone (5.1%) (See Figure 2).

³ <https://worldpopulationreview.com/country-rankings/hiv-rates-by-country>.

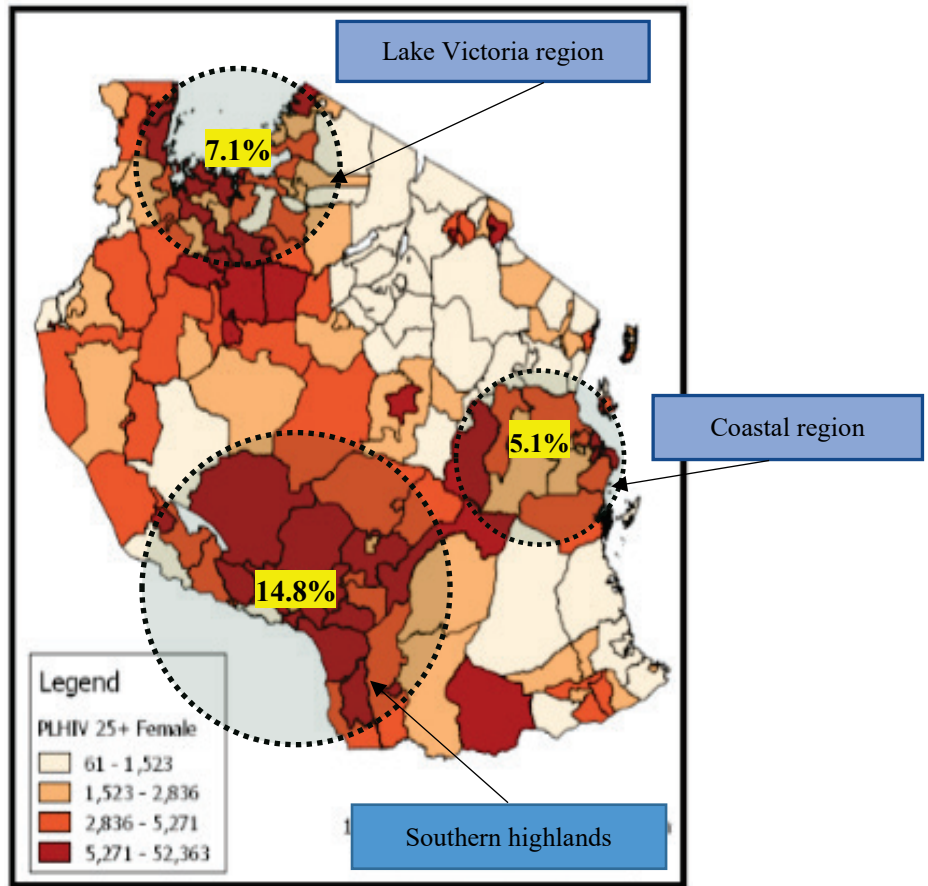


Figure 2. Tanzania HIV and AIDS adult prevalent statistics 2018. Source: Tanzania HIV Impact report, 2020.

2.3 Land Access in Tanzania: A Historical Perspective

2.3.1 Land access in Tanzania

All land in Tanzania is public, but it is vested under the trusteeship of the President of the United Republic of Tanzania (URT) (Biddulph 2018). This notion has been inherent in the history of Tanzania since the two successive colonial administrations; namely, the German Colonial Administration (1884–1916) and the British Colonial Administration (1917–1961) — I elaborate in next subsection 2.3.2 on the history of customary land in Tanzania. Apart from declaring all land as public under the trusteeship of the

URT president, the colonial administration divided land based on discrimination – between that which was occupied by whites and that which was occupied by natives (Moyo, 2017). This legacy remains today in Tanzania, where all land falls into one of three land categories; namely, 1) general land, which includes all land in urban areas, which is guided by Land Act No. 4 of 1999; 2) reserved land, which includes all land set aside for conservation, national parks, and mining; 3) village land, which includes all land which is within the jurisdiction of villages and guided by the Village Land Act No. 5 of 1999. The land category that this research focuses on, and where the research was carried out, falls under the category of village land; according to Village Land Act No. 5 of 1999, all village land is customary, implying that it is governed under customary practices. The historical context of customary land follows in the next subsection.

2.3.2 The Historical Context of Customary Land in Tanzania

The governance of village (customary) land in Tanzania dates back to the pre-colonial era, where landholding was administered under customary norms for different tribes (Shivji 1999). At this time, land was not termed as ‘customary’, but fell under certain kingdoms or chieftainships. The term ‘customary land’ was born and baptised during the colonial regimes of the Germans and the British after the Berlin Conference in 1884 and 1961, before Tanganyika (now Tanzania) achieved independence. During their administration, the German colonial administration declared all land in Tanganyika, occupied or unoccupied, as crown land, and the German governor served as its custodian. The Germans were overthrown after the First World War, and all their colonies including Tanganyika came to be held under the League of Nations.

Tanganyika was consequently declared as a protectorate territory of the British, whose government assumed responsibility. In order to strengthen their hold over the land, the British administration approved a new law called Land Ordinance Cap. 113 in 1923. This ordinance recognised all lands, whether in use or not, as public lands vested under the governor of Tanganyika (Moyo 2017). The British administration introduced a statutory property rights system called the right of occupancy (found within/or outside urban areas). The other type of land which did not fall within the statutory system was labelled ‘native’ or ‘custom’. This was thus the introduction of land termed as ‘customary land’ (Berry 1993; Cotula and Cissé 2006; Komu

2003). To date, the term ‘customary land tenure’ is referred to in Land Act No. 5 of 1999 as land which is not urban and that people access through customary practices. Customary land occupies about 70% of the total land in Tanzania. Studies have further questioned the blurred definition of what ‘customary’ really means in practice. The conclusion for many writers is that the term ‘customary land’ is contingent, complex and fluid because customs evolve and urban areas also continue to expand to engulf these customary lands (Berry 1993; Cotula and Cissé 2006; Hobsbawm and Ranger 2012).

A dominant feature with regard to customary land administration after independence was the introduction of ‘villagisation’ programmes — also known in Swahili as Ujamaa, which literally translates as ‘personhood’ or ‘extended familyhood’. Ujamaa was a copy of communism in China and Russia, who were the closest allies of Tanganyika. Julius Nyerere, the then-president, conceptualised Ujamaa policy for the context of Tanganyika with the philosophy of forming joint efforts on major means of production, and by that time land. The policies came in 1967, only five years after independence, with the intention of eradicating all forms of discrimination propelled during the colonial era, and declared that all people were born equal. In order to eradicate all forms of inequality, discrimination and poverty, the government thought to locate people in villages, nationalising all land and providing services on these conceptual units called *vijiji vya Ujamaa* (Ujamaa villages). The task began with persuasion, where people were asked to voluntarily move to clustered villagers, each of around 250 families (Evans 2019)⁴. However, there was little compliance, and in the 1970s, the government bluntly ordered the people to settle in villages. In areas around the Lake Victoria Region, where this research was carried out, villagisation programmes were carried out by force in 1974 (Brandström 2021).

According to Brandström (2021) to implement villagisation policies the government enforced the acquisition of lands under customary regimes. No recognisable legal procedures were followed in effecting the process. Although the government by then had attempted to address all forms of inequality and exploitation, inequalities in land access based on gender were totally ignored. Edgar (2020) shows that, individual household levels, ownership and control of resources, especially land, were maintained through customs. In many patrilineal tribes (such as the Sukuma, among

⁴ <https://www.thoughtco.com/what-was-ujamaa-44589>. Accessed on 10 July 2022.

whom this study has been carried out), men had inheritance rights to land, and women and children had access rights of land use within kinship systems (Brandström 2021). Tracing this historical path of land access in Tanzania, Edgar (2020) argued that women experience gender inequality in the ownership and control of land. However, these inequalities were not very visible by that time, since land was not as scarce as in present times, when land designated as customary is decreasing due to increased urbanisation, population growth and scarcity of arable agricultural lands (Cotula and Cissé 2006).

Ujamaa policies were cancelled only a decade after their implementation after the Western countries won the Cold War (Wobst 2001), since Tanzania's closest allies were Russia and other Eastern countries such as China, which supported communism. The world's dominant economic superpowers, propelled by the World Bank and IMF, sanctioned all countries including Tanzania to adopt Structural Adjustment Programmes (SAPs) towards a market-oriented economy (Briggs and Mwamfupe 2000; Wobst 2001). By implication, this meant Tanzania had to abandon the Ujamaa policies which conflicted with the new reforms imposed. By then, Tanzania had also suffered massively economically from the Kagera War in 1978, the great famine and emergence of HIV and the AIDS pandemic in the early 1980s. The only hope remaining by that time was for Tanzania to submit to the new sanctions imposed by the WB and IMF in order to gain financial support. Submitting was inevitable, but a very painful pill for Julius Nyerere, who decided to step down as president in 1985. The new political administration which took over in 1985 immediately embraced the SAPs. These policies were linked to reforms in the land sector, "necessitating a greater increased reliance on legal forms and legal culture similar to those operating in the Western market-oriented economies" (Peters 2004:275).

According to Yngstrom (2002), the adopted liberalisation policies paved for reforms in the land sector and was the way to transforming communal or traditional land holding towards a market-oriented, or in other words a 'modern' or 'individualised' system. Yngstrom (2002) documented how this shift from the traditional system of land holding to the individualised system coexisted spontaneously with conditions of growing land scarcity caused by increases in population density, as well as emergence of land markets. In principle, as land became scarcer, land holders affirmed more individualised rights to land, which could be protected under the customary system

(Yngström, 2002). According to Moyo (2017) the rise in privatisation policies resulting in the advancement of informal land markets gave rise to, among other things, complaints and a number of intra-household land conflicts. At the same time there was an intensified international push to facilitate a market for property rights. From these changes began to emerge the division and inequalities between land holders under customary tenure, especially the division between men and women whose rights under many patrilineal customs are different.

2.4 Land reforms and the role of land ownership in Tanzania

2.4.1 Land Law Reforms

Towards 1995 the President of the URT formed a commission to oversee land issues and come up with a policy to address, among other things, land inequality challenges related to gender. The policies turned the focus of reforms into 'tenure security', which was seen as a means by which the rights of vulnerable populations could be protected (Gilbert 2012; Musembi 2007). It was observed that formal rights to land access were an essential part of empowering disadvantaged genders in many spheres of their social and economic lives. The reforms, which were also in line with recommendations by the World Bank, thought the formalisation of land customs was a means of securing customary land rights (Fimbo 2004; Whitehead and Tsikata 2003). The transformation of the land sector was observable after the introduction of the 1995 Land Policy. Four years after its formulation, the twin Land Acts No. 4 and 5 of 1999 were enacted, with the former dealing with urban land and the latter with village land. The main feature of Village Land Act No. 5 of 1999 (URT, 1999) is its acknowledgment of all land in villages as customary. By implication, the law married the customary land tenure practices. In principle, VLA 1999 gave statutory recognition to the customary system of land mediation not previously codified in law. Secondly, the formal system gave power to the Village Councils (VCs) to manage land on behalf of the trustee (President of the URT). In order to fulfil this task, VCs are given the mandate to appoint a special committee to deal with land matters at the village and ward levels (*Mabaraza ya Ardhi ya Vijiji/Kata*), including settling village land disputes. If such disputes are

unresolved, they can be challenged in ward tribunals, and likewise to district-level courts.

The VLA of 1999 also promised to overcome issues of gender inequality, and advocated for equality in the ownership of bundles of land rights to all citizens, particularly women. The VLA of 1999 was credited with ensuring women the right to acquire (inherit, purchase, receive) and sell land, while also guaranteeing their representation in land administration and adjudication bodies. This provides both a space for women to individually pursue titles and to participate in the politics surrounding land sales (Lipton 2009; McAuslan 2013; Sundet 2005; Tripp 2001). Looking back into the reforms and what they promised, this was not reflected in practice. Many writers in Tanzania have documented issues of legal pluralism and inequalities in land access, particularly in land held under customary tenure. The claim of giving women the same rights to land as men seems to be overshadowed by the dominant systems of patriarchy, where land holding within the household gives men the leadership role. This role also gives them the primary role of decision maker in matters regarding land use and land transfers. It is important to explore these patterns of inequality where customary land is contested, most particularly in this era of HIV and AIDS.

2.4.2 The role of land ownership and HIV/AIDS infection.

The work of Hernando de Soto can be used to lead this discussion on the role of land ownership in terms of legal ownership. De Soto's proposition has received attention from other scholars who asserted that: "The absence of legal proof of ownership generates insecurity" (Gilbert 2012:26). This assumption suggests that the land tenure insecurity facing marginalised social groups (such as those affected by HIV and AIDS) is attributed to their lack of ownership of legal rights to land. De Soto's work suggests, therefore, that access to formal property rights holds the key to empowering vulnerable poor people (Musembi 2007) in general. This presumption also backgrounds the land and gender empowerment debate discussed by Agarwal (1994), which shows that the inequalities between men and women in terms of their social status, economic wellbeing and empowerment was influenced by their differences in ownership and control of land.

Although de Soto clearly advocates for the formalisation of land rights from which individuals can use titles obtained from land to generate capital, my analysis is confined to the differences between individuals and their land

ownership based on customary pre-dispositions. Here I separate between rights of ownership and control of land vis-à-vis those that are only obtained through social relationships, mainly rights to use property through either marriage or some forms of kinship. Writers tend to see that use rights to land, which are usually embedded within relationships, are weaker than the rights of ownership and control of land, which are sanctioned either through customs or through formal law (Yngstrom, 2002; Drimie, 2002; Dzodzi and Tsikata, 2004). This assumption may suggest that actors whose use of land is mediated through relationships may be affected when such relationships tend to become shaky or collapse.

De Soto's work may thus form the basis of an argument in advocating for formal rights to land – here I imply efforts by individuals to own and control land, which are sanctioned either by the state, through purchase or through group mobilisation. The question is still open-ended, whether ownership and control of land, as Agarwal (1994) puts it, helps to empower vulnerable groups, such as in HIV-affected men and women. This discussion is carried and expanded further in Chapter Three where I engage a theory of access to identify a number of ways people may gain access to land without necessarily having legal rights of ownership, and likewise, legal rights of ownership of land does not necessarily mean the ability to derive benefits from land.

2.5 Issues Underpinning Customary Land Access.

What is learnt from the literature with regard to customary land access is that customary practices are acknowledged as part of the broad framework of land administration in rural areas. However, within customary practices, land is embedded and accessed under unequal social relationships (see for example Moyo, 2017; Goldman et al., 2016; Whitehead and Tsikata, 2003; Yngstrom, 2002). While there seems to be unequal terrain of land access under customary practices, there is another part which shows that customary practices are given legal recognition under the constitution in Tanzania (Moyo, 2017). This uncertain legal grounding comes with questions regarding the efficacy of the existing laws in securing access to land in the context of HIV and AIDS. This section discusses these issues in detail in 2.5.1 and 2.5.2.

2.5.1 Gendered Land Inequalities

Scholarship on customary land in Tanzania, like elsewhere in Africa, shows that relations around land are socially ‘embedded’, but in unequal social relationships (Yngstrom 2002; Whitehead and Tsikata 2003; Oosome 2014; Peters 2004; Moyo 2017). The dominant claim from most of these studies that underpins the embedded nature of land shows that women’s land claims under customary land access are weaker than men’s. The embedded nature of land relations usually situates a household in the analysis of the multiple land claims within the same land parcel. The discussions gauge individuals within households and their subject positions: the conclusion usually ranks actors with ownership and control of land as superordinate compared to those merely having usufruct rights (see also Ribot and Peluso, 2003). It is within these relationships that the positionality of men and women, comes into the picture. In her study on women’s land rights, Customary Law and Constitutional Reform in Tanzania, Helen Dancer (2017) shows that nearly 80% of ethnic groups in Tanzania follow patrilineal principles of marriage and inheritance. These customs give men rights to the inheritance of family land. For that reason, men assume the role of primary decision makers in matters regarding the use, control and transfer of land.

Conversely, the assumption that men have superordinate rights has led to the characterisation of women’s rights to land as secondary and subordinate. The reason laid down is that women can only gain access to land as wives, daughters or mothers (Toulmin and Quan 2000; Yngström 2002). Thus, these claims code marriage as a very important site through which women can gain usufruct rights to land, as husbands delegate that land to their wives for cultivation. Drawing on the discussions with regard land access inequalities, scholars have tried to gauge the positions of men and women in the contexts of increased land insecurity following severe land shortage and the rapid commoditisation of land (Peters 2004; Whitehead and Tsikata 2003; Yngstrom 2002), and in particularly, the emergence of pandemics such as HIV/AIDS. According to Yngstrom (2002), scarcity of land caused by uncertainty, insecurity, severe land shortage, rapid commoditisation of land and circumstances with unequal benefits sharing automatically lead to contestation.

Scholarship on customary land has documented the proliferation of incidents of land contestation (Cotula and Cisse, 2006; Peters, 2004, Yngstrom, 2002). According to Peters (2004), conflicts over land contradict

assumptions on the social embeddedness of land. The assumption suggests that the existing social systems of land holding no longer guarantee access to land. Echoing her concern over these land contestations Yngstrom (2002) cited cases where certain actors try to manipulate ‘customs’ to their advantage in order to exercise greater control over land to the detriment of other actors with weaker land claims. The key issue remains who gains and who loses in these land contestations, especially between actors with superordinate or primary land claims vis-à-vis actors with subordinate or secondary land claims. Although this claim must be substantiated empirically, evidence from Chauveau (2006) and Yngstrom (2004) suggests that actors who have control over decision making with regard to land are in a better position to benefit from land than actors with subordinate land claims.

2.5.2 Legal Pluralism on Customary Land

The issue of land inequality that I raised in the previous section calls attention to how land is regulated as there is a lack of consensus on what model should be employed to address land concerns in rural areas. In Tanzania, there is a plurality of laws and customs that regulate land both formal and customary. This approach is also criticised by others (Moyo, 2017; Goldman, et al., 2016; Ossome, 2014; Yngstrom, 2002) who see the coexistence of both formal law and customary practices that regulate land as highly ambiguous and almost paradoxical, given the challenges of inequalities under the customary land tenure system (Cotula and Cissé 2006). Nevertheless, the customary system of land tenure is given statutory recognition (Moyo, 2017; Ossome, 2014). In her study of women’s land rights in Makete, Tanzania, Moyo (2017) observed that land access was through inheritance, which gave men dominance over women in terms of household decisions. She had the view that the customary system persistently discriminated against women in the matter of land entitlements, permitting only men to benefit from inheritance rights, while women merely have use rights. Some studies, including Moyo’s, have gone further, challenging the formal system where women’s land rights are also undermined.

On the other side, there is system which governs access to land through formal laws. Under the formal laws, all village land is regulated, for example by Village Land Act (VLA) No. 5 of 1999. After its enactment, it was heralded by a number of writers, including Liz Alden Wily, as an exemplary

case in Africa for restoring rights to the management of village land into the hands of the Village Councils (VCs) on behalf of the Village Assembly⁵ (Sundet 2005)⁶, and to establish mechanisms to mediate land disputes through the Village Land Council (VLC), known in Swahili language as *Baraza la ardhi*. The jurisdiction of operation of the VLC is mediation, and when conflicting parties cannot reach a solution; the matters may be channelled to courts. Section 61 (6) of the VLA does not limit the conflicting parties from following the VLC's recommendation. "No person, or non-village organization shall be compelled or required to use the services of the Village Land Council for mediation in any dispute concerning village land" (s. 61 (6)).

Whitehead and Tsikata (2003:94), have the view that the system is better in terms of delivering gender justice with respect to land, especially as changing demands have exposed new ways in which (people) may be in conflict, (and) bringing individuals into disputes that are difficult to resolve" through the enacted village land councils. Whitehead and Tsikata argued that given its nature, customary land is flexible and embedded in social relationships. For this reason, it is possible and easy to resolve conflicts on the basis of principles instead of resolving conflicts on the basis of rules as laid out in the formal system. But Dancer (2015, 2017) observed that even within these formal systems women's rights to land are undermined. She indicated for example how women's voices were (mis)represented in courts, and how social power relations were critical factors to examine in relation to women's land rights and access to justice in practice. According to Dancer, a woman's ability to access justice is significantly affected by key social and political actors within the family and community, who interact with local courts.

Both contexts of land inequality and legal plurality of norms and formal laws governing land access in rural areas, can be looked upon to explore a myriad of ways in which access to land in the context of HIV and AIDS. First id how inequalities for example, point to power imbalances between social relationships; therefore, under cases of land insecurity or contestation, how are land claims for people with secondary land right secured? The

⁵ The difference between the Village Council and Village Assembly is that the former is the authority of the village that administers village affairs, and the latter constitutes all villagers above 18 years who usually convene to discuss and deliberate village affairs, including their land.

⁶ Essentially, the underlying principle is clearly that village land is vested in the Village Assembly, and that the Village Council administers the land through the authority of the Village Assembly.

second and a related question to the former about land inequality, is the legal plurality system ensure the protection of rights to land for the already identified disadvantaged groups in the context of social insecurities including HIV and AIDS. Evidence from literature points to cases where HIV and AIDS compound to increased land inequalities and insecurity between married couples under customary practice (Drimie 2002; 2003; Okuro 2007). These questions need to be answered through empirical evidence which I provide in Chapter Six. However, they have formed the basis of the scholarly debate since the emergence of HIV/AIDS and whether it has profound impacts on access to land for the affected people.

2.6 The HIV/AIDS, Land Access Debate and Research Gap

Since the emergence of HIV and AIDS pandemic, several writers have written and raised concerns over the nature of the causal relationship between HIV/AIDS infection and loss of land rights (Mbaya 2002; Drimie 2002, 2003 Aliber et al. 2004; Aliber and Walker 2006; Okuro 2007). There is a view among several writers that the disease negatively affects the land access status of affected people (Kiai et al. 2002; Mbaya 2002; Drimie 2003; Aliber and Walker 2006; Villarreal 2006; Okuro 2007). These authors show, for example, how challenges associated with prolonged AIDS-related illness causes household members to sell their land to defray the cost of care and treatment (Drimie 2002; Mbaya 2002). Further, it is indicated by these researches how the likelihood of AIDS sickness that leads to mortality may cause land to lay idle as a result of household mortality. In addition, AIDS has led to a change of patrilineal land inheritance which deprive women rights to land ownership through customary practices (Mabumba et al. 2007; Okuro 2007; Oluoch & Nyongesa 2013). It is shown that in some patrilineal customs AIDS has changed widow inheritance practices which prevailed in certain traditions following the death of a male kin. Relatives of a deceased brother would inherit the widow in order to retain land to the patrilineal side. Authors argue that with AIDS, widows are no longer inherited, rather they are exposed to divorces and land dispossession (Drimie 2002; Mbaya 2002).

However, these claims and assertions on the impact of HIV/AIDS on and rights have not gone unnoticed. Other studies, such as that of Aliber and Walker (2004; 2006) in Kenya, have disputed the conclusions of those

studies. Aliber and Walker (2004) argue that there is no mono-causal link between being infected by HIV/AIDS and losing land rights. This concern also echoes my view during the initial stages of this research indicating lack of discrimination of marginalised social groups under formal laws. In fact, formal laws in Tanzania advocate for empowerment of disadvantaged social groups in access to land rights. Aliber and Walker (2004;2006) question for example, does it mean, if any person is infected by HIV, or suffers from AIDS illness, they will lose their land rights? These are some of the fundamental questions which I also advance in this research: that the link between HIV and AIDS infection and access to land is not straightforward and that the contextual factors underpinning such links are also not well understood.

In her book about thirty years of HIV/AIDS pandemic in East Africa, Seeley (2015) provides useful insights to rethink about studying the impact of HIV/AIDS and land access. By tracing the shadow of the epidemic to 22 HIV-affected households in Uganda, three decades after her initial visit, Seeley investigated the impact of the epidemic within the context of the social, political and economic changes that have occurred on the studied households. Seeley's research touched on the loss and suffering and the scars to be found among the HIV affected households. Seeley's book on HIV/AIDS impacts also asserts the complexity of drawing a one-on-one impact of HIV/AIDS on social, political and economic aspects of life such as [in this study] access to land. However, Seeley (2015) shows that lack of a mono-causal link does not mean no impacts at all. Rather, she underscores the fact that the impact of HIV/AIDS do not occur in isolation of other life challenges that also impact people lives including poverty, pest and diseases and conflicts. Seeley (2015) book shows the importance of social relationships within which access to resources is embedded and how those relationships can be affected by HIV/AIDS.

Studies on access (such as Ribot and Peluso, 2003) for example, which I engage in the next chapter on Theoretical Framework, also connect with Seeley's and my insights on the story of Lorena which I provided in Chapter One. These scholarly works – complemented by my observations in the field – underscore the importance of analysing social relationships as in which access to land is embedded (Goldman et al., 2016; Seeley, 2015; Ribot and Peluso, 2003; Whitehead and Tsikata, 2003). It also draws attention to the processes and dynamics within such social relationships in relation to

people's lived experiences and their access to land. To date, these mechanisms, processes and dynamics through which HIV infection influences access to land are only partially understood. By exploring how infection alters social relationships and power dynamics, this study has the potential to yield a better understanding of societal processes underpinning access to land in the context of HIV/AIDS, and thus who is affected and why.

2.7 Concluding Remarks

What is gathered from the literature, are complexities that shape and affect access to land in rural areas of Tanzania. The chapter has explored the history of land access in rural Tanzania, as well as to address how structural inequalities continue to challenge reforms in the land sector. The chapter has also highlighted how the emergence of pandemics — especially HIV/AIDS, which has existed for nearly four decades — is claimed to impact land. While the role of land ownership is debated, the link between HIV/AIDS and access to land needs to be developed in order to further explore its effects on land. The next chapter attempts to further conceptualise the link between HIV/AIDS and access to land, and the ways in which HIV/AIDS and perceptions associated with it constrain or enable access.

3. Theorising Access to Land in The Context of HIV/AIDS Pandemic

3.1 Introduction

This chapter provides a theoretical orientation to the analysis of emerging issues concerning how certain people's access to land is affected by their being recognised as having contracted HIV and AIDS. Thus, I begin the chapter by first defining the terms that are used throughout the thesis in Section 3.2. Here I define land, HIV and AIDS, and problematise impact analysis. I then engage directly with Ribot and Peluso, as well as scholarship on powers of exclusion and intersectionality, which attempt to expand the theory of access in section 3.3. The theoretical analysis mainly draws from the access, exclusion and intersectionality approaches, to explore how access is negotiated across multiple dimensions of power. Section 3.4 concludes the chapter.

3.2 Defining Terms Used in This Research

3.2.1 Land

Land is an object, or rather, as the Oxford English Dictionary defines it, "a solid portion of the earth's surface that excludes water". The Land Act No 4 (1999) in Tanzania, defines land as the inclusion of "the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of or below the surface, things naturally growing on the land, buildings and other permanently affixed to land" (URT, 1999:26) However, Hall (2013) notes that land is more than this, defining "land (as)

its landness”, which implicates the economic, social and cultural values that people derive from it. It is claimed by Manji (1996) to be the sole source of livelihood and income, which few other forms of property enjoy. It provides, for example, shelter, income from rental or real estate; it provides livelihoods, and may determine one's status, a sense of belonging and identity within a given social context (Seeley, 2015). People in rural areas, for example, depend on it for crop cultivation, grazing their cattle and obtaining building materials. Seeley (2015) also adds to the social, cultural and spiritual emotions that people attach to their ownership of land. Agarwal (1994) has also attached values to land which give owners the power to control the decisions and flow of benefits within their households. While these values are closely connected with the control and ownership of land, they are also contested.

One may wish to know, for example, why a study about the impacts of HIV and AIDS focuses on land. Basically, the statistics in Tanzania show that land and especially agriculture account for more than 75% of people's livelihoods in the rural areas of Tanzania (URT, 2013). Even so, the Lyamba Household Socio-Economic Survey — conducted in 2018, while this research was also underway — indicated that about 98% of people in the ward were employed in agriculture. This tight connection between land and livelihood in rural areas justifies the focus on land in this analysis. The second reason stems from the ongoing reviews of the Land Policy (1995) which emphasise the need for individual land rights, as opposed to the customary practice, where women's land rights were subsumed under those of their male kin. These reasons call for an understanding of how loss of access to land applies to the livelihoods, social status and wellbeing of affected people in the village. In this research, therefore, land is regarded according to the value people attach to it, including the benefits that people derive from direct or indirect use, ownership and control of land.

3.2.2 HIV and AIDS

Besides land, the other major factor focused on in this thesis is HIV/AIDS infections. In this thesis I chose to separate both HIV and AIDS, and view them as a single coherent infection, depending on how they are perceived and used by particular informants. HIV is a human immunodeficiency virus that attacks the body's immune system which, when not treated, can lead to AIDS (acquired immunodeficiency syndrome). Epidemiological studies

estimate that HIV-infected persons survive between eight and ten years without treatment. However, with a new generation of drugs, if a person begins antiretroviral drugs after diagnosis, they can extend their life by an average of around 50 years (Pankow et al., 2020). AIDS is the late stage of HIV infection, which occurs when the body's immune system is badly damaged because of the HIV virus. Pankow and Christian indicate that without HIV medicine, people with AIDS typically survive about three years. HIV medicine can still be potentially lifesaving at an early stage of infection. Due to the increased life expectancy, AIDS-related deaths have been reduced in many parts of the world, including in Tanzania (Kerrigan et al., 2020; Seguya, 2021; Wang et al., 2021). For this reason, people have the hope to live normal lifespans with HIV infection, and do not necessarily experience AIDS-related illness.

HIV is not just a biophysical/medical issue, it is also a social phenomenon and has negative social consequences. Some of the native social consequences of being believed to suffer from HIV are labelling differences, stereotyping and discrimination, and these may lead to loss of social status (Aggleton et al., 2003; Fife & Wright, 2000; Link & Phelan, 2001b; Phelan et al., 2008; Tyler, 2018). I indicated in the literature review a need to expand our theoretical understanding of how access is affected by HIV and AIDS. As will be shown in the thesis, being labelled by people as being HIV infected does not necessarily mean that the person in question suffers from HIV. People in Lyamba may be labelled as HIV infected based on perceived bodily symptoms, like weight loss, coughing or marks on the skin, which could also be the result of other diseases such as tuberculosis. Others are labelled as HIV infected based on their preconceived associations with people thought to be already infected. Examples of such 'socially contagious' associations were real or imagined sexual relationships. For this reason, the various forms of stigma associated with people believed to be HIV infected led me to create the categories of 'HIV affected' and 'HIV infected'. I use the term 'infected' to refer specifically to persons who have been officially diagnosed as HIV positive. These are the ones who confirmed to me that they were infected and consented to participate in this research. Equally, I use the term 'affected' to refer to people who have not acquired HIV, nor are they suffering from AIDS-related illnesses; these are people whom, as I have indicated, are for some reason perceived and labelled as being infected by HIV, and who have endured HIV-related consequences to

their lives (Wood et al., 2003). These include orphans and widows, whose affectedness is a result of the AIDS-related death of their parents or spouses.

3.2.3 Analysing HIV and AIDS impact on land

I analyse ‘HIV and AIDS impacts’ on land. In this case, I link an individual’s status of HIV and AIDS infection, sickness and death or ways in which a person is linked with negative perceptions attached to the disease — and how in return this influences their access to land. I must state that there is an empirical and analytical challenge to identifying how to analyse the impacts of HIV and AIDS in the struggle for land, since such struggles are embedded within multi-faceted and complex social and cultural contexts (Ansell et al., 2009; Seeley, 2015). Previous related studies on the impacts of HIV and AIDS have identified the challenge of delineating a boundary between HIV and non-HIV-related impacts on social, economic and cultural aspects of human life (Aliber & Walker, 2006; Aliber et al., 2004). In her book *Thirty Years of AIDS in East Africa*, Janet Seeley (2015) argued that the epidemic has not happened in isolation of other factors, such as growing population pressure on land, non-HIV diseases and broader changes to the economy that have and continue to have an impact on and drive change in rural livelihoods as well. This argument has also been observed by other writers on the same topic, such as Ansell et al. (2009), Aliber and Walker (2006) and Murphy et al. (2005). Authors see that ‘impacts’ are not necessarily the straightforward effect of HIV. HIV impacts are mediated by social factors, and for that reason I raise the need to understand those social dimensions that shape access in the context of HIV and AIDS. The study thus takes its point of departure from an ethnographic study and analysis of a number of people who are believed to be infected or affected by HIV and AIDS, and whose access to land is challenged by people who are part of the same village and social networks. The lifeworld analysis draws on insights from Michael Jackson (2012) and Thomas Csordas (2019). The in-depth ethnographic description and analysis is also inspired by Clifford Geertz’s (2008) method of ‘thick description’. I elaborate this clearly in Chapter Six to show how people who are believed to be infected with HIV/AIDS struggle to secure access to land, which is being contested. The concept of access is thus central to theorisation in this chapter, as I detail here.

3.3 Theorizing access

In theorising access, I mainly draw on Swedberg (2012), who argues that theory must always emerge from the empirics of the research through a dialectical process of theorisation. According to Swedberg, theorisation, which is divorced from observation, can easily fall into the trap of twisting facts to suit premeditated concepts. In this research, theorisation has been carried out in conjunction with, and has largely been shaped by, empirical materials. Since the research primarily deals with land and the ways its access is affected in the context of HIV and AIDS, I mainly draw on Ribot and Peluso's theory of access. The 'theory' is a widely applicable and well-studied framework which provides an understanding of the socio-cultural factors that influence access; for that reason, I see it as a suitable framework to provide an analytical understanding on the research topic. In theorizing access, I describe and operationalize a theory of access, the Mechanisms of access or exclusion which I also term as 'bundles of powers', the contextual factors behind exclusion from land and the intersectionality approach which helps to understand the categories of people whose access is affected by HIV and AIDS.

3.3.1 A theory of access

Ribot and Peluso (2003), who originally developed a "theory of access", defined 'access' as "the ability [of people] to derive benefits from 'things'" (2003:153). The term 'things' in this research includes, but is not limited to, land. Ribot and Peluso developed the theory of access in 2003 after years of primary research in human geography, political economy and political ecology based on social theory. This theory was built on ideas contributed by Marx (1973) and Polanyi (1945), and responds to the common property theory by Berkes (1989) and Schlager and Ostrom (1992). For a long time, studies (see, for example, Moyo, 2017) viewed land as a bundle of 'entitlements', or rights that are sanctioned by certain formal institutions (Bell and Parchomovsky, 2004, McPherson and Nieswiadomy, 2000; Sikor and Lund, 2009).

But I see the language of land rights as limited, and it does not work in legal pluralistic contexts such as Tanzania. Such legal pluralistic contexts, for example, allow the coexistence of both customary practices and formal laws, and people do not always need legal rights to gain access to land — Ribot and Peluso (2003) show that people can have legal rights to property,

yet do not derive benefits from the property they own. Equally, people cannot have legal rights to property but still derive benefits from it in many different ways, such as social relationships (Ribot and Peluso, 2003; Goldman et al., 2016). This reason, therefore, makes my use of the theory of access more meaningful because it tries to grapple with land not as just a legal category but a resource embedded within society, and one that needs to be examined to understand dimensions of social power. The theory thus suggests a broader understanding of the mechanisms that can enable people to, or constrain them from deriving benefits from things. It is for this reason that I draw from the theory of access to understand more broadly the social relationships through which people derive access to land, and how those relationships can be challenged when one is infected by HIV and AIDS. Before I advance further with Ribot and Peluso's access theory, I want to also bring to attention the concept of 'powers of exclusion' by Hall et al. (2012).

Hall, et al., (2012), as well as Ribot and Peluso (2020), see powers of exclusion as also contributing to the theory of access. This is an important innovation analytically because it helps to understand that access is not about factors through which people gain access alone — this is also about the processes that lead to exclusion (and thus makes it impossible to gain access). Hall, Hirsch and Li bring in another way to look at access in the context of exclusion. According to them, powers of exclusion are those that prevent people from deriving benefits from land. This view leads us to see 'access' and 'exclusion' as two sides of one coin. But it is important to stress here that access is larger than exclusion in the sense that access is about how benefits are gained, while exclusion is about how people are prevented (in many different ways) from deriving these benefits. Therefore, while exclusion might be seen to have negative effects, it has its positive side to those who gain access by excluding others. The question remains as to what mechanisms and processes those benefits are derived from – or in this case how they are blocked — and how HIV and AIDS infection contribute to such processes and mechanisms.

3.3.2 Mechanisms of Access or Exclusion (Bundles of Powers)

The theory of access (exclusion combined) develops a much bigger understanding of what enables people to gain access. It ultimately points to abilities, or as the authors say, 'bundles of power' which enable people to derive benefits, or sometimes prevent others from deriving benefits, from

land. But these factors from which access is gained or prevented point to social relationships as nodes within which access is embedded, and nodes where outcomes of power in contested access can be manifested. These two concepts of power and social relationships are explained in this subsection.

Bundles of power

Power and power relations are central to the theory of access, and throughout their articles, Ribot and Peluso (2013;2020) emphasise that the mechanisms of access (or exclusion) are relations of power. Ribot and Peluso's analysis of power draws on an actor-oriented perspective from Max Weber and Steven Lukes, who view power as "the capacity of some actors to affect the practices and ideas of others and that power is 'emergent from, though not always attached to people'" (2003, p. 156). This implies that when people attempt to gain access, or when they lose it or even in order to prevent others from gaining access, they need certain 'abilities'. These 'abilities' are what the authors define as 'bundles of power' (Myers & Hansen, 2020; Peluso & Ribot, 2020; Ribot & Peluso, 2003). According to the authors, the bundles of power are "embodied in and exercised through various mechanisms, processes, and social relations that affect people's ability to benefit from resources. These powers constitute the material, cultural and political-economic strands within the 'bundles' and 'webs' of powers that configure resource access and that the strands shift and change over time, changing the nature of power and forms of access to resources" (2003: 154).

Thus, for an individual to derive benefits, they must utilise their individual bundles of power, including influence, force or persuasion, or institutions that hold, control or maintain access in different ways. Lukes (1986), for example, shows that these bundles of power can emerge from an individual's resources, strength, personal magnetism or wealth, or their skills or organisational backing. To further elaborate, Ribot and Peluso provide a list of these bundles of powers, which they termed 'structural and relational access mechanisms. They include but are not limited to the following: knowledge, capital, social relationships, technology, social identities, authority and labour. In their study about Access and Women's Empowerment in Northern Tanzania, Goldman et al. (2016) shows how a combination of bundles of powers was a source of empowerment for vulnerable women on "(1) gaining access to (and sometimes 'control' over) land even when they do not 'own it'; (2) gaining empowerment within communities to claim legal rights to land and to political processes, and (3) working to keep land within

communities (through legal and political frameworks)” (p. 777). Their study demonstrated that these bundles include access to knowledge about legal rights, access to customary forms of authority and access to joint social identity as women, strengthening their collective action to protect land rights.

While Ribot and Peluso discuss bundles of power related to access, Hall, et al., (2016) also developed four bundles of power that may act against individuals to prevent them from gaining access to land. In analysing how access to land is affected in the context of HIV and AIDS, I am prompted to focus on their framing of powers of exclusion. This is an important innovation analytically because it is not enough to theorise the factors through which people gain access, we also need to theorise the processes that lead to exclusion (and thus makes it impossible to gain access). The authors, for example, discuss four mechanisms through which people can be prevented from gaining access to land. They include circumstances such as: 1) when regulations are set to prevent others from gaining access, 2) when markets set prices which make others unable to afford to gain access, 3) when necessary, force is applied to prohibit others, and 4) when legitimacy is used to delegitimise others’ ability to derive access. Although Hall, Hirsch and Li have delineated four powers of exclusion, they are interwoven. They also leave questions open regarding HIV and AIDS, and the stigma attached to an individual who is thought to be infected by the disease.

Stigmatisation can also be looked at as another form of exclusionary power that may affect an individual’s bundles of powers (Link & Phelan, 2001a). Based on the very prominent definition by Goffman, stigma is defined as an “attribute that is deeply discrediting” and thus reduces one “from a whole and usual person to a tainted and discounted one” (2009:3). ‘Stigmatised attributes’ are often associated with marks, blemishes, stains or characters that are different from what is regarded to be normal in given social contexts. Common examples of stigmatisation include discrimination against black Americans by whites, from the slavery period and also during the era of the Jim Crow racial laws wherein black Americans were not allowed to buy property in ‘white neighbourhoods’ (Phelan & Link, 2015). It also includes discrimination against the minority white settlers in Zimbabwe (Mlambo, 2019). An often-cited case of discrimination where powers of exclusion have deeper roots is the Hindu caste hierarchy prevalent in South Asia (Nepali, 2018; Nightingale, 2011). However, the issue of stigmatisation wherein people tend to link attributes such as slimming or skin

marks as in AIDS cases (Seeley, 2015), or race, gender and ethnicity raises many questions. Is stigma a concrete thing? What is really stigmatising about being infected with HIV, for example? And what do people tend to achieve by stigmatising those thought to be infected?

Researches on stigma sees that the role of power in stigma is usually overlooked because often people tend to take for granted power differences, and to see them as unproblematic. Link and Phelan (2001) for example expanded and refined Goffman's definition to cover a wide range of circumstances of stigmatisation (Link & Phelan, 2001b; Link et al., 2001; Phelan et al., 2008). According to Link and Phelan (2001) stigmatisation encompasses elements of labelling, stereotyping, separation and discrimination which co-occur in a 'power' situation that allows the components of stigma to unfold. They thus see that stigma is not a concrete thing, rather a social construction. This formulation leads us to see that there is nothing inherent about being infected with HIV, being sick from AIDS, being physically handicapped or living in a low caste that makes one less 'deserving'. But once one is associated with this stigma, their bundles of power become affected, for example by lowering their status, self-esteem, sense of confidence and belonging to a particular social context (Link & Phelan, 2001b; Link et al., 2001; Phelan et al., 2008). According to Link and Phelan, having a devalued social status leads to very concrete forms of inequality in the context of social interaction within smaller groups. The authors show that these inequalities in social status and self-esteem within smaller groups do not usually result from forms of discrimination that would readily be apparent to a casual observer. Rather, group members tend to use disguised forms of discrimination to create "performance expectations that lead to a labyrinth of details that involve taking the floor, keeping the floor, referring to the contributions of others, head nodding, interrupting and the like" (2008:371).

Loss of status and self-esteem as a result of stigmatisation is explored in this research with a focus on HIV/AIDS to understand its material and immaterial consequences. The intention is to know to what extent loss of social status and self-esteem influences the bundles of powers an individual has over access, and under what circumstances stigmatisation is carried out. Phelan et al.'s (2008) account of stigmatisation can be linked with powers of exclusion when it is associated with concepts like 'keeping people down' or 'keeping people out'. In other words, keeping people down implies

suppressing their social status and self-esteem, and keeping people out implies excluding them. Yet, processes of exclusion are not inevitable: it remains an open question what factors may contribute to exclusion or enable access in the context of HIV and AIDS.

Social relationships

Ribot and Peluso (2020) discuss power as “an effect that emerges from social relations and ongoing struggles within them” (p. 300). They see social relationships as mechanisms that influence who is able to enjoy benefits from resources. Social relationships are very central to this thesis in the sense that they are sites within which access to land is embedded (see, for example, Yngstrom, 2002; Whitehead & Tsikata, 2003; Moyo, 2017). By definition, social relationships are connections that exist between people who have recurring social interactions (August et al., 2013). People draw access to land from their membership in different kinds of relationships on the basis of reciprocity, patronage, dependence and obligation. Hickey (2004), and Cleaver (2004), have used the concept of social embeddedness to indicate how gaining land draws differences between actors on customary land. The very common relationships are marriages or kinship relationships, and they draw fundamental differences between men and women, and their positions in relation to land.

According to Yngstrom (2002), the differences between men and women, and their positions with regard to land access within social relationships, are historical. The differences have largely been attributed to scarcity of land following (among other factors) population increase in the 19th century. Yngstrom notes that land scarcity led to the emergence of ‘lineage lands’ because there was no land available for clearing. For that reason, senior men began to assert greater control over land by limiting its transfer to female members of the family for fear that it would be taken away by their husbands upon marriage (see also Seeley, 2015). According to Yngstrom, the decline in women’s inheritance of land through the lineage has meant that women increasingly came to rely on marriage for access to land. Yngstrom (2002:29), for example, notes,

Marriage provides secure access to land, but only as long as a woman remains married. Equally, widows have generally inherited their deceased husbands’ land to hold in trust for their sons. Thus, when a couple divorces, a woman is expected to leave the homestead and farm with her own (natal) family.

Likewise, Quan (2006:256) adds,

Women's land rights and tenure status depend primarily on their identities (as wives, daughters or sisters) and that (many customs) do not accord women land rights on the principle that they will eventually marry out of the group, leaving family land vulnerable to acquisition by other.

These quoted statements indicate differences in power between men and women within their marriage, which also reflect their differences in control over land and household decisions. The idea about power differences between men and women in family relationships is reflected in men's and women's positions with regard to ownership and control of land. According to Whitehead and Tsikata (2003), use rights to land are inferior and secondary compared to ownership rights, which they term as primary and dominant. Ribot and Peluso have also used this claim to classify the 'dominant' and 'subordinate' classes which emerge between people in relation to their property relationships. According to Ribot and Peluso (2003), these classes emerge due to dependencies between actors in relation to their use of a given property. They see subordinate actors depending their access to those who control access, and in that case, they tend to cultivate relations with dominant actors who control access in order to derive the same. It is important to look at these differences in power relations between actors in relation to the contexts in which they unfold, and the extent to which exposure to HIV and AIDS positively or negatively influences access to land.

3.3.3 Contextual factors behind exclusion from land

By 'contextual factors' I refer to circumstances, processes or factors that should be considered in analysing how HIV/AIDS can affect individuals' access to land. I highlighted these contextual factors in the background discussion, and will also do so in the description of case studies in Chapter Six. The point here is that these factors are going to influence how struggles for land unfold. Struggles for land depict the overlapping means and bundles of power people use to gain access. HIV/AIDS infection, or perceptions associated with it, emerge as factors used to weaken the affected individual's power to gain access. It was clear from my research in Lyamba, as I have presented in this thesis, that the pluralistic legal context, the ongoing disputes and struggles over land in varied and numerous contexts and the gendered inequalities of land access at the family level provide the basis for

understanding the ways in which HIV/AIDS impacts access to land. The legal pluralistic context, for example, indicates the coexistence of multiple laws, customs and practices that legitimise access. Such a structure likely gives, as Rosen (2020) shows, room for people to use different strategies, tactics and tricks to navigate contested lands. One of the issues I have raised from the empirics is how people use stigma. While stigmatising behaviours might be considered unacceptable in civilised societies, it is important to take note of what people stigmatise about.

It can likely be seen that in a legal pluralistic context, many strategies, tactics and tricks can be used. I also see stigma as one of the strategies people use to achieve their hidden intentions. Bourdieu uses the term ‘symbolic power’ to refer to actions that have a hidden intention, but with injurious implication. As Link and Phelan (2001) argue, stigma has a symbolic form of power that can affect an individual’s social status and self-esteem. In this research, I want to advance the theoretical understanding of the material effects of stigma. I want to specifically understand moments when people stigmatise, and the outcomes they want to achieve. Of course, as important sites where access to land is embedded, social relationships offer a good starting point to understand the contexts which exacerbate loss, and how HIV/AIDS can influence access.

Using social relationships as sites of land access and contestations, I want to look into the balance of power between social actors within families, such as between the men and women of a given family. I am aware of the large body of literature in Africa that reveals inequalities between men and women in their access to land within social relationships (Moyo, 2017; Peters, 2004; Yngstrom, 2002). It is indicated, for example, that men seem to have more power than women within their households, and so they tend to influence decisions. Guirkingner and Platteau (2014) discuss issues of power imbalance within social relationships and linked to instabilities that could lead to marital dissolution. With power imbalances, certainly there can be winners and losers in the sense of those who decide to end relationships being advantaged over those who are rejected. This context leads me to link HIV/AIDS, and the ways it exacerbates instabilities within social relationships. Scholarship on HIV/AIDS has linked the disease to negative social perceptions, such as the idea that one may have been unfaithful, and thus caused their divorce. In her study, Seeley (2015) documented a case in which evidence of HIV infection in one member of a married couple was taken as proof of infidelity.

According to Njau et al. (2012) such circumstances exacerbate physical abuse or hasten divorce.

Another aspect to understand is how AIDS may increase the likelihood of early death, especially when that death involves a household head. Presumably, such death would be likely to create moments where land can be contested, especially by widows and orphaned children. Cotula (2012) indicates that, because widows rarely inherit land under customary norms, and orphans may be too young to inherit, such circumstances may dispossess widows and orphans of land in favour of their matrimonial or patrimonial relatives. A study by Drimie (2002) indicated, for example, how uncles may cheat orphans out of inheritance and legitimise their actions through guardianship practices. Therefore, this research needs to explore all of the circumstances within which relationships may be affected by HIV and AIDS. For example; how perceptions that associate HIV/AIDS with lack of trustworthiness in marriage, for example, are linked with instabilities in marriages — a number of cases related with divorce or separation are linked with negative perceptions on HIV infection such as infidelity and how these relationships (kinship or other kinds of relations, such as friendships or political connections), enable or constrain individuals access to land in the context of HIV/AIDS and so forth.

3.3.4 Intersectionality approach

The approach of intersectionality is broad, encompassing wider issues of feminism, but this research borrows this concept to analyse how individuals' identities and dispositions affect their ability to access land. One of the issues that draws my attention is the claim from previous studies on HIV and AIDS that widows and their children, as a category of people, are the most affected with regard to land access (Aliber & Walker, 2006; Aliber et al., 2004; Drimie, 2002, 2003; Okuro, 2007). An important contribution to intersectionality theory was made by Kimberlé Crenshaw in 1989 to describe how race, class, gender and other individual characteristics 'intersect' with one another in practice. Crenshaw's intersectionality approach came to challenge earlier social theory, which focused on one characteristic at a time (Hajdu et al., 2013). These ideas were also advanced by Scott-Jones and Clark (1986), who posed the idea of individuals' identities as elements to consider in gender analysis. This might have influenced the formulation of the intersectionality approach, which challenges a notion of victimhood based

on grouping people into single categories, such as ‘women’ or ‘orphans’. According to Crenshaw, knowing that someone is a woman who lives in a sexist society is insufficient information to describe her experience (Gopaldas & Fischer, 2012). Instead, it is also necessary to know her race, sexual orientation and class, as well as her society’s attitude towards each of these memberships.

An intersectionality approach is used in this chapter to blend access and exclusion because intersectionality posits that there are no specific fixed categories; likewise, theorising access and exclusion focuses on power and processes through which access is gained and lost. Bearing in mind the danger of ‘fixed categories’, the intersectionality approach helps to acknowledge people’s differences in terms of identity categories such as gender, education status, marital status, income level and political persuasion. These identity categories implicate power, and can influence an individual’s access to land. An intersectional approach allows us to see difference on multiple dimensions, and then can better explain different experiences across differently intersecting social identities and positions. Finally, intersectionality suggests that multiple axes of social difference operate together. This is insightful because it implies that we cannot just assume that a person is going to lose access just because they are poor, a woman, widow or orphan. We have to look at the multiple combinations as they come together, and how each has the potential to negatively or positively influence access.

Importantly, these identities are always changing in response to changing circumstances and processes — and work very well in the intersectionality as well — because when one is stigmatized it changes their social position and status. And some groups, based on their social position, may be less vulnerable to this change, and others may experience it more. Rather than assuming that identities are static in the sense of their labelled attributes i.e., weak, vulnerable, or powerful; intersectionality actually gives a window to be able to study how identities and social position change as a result of HIV — and then how it affects the bundles of power, and then access.

3.4 A Summary of Key Issues and Concepts.

In the theoretical chapter I indicated how access to land in the context of Lyamba may be embodied in and exercised through various complex mechanisms, processes and social relations that affect people's ability to benefit from it. The theories and empirical evidence from similar contexts shed light on how various factors — such as increased urbanisation and commercialisation of land due to increased land markets and demographic changes — may expose land to intense pressure. These pressures thrust land into ongoing contestations among individuals in social relationships as focal points where access to land is embedded. To determine who is able to gain or lose depends on the individual's position within the social relationships, and their gender, age, education, and marital and economic status. Being affected by/infected with HIV- or AIDS-related illness may also determine the ability to gain or be prevented from land access. But it is not known what ways the context of HIV and AIDS affects individuals' ability to access land.

Drawing from theories of access and exclusion, this chapter has explored the range of mechanisms and intersecting power relationships that people may use to benefit or prevent others from gaining access to land. These bundles of power are twofold: those which individuals by their agency are able to use in various nuanced ways to access land, and those which individuals exploit to prevent others from gaining access. The latter should be in situations of land scarcity, contestation, and when that land is of high economic and social value. Various mechanisms can be employed by actors to exclude others from access. Social relationships are therefore focal points for the understanding of how different bundles of power overlap, and how that affects the outcome of the process of land ownership and transfer. I draw from the theory of access, not only to highlight the importance of access beyond formal property, but also to show how other different forms of access can emerge. Ribot and Peluso's access analysis has thus helped to explore how relational access mechanisms are key to understanding how gendered (dis)empowered populations gain access to and sometimes take control over land, even when they do not own it.

The focus on research on economic and social exclusion has also helped to shed more light on how access to land may be affected in the context of HIV and AIDS. Literature on HIV and AIDS has helped to unpack the circumstances in which illegal access to land may be legitimised as part of 'normal practices' through dispossession, suppression, discrimination and

stigmatisation. However, these are not the only means; various mechanisms (weapons) may be applied during contestations to have ownership and data, which reveal practices of land exclusion in the background of HIV and AIDS. Lastly, the empirical data also need to analyse multiple dimensions of an individual's identity, and how these influence their ability to derive land-related benefits. The analysis therefore requires empirical data that disaggregate categories of people who are vulnerable to land dispossession, and to understand with more precision who is more affected than others in terms of access and exclusion in the context of HIV and AIDS.

4. Research Methodology

4.1 Introduction

This chapter discusses the design, strategy, research process and methods employed for data collection, analysis and presentation of the research findings. Starting with Section 4.2, the research design and the strategy adopted are outlined, describing ethical issues and challenges encountered during the decision to select and conduct fieldwork. The adopted case study strategy and the justification for its adoption is detailed in Section 4.3. The methods that were used for data collection, and the process taken over the course of the research are described in Sections 4.4 and 4.5, respectively.

4.2 Research Design

According to Yin (2014) a research design is the overall framework that has been selected in a rigorous and systematic way to integrate different components of the study in a coherent and logical manner, thus, ensuring the research problem is effectively addressed. It can also be seen as a strategy for answering research questions using the empirical data (McCombes, 2021). It includes, for example, the nature of research objectives, like whether they rely on primary or secondary data, the sampling approach and criteria for selecting respondents, the methods needed for data collection, the procedure to follow when collecting data, and ways data will be analysed and interpreted. The nature of this study is qualitative but this decision came after attempting and failing the quantitative approach. Initially, I designed a survey with close-ended questions which some of the previous studies on HIV/AIDS (see for example Aliber et al., 2014) had attempted to administer

to the HIV-affected respondents. However, the disadvantage was that, first of all the sample was too small (17 HIV-affected persons respondents who had accepted to participate). Secondly, while administering the survey, I realised some of the respondents had more stories of their HIV/AIDS infection and access to land which would not be adequately captured through ready-made questions.

According to Flyvbjerg (2006), we cannot understand people's behaviour as simply rule-governed acts. We need to be close to real-life situations. Given an understanding human behaviour and choosing the appropriate design, Otto (2013) justifies the use of qualitative research in circumstances where the researcher wants to explore people's experiences and the meanings they attach to those experiences. Qualitative research design allowed the freedom for social interaction with the respondents and capture the depth and breadth of family-related land conflicts and histories of HIV and AIDS infection. These are stories depicting issues of power within un-equal social relationships in which access to land is deeply embedded and contested. To understand these stories, it required deep ethnographical detail which Clifford Geertz (1973) terms as thick description. According to Rosen (2020:75), Ethnography provides for opportunities for 'slower accumulation of evidence and for key insights to arise unexpectedly, during the experiences that allow glimpses of how the world is experienced by local people'. The primary value of a fieldwork strategy based on ethnography, as Rosen (2020) puts it, is that it provides certain kinds of insights that are difficult to obtain in any other way, such as people's social positioning, relations to land, and (in this research) access to land.

As part of the design of this research, I have already elucidated how HIV/AIDS and issues underpinning access to land are very sensitive topics to deal with. I already analysed in the theoretical framework chapter showing that both land and HIV/AIDS are intertwined with complex social relationships which mediate access to resources. Stories such as family-related conflicts in relation to the contested nature of land and stories about people's HIV/AIDS infection have serious consequences unless handled carefully. The following sequence of items 4.3 - 4.8 are part of the design of this research, indicating the choice and justification for case study strategy, sampling technique, data collection and analysis methods, the research process and ethical issues.

4.3 Case Study Strategy

4.3.1 Case Study Approach

As indicated in the past three chapters, the research deals with [people's] access to land in the context of HIV and AIDS in Tanzania, with the focus of Lyamba ward. The research adopted a case study approach. According to Lund (2014:224), a case is 'an analytical construct' which is aimed at 'arranging knowledge and structuring thought process around a certain phenomenon, and to some pre-constituted unit of analysis' (Rosen 2020:71). Atkison as cited by Otto (2013), emphasizes the use of life stories when selecting a case study strategy. He argues that life stories are ways to understand and define relationships and groups interactions. In their point of view, Atkison (1998) and Otto (2013) can help to show in this research for example, how people are constrained or enabled to gain access to land in the wake of HIV and AIDS infections.

Yin (2014) also adds that, case studies are suitable in circumstances when the phenomenon under study is contemporary, and the research questions are exploratory and descriptive. By engaging with ethnography, the use of case study has enabled this research to capture narratives and descriptions made by people during different activities: I recall some of the events such as drinking local beer in secluded bars and listening to what people were gossiping about — *Mr X who is cheating with Mrs Y who is rumoured to be HIV infected, or Mr M who has built a nice house after dispossessing and selling land which had been left to the orphans of his deceased brother*⁷ and so forth . Most of these stories emerged when the initial boundaries between me (as a researcher, or a government official) and the people became narrow – when villagers would no longer see me as a stranger. By participating in such events, I got the opportunity to understand the people and develop new insights to shape my research questions. Case study approach also gave me the advantage of using multiple methods, such as key informant interviews, participant observation, in-depth interviews and group discussions (see also Otto, 2013).

⁷ These are some of the stories (not word to word); but I recall them as I heard people saying while I interacted with them in several events in Lyamba ward.

4.3.2 Selection of study area

The area where this study was carried out is Lyambamgongo Ward, which as described in the beginning of this thesis, is shortened Lyamba. The Ward contains four villages including Ifunde, Lyamba, Kagwe and Ishololo The study area was selected based on a variety of reasons:

- a. Information rich case. Yin (2014) reminds us about information-rich case, as one of the reasons to select a case study area. The Lake Victoria Region for which Lyamba Ward is part of, ranks second (7.1%) after the southern highlands (14.8%) in terms of adult HIV prevalence rates (UNAIDS, 2021). However, patriarchal land relations are also very strong for most of areas in the Lake Victoria region – this was another reason which justified selecting Lyamba Ward.
- b. Familiarity to the study area. Most of the stories about land relations generated by respondents are tied to complex social relationships, and some of the cases involved conflicts among kinships. At the same time, issues about HIV and AIDS are also complex. My familiarity to the area made it easy for me to have background information about the village and land relations. Being closer to my natal family helped to minimize costs of living, than it would have been, if I stayed in a foreign area. Equally, knowledge of the local language added to the reasons for selecting the area
- c. Sensitivity of the HIV topic. Getting HIV infected respondents was difficult. However, I realised later during the interviews, how trust is generated when respondents have confidence in the information they share.

Further details about the case study area including its location, historical background, demographic characteristics, land relations and HIV/AIDS are provided in chapter Five.

4.3.3 Sampling Process

The research identified participants employing the snowball sampling process. According to Parker et al., (2019) snowball sampling begins with the initial contact who fit the criteria of the research. The contact then identifies and recommends other with similar identity who might be willing to participate in the research when approached. The researcher therefore, use

their social network to establish initial links with sampling momentum developing from these, capturing an increasing chain of participants. Given the nature of the study, and the negative social perceptions around HIV/AIDS it was difficult from the initial stages to get respondents. And later, when it was clear to most of the people in the village that I was dealing with the HIV-infected, many normal people, including the non-HIV-infected, feared being seen discussing with me even normal issues other than HIV. This same scenario is reported by Aliber et al., (2004)

Therefore, to know exactly who is and who is not infected by HIV, I had to visit the Care and Treatment Centres (CTCs), and show my identity documents and the permission I was granted from the National Institute for Medical Research (NIMR). It was there that I was directed to Leticia, whose job was to meet with and advise HIV-infected persons in the Lyamba ward. She had gained the trust of some of them, but not all, because others — especially men in general, and affluent men and women — often refused to acknowledge that they were infected. I requested her to be my research assistant as she was in a better position to help gain the confidence of the HIV-infected. She accepted and identified at least six respondents, who in turn agreed to participate, and from there on, we approached others through the snowball process. These respondents helped fetch others whom they had met while queuing for ARVs.

I intended to interview people of both genders, but most of the people who agreed to participate in the interview process were mostly women with lower social status such as lower level of education. So, it was not easy to approach a new respondent identified through the snowball sampling process; in some circumstances the identified people were angry at us: “Who has told you I am infected? How can you be sure about that?” There were cases of affluent⁸ women who also did not want to participate even if Leticia had identified them as being infected⁹. I wondered why most of the men and affluent people in the village who had been identified as infected denied being infected and refused to participate.

⁸ For the purpose of concealment, I am using the term affluent to hide their profession, otherwise mentioning the professions would make any person from the village connect dots as to their identity. Affluence in this case refers to people who have social status in the village, and includes government employees, as well as those with political position and wealth in the village.

⁹ Leticia was the personnel member employed by the Red Cross, and was linked to nurses working at Bukombe dispensary. Once they identified a person who had gone for treatment and was found to be HIV- positive, she was assigned to make a follow-up on them, and to advise them on medication and diet. That is the reason it was easy for her to link me to some of those she knew were infected.

A recent study on HIV testing attitudes and practices amongst 'wealthy men' in Tanzania indicates that men and wealthier people in Mwanza, Tanzania refuse to check their HIV/AIDS status (Deane et al., 2021). The authors reported that barriers to testing included concerns around loss of social status and community standing. Furthermore, HIV stigma among members of this group remains high (Deane et al., 2021:6).

So, the problem is that the infection is seen as a bad thing.... that disease my friend is a bad omen because it exposes you as one who is sick, so you face that fear of being known as positive, fear of how you will be understood. But then if you can be willing to get help you will get very good assistance, so about the other guys because of their higher income levels and higher education levels I think their biggest fear is losing that fame. (Business Owner, 60)

Therefore, information provided in this thesis about issues of land access reflects mostly the experiences of women, especially those with low economic status, widows and divorced women. A few men did consent to participate, though most affluent men and women were not interviewed. However, I managed to obtain information from 17 HIV affected respondents who consented to participate in this research, and whose details is presented in Appendix 2.

4.3.4 Unit of analysis

Dolma (2010:56) defines the term 'unit of analysis' as "the entity that is being analysed in a given research". It is the element that serves as the basis for conducting and reporting analyses, wherein findings may be generalised to a larger population. Following the observations of Neuendorf (2021), a unit of analysis is selected based on the questions the research raises. I am interested to know how land is accessed, who gets what and how they use it, how HIV/AIDS affects an individual's ability to access land and in what ways, and the categories of people's vulnerability to the effects of HIV and AIDS. Therefore, in this task, I use 'an individual' as my unit of analysis. I locate an individual within the social relationships into which access to land is embedded. This helps me to analyse the ways in which being infected by HIV positively or negatively affects the individual's ability to derive land benefits within those relationships. As Ribot and Peluso (2003) put it, individuals are located differently within social relationships in relation to their position of relative dominance or submission. Since gaining access is a

result of the use of bundles of powers, certainly some actors benefit more than others.

This assumption departs from previous studies on HIV and AIDS which have mainly treated a household rather than an individual as the unit of analysis (Ansell et al., 2009; Manji, 1996; Taylor et al., 2011). Ansell et al (2009) for example, explored the links between AIDS and food insecurity in southern Africa, and listed the many ways in which households are affected by HIV/AIDS. Taking the entire household as a unit in analysing the impact of HIV on land access obscures any possibility of disentangling the unique experiences of individuals within a given household. As I have already highlighted, this study has been carried out in the context of contestation caused by insecurities of land tenure which arise at the household level. These dynamic contexts of insecurities, contestations and instabilities take place within households, and certainly there are winners and losers. Equally, stigma and discrimination, which are outcomes of negative perceptions of HIV/AIDS, sometimes emerge during contestations for land. By locating an individual within the context of social relationships, I explore how a range of powers interlock in the process of gaining access to land. This gives me the opportunity to trace an individual's exposure to HIV infection, their position within those social relations, how their access is affected, and how they deploy different strategies and tactics to regain access.

4.4 Data Collection Methods

Various methods were used during the process of data collection to answer my research questions, as no single source of evidence was sufficient on its own (Otto, 2013). The different approaches used included ethnography (as the main method) mixed with key informant interviews, focus group discussions, in-depth interviews and participant observation.

4.4.1 Documents review

The first task was to review literature related to the topic of research. This provided knowledge on the subject matter, methods to carry out the research and a description of the case study area, including population, ethnic composition, socio-economic activities, the HIV/AIDS situation and land relations. The literature review was carried out over the course of the

research process. Some of the key documents include theoretical and empirical literature sources, policy documents on HIV/AIDS and land rights in Tanzania, Geita Region and Bukombe District socio-economic profiles, and many other relevant guidelines on the topic and case study area.

4.4.2 Key informant interviews

According to Yin et al. (2009) the key informant interview is conducted for the purpose of getting general information about a particular case, and is the entry point into the fieldwork process. I used both officials and persons who had particular knowledge on specific topics relevant to this research. The intention to carry out key informant interviews was first to get permission for data collection from officials in their specific areas of jurisdiction, and second to get an overview of particular subject matter which helped me to reformulate my questions before I met the targeted respondents. I initially visited the district, ward and village officials, and they gave me insights about the district profile, including the people, their demographic characteristics, employment, livelihood activities and land relations. Of course, as a long-time resident of the area (more than 25 years), I also had certain knowledge about the people, and most of the official information about land access and HIV/AIDS statistics supplemented what I already knew. Upon reporting to the ward, I was welcomed by the ward executive officer who introduced me to different ward and village officials. Subsequently, these officials provided information and facilitated introductions to individuals who later became the respondents with whom regular contact was maintained. The ward executive officer (WEO) introduced me to Regina, the HIV/AIDS personnel officer. Other key informants were leaders of non-governmental organisations (NGOs) and village elders who provided information on the history of the village, HIV/AIDS and land relations, as indicated in Appendix 1.

4.4.3 Participant Observation and an Inside Researcher

Participant observation was part of, and has actually been fundamental to my ethnographic research. According to Patton (2002), participant observation is a method of data collection used for the purpose of building an understanding of the natural setting, providing the opportunity to observe and get in emotional touch with what is being observed. Coffey et al. (2004) also note that participant observation requires spending long periods in the

field to build an understanding of people and how they view the world. My experience in this research has been as an inside researcher. By insider research, I refer to research carried out by a member of the community which is being researched. Therefore, I was able to combine being an inside researcher and being a participant observer. As an inside researcher, I had knowledge of the village for more than 25 years because I was once a native before migrating to Dar es Salaam. However, because my natal family lived there, I would visit the village and had stayed in contact with a few people, who updated me on the ongoing issues in the village. Therefore, being an inside researcher helped me to retain information about a number of issues happening in Lyamba ward. This made it easy for me to memorise issues about land and HIV, the stories I was told by people in the village and the experiences that I participated in.

According to Bhangaonkar et al. (2016), memorising stories and experiences is an appropriate framework for organising human happenings, mainly in the form of narrative. They proposed that this ‘narrative mode of thought’ functions as an ‘instrument of mind’ that perceives the specificities of everyday experience situated in time and place to construct our understanding of reality. Thinking through stories helped to think about how people think of what HIV is in the ways people in the village explain it. Thinking through such stories helped to understand how preconceptions of and discrimination against people thought to be HIV infected might affect their social interactions and the mechanisms by which they derive their livelihood resources. Such preconceptions suggest the possibility that some people can be labelled as HIV infected even when they are not. The network of sexual relationships produced, and the conclusions regarding HIV infection which are drawn based on preconceptions do not necessarily mean that all the people listed are HIV-positive. Recalling these stories was also so helpful in designing the research. Being an inside researcher complemented participant observation.

4.4.4 In-depth interviews

The process of interviewing

According to Rapley (2001), we are part of the interview society in which interviews seem central to making sense of our lives. In-depth interviewing is a qualitative research technique that involves conducting intensive individual interviews with a given number of respondents to explore their

perspectives on a particular topic or idea (Boyce & Neale, 2006). Since this research is mainly concerned with issues of land access and HIV/AIDS infection, my main respondents were both HIV/AIDS-infected and -affected persons. I used both structured and unstructured interviews. Unstructured interviews usually do not require having questions prepared beforehand. I used this interview technique to facilitate informal conversations with my respondents. Such informal discussion enabled my respondents to talk freely about their life accounts and their access to land. According to Otto (2013: 118), this type of interview “enables respondents to challenge the researcher’s preconceptions by enabling them to draw upon ideas and meanings attached to events”. My task was to generate questions that emerged from the life accounts my respondents were sharing. To avoid interruptions, I avoided asking too many questions once we were underway. Discussions took between one and two hours, and I recorded the conversations only after receiving permission. After a day of discussions, I listened to the audio clips and summarised the main points from each, then structured follow-up questions on key points that I needed to revisit with that person.

The questions I formulated after every discussion were semi-structured. According to Otto (2013) semi-structured interviews are between the structured and unstructured: They are not standardised, as in structured interviews with strict control over the questions and answers (Dilshad & Latif, 2013), nor do the interviewer and interviewee talk freely without any pre-set questions, as in unstructured ones (Denscombe, 2007). The process of interviewing was not straightforward; sometimes I had to make more than four iterations of interviews, sometimes I had to mix between interviewing and participant observation. In the case of Ashura, for example, I had to attend more than seven court sessions until she won her case. For some of the respondents, the interviewing process continued even into the thesis-writing process — sometimes I contact them through phone calls when new questions emerged. During the interviews, I collected information on the respondents’ socio-economic characteristics, including education status, gender, income, land ownership and household size. These are detailed in Appendix 2.

Language concerns

On average, more than three-quarters of the people in Lyamba ward and of those I interviewed speak Kisukuma, the local vernacular language.

Although I could understand a few words, I decided to employ a research assistant to help interpret. I have decided to call her Leticia. She had completed form four secondary education and was temporarily employed by Red Cross Tanzania to provide counselling services to people infected by HIV/AIDS once they were identified from hospital. She had the task of visiting them, advising them on their diet and regular taking of ARVs. I also had asked my father (64), who had knowledge of the area, and who had a certain social status due to his position of leadership and long period living in the village. I had described to them what my research needed and what I expected them to help me understand during the interview process. It was therefore easier to gain acceptance, though not from everyone. In some cases, a language barrier prevented me from probing as deeply as I would have preferred. As I explained, to address this challenge I would listen back to the interviews at the end of each day, and in these cases I would discuss with my research team the questions that I wanted them to help me follow up on.

4.4.5 Group discussions

According to Myers and Macnaghten (1999), a Focus Group Discussion (FGD) is a qualitative research technique consisting of a structured discussion and used to obtain in-depth information from a group of people about a particular topic. I used FGDs (See Appendix 3) for the purpose of getting wider and more in-depth knowledge on selected topics. It is suggested that FGDs are even more interesting than in-depth interviews because they involve discussions and differing opinions in the context of several layers of arguments (Myers & Macnaghten, 1999). I intended to select specific focus groups based on health status, gender, education and income for the purpose of avoiding the dominance of certain members in a discussion when there is a mixture of different interests. However, I managed to get three groups. The first was with men over 60 years old, with whom I talked to about the history of the village; HIV/AIDS infection, its history and trends of infection in the village; land relations; administration, and gendered roles between men and women within a family (see Image 3).



Image 3. A group conversation with village elder males aged 60+years old. Source: Fieldwork, 2018¹⁰.

I also held discussions with a group of women under 35 who were separated from their husbands or divorced. Others were also groups of widows. Usually when a woman separates from her husband through divorce or death her access to land through a husband diminishes or ceases. Because it was during the rainy season, these women had formed some kinds of labour-related groups called *rika* to obtain work, but sometimes to enter into certain forms of arrangements where they could offer labour to gain use rights to land (See Image 4). Therefore, it was difficult sometimes to gather them for discussions during the day since this would cost their time.

¹⁰ This picture and others have been blurred to avoid identification of respondents.



Image 4. A young women's *rika*, and me cultivating while discussing Source: Fieldwork, 2018.

The topics for discussion and information generated from them are summarised in Appendix 3. In order to keep the discussions on track I moderated them, allowing respondents to give their opinions, and also giving space to some who appeared less talkative during discussions.

4.5 The Research Process

4.5.1 Concept Note and Research Proposal Development

This research began by developing a concept note, and later a research proposal which was accepted. These initial processes of the research laid the ground for data collection which was conducted in Lyamba in different phases.

4.5.2 Phases of data collection

Fieldwork was mainly ethnography which took three years from 2017 to 2019 and was carried out in four phases.

Phase 1: Pilot study

The first was a pilot study conducted between April and May 2017. It was meant to obtain permission to conduct this research and test the tools I had developed. The permission to conduct this study obtained ethical clearance from the National Institute for Medical Research (NIMR), as well as regional and district authorities, because the research involved the sensitive topic of HIV and AIDS. Prior to the pilot study, I had developed a household survey which I used to get information from the respondents. I later on realised it was not a useful tool to capture in-depth analysis of relationship between HIV/AIDS infection and access to land. In the subsequent phases, I developed new tools for data collection which I have already described. It was also meant to establish contacts with my research respondents. I established contact with about 17 HIV/AIDS-affected persons whom I was able to follow across a three-year period. However, there was a challenge of maintaining contact with my respondents for challenges such as death or migration for some respondents. Others dropped out of the interviews.

Phases 2, 3 and 4 of the fieldwork

The second period was between November – April 2017 in which I embarked on ethnographic study; the third was between March 2018 – May 2018, and the last from September – December 2019. The fieldwork, as part of the data collection process, was purposefully iterative. The breaks in between the fieldwork phases allowed me the space to write, rethink, refine and devise new strategies for carrying out the research. This back-and-forth process of fieldwork was determined by the study itself, in that the link between HIV/AIDS infection and land rights is not straightforward. To explore this relationship thoroughly, it was necessary to achieve a deeper understanding of the people themselves, and to maintain repeated communication with them, these ethnographic aspects of persons whose cases I have studied are detailed in Chapter 6. Meanwhile, I also eliminated extraneous information and revised the data collection methods. The research process is summarised in Figure 5.

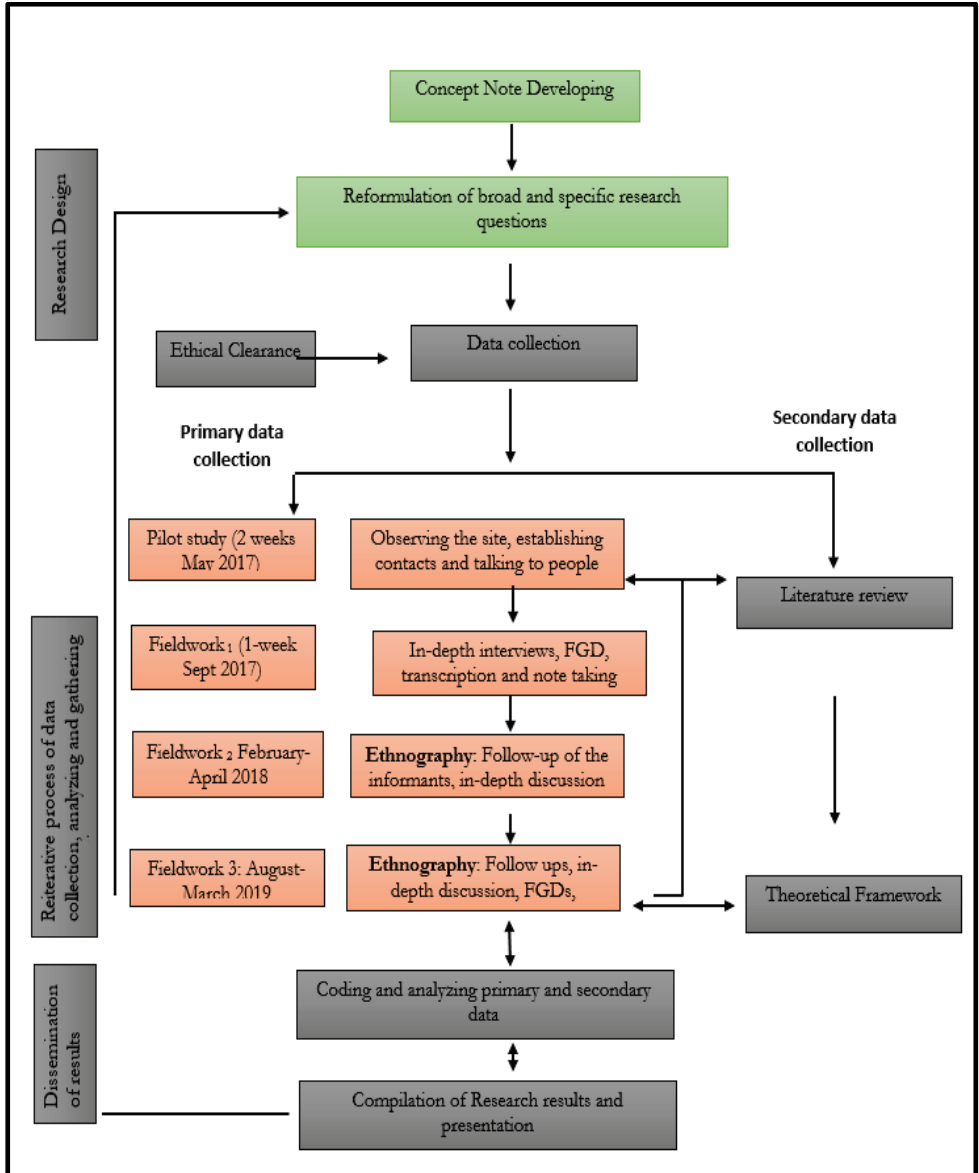


Figure 5. Research Process. Source: Otto, 2013 with modifications from the author.

4.5.3 Data Analysis and Interpretation

According to Otto (2013), data analysis is the process of reflecting on the collected data in relation to the formulated research questions. We analyse data in order to make sense of what we have gathered because we want to generate information to answer our research questions. In this research, the nature of data collected from various sources was qualitative, and took the form of text from documents such as books, journals, magazines and e-sources. Other data is in the form of audio files obtained from field interviews. Other sources of data are maps illustrating the different locations where the study was conducted. Data collected during the initial stage was very voluminous. Data was collected through interviews and was recorded through audio recording devices and written in notebooks. Every evening I met with my field assistants, transcribed the audio recordings and discussed major points raised in the interviews with reference to the research questions. I mostly reduced and recast the questions, and reformulated them to suit the objective of the research.

According to Miles and Huberman (1994) data reduction is done for the purpose of selecting, focusing on, simplifying, abstracting and transforming the data written in the form of field notes or transcripts. However, immediately after fieldwork, the names of the respondents were coded and replaced with pseudonyms. This was done to abide by the code of ethics in health-related studies. Then the qualitative data obtained from in-depth discussions, focus groups and key informant interviews and documents were analysed through the NVIVO software program. Relevant themes were identified, and even at this stage irrelevant data was removed. The generated information is presented in the form of tables, figures, charts and quotes. Results from the analysis are interpreted and applied towards answering the research questions.

4.6 My Role as an Insider Researcher

I describe these issues as an insider researcher. By this I refer to research carried out by a member of the community being studied. But there is a debate over whether or not doing research on a community or organisation one belongs to is appropriate. The findings from many researchers reveal both advantages and disadvantages. According to Saidin (2016) there are strong foundations when one conducts research as an insider, including

understanding the issues being studied, as someone with a shared knowledge of life, problems and challenges faced. Brannick and Coghlan (2007) have gone further, showing particular cases where an insider researcher is necessary to carry out the study. Given the sensitivity of the issues that underpin HIV/AIDS and land issues, in my case being an insider researcher helped to build trust with the respondents, as they were sharing sensitive information with a person they knew. The information provided has been deeper and richer than I otherwise would have had access to if I were an outsider. It was also easy to develop stories told by key informants, which I either participated in and knew certain details about or was able to probe more about thereafter. In addition, I was also aware of a number of cases where family members were involved in land-related disputes, and my insider status helped to trace them easily and probe more.

However, being an insider researcher was a disadvantage in many ways too. Although I gained trust from many respondents, this was not always the case – many men and affluent women who were purportedly HIV-positive were not willing to participate in the research. Other challenges have been around self-reporting or reporting issues related to my family, as well as biases in the process of selecting what to and not to report, and how to report it. Given the nature of the study, being an inside researcher has been beneficial overall to producing rich and deep empirical detail about the village and respondents.

4.7 Ethical Considerations

The National Institute for Medical Research (NIMR) of Tanzania is the organisation which is responsible for monitoring, controlling and coordinating medical research carried out on behalf of and for the benefit of the government of Tanzania. The institute provides guidelines for carrying out research in health-related disciplines, and requires any research to obtain ethical clearance to minimise risks to subjects in all stages of research activity. It is well known that despite improvement in treatment, HIV/AIDS is still linked with stigma and discrimination against infected people; therefore, any violation of ethics could jeopardise the research as a whole.

Getting the ethical clearance was the first thing to do when I visited NIMR to obtain permission to conduct this research. This also involved notifying the Regional, District and Ward authorities who granted me official

permission to conduct research in the respective areas. In addition, before conducting interviews, I talked to respondents, explained to them the topic of my research and asked if they were willing to participate. This went hand in hand with signing forms of consent. The research has also tried in certain ways to maintain the anonymity of the respondents in certain ways during the interview process and in the writing of this thesis. For that reason, the real names of all respondents featured in this thesis have been withheld, and sometimes I mix their villages to avoid direct identification. Equally, I use photographs to give readers a sense of the context where this research is carried out; however, the photos have been blurred enough that faces and other identifying markers such as documents are not identifiable.

4.8 Challenges and how they have been addressed

Finding HIV-infected persons was not difficult; the difficulty was getting their consent to participate in this research, especially when I asked them to sign consent forms, as directed by the NIMR. Some of the persons who initially agreed to participate declined when I asked them to sign in the consent forms. I was later on told they thought signing the forms would imply taking their land away: “They fear that perhaps their land will be taken by this *mzungu* (white man)”.¹¹ Another challenge was that men whom I was told through the snowball sampling method that they were infected, denied they were infected with HIV. Even some affluent persons, whose employment positions I cannot mention because they are easily identifiable, claimed they were not infected. I also observed a challenge which Aliber and Walker (2006) faced in their study on HIV/AIDS in Kenya. The challenge is that once it had begun to be understood in the village that I was interviewing HIV/AIDS-infected persons, even some of the non-HIV-infected persons stopped wanting to be associated with me either for ordinary or specific — or requested we meet during night-time hours. I was notified by Leticia, my research assistant, that they were afraid that by participating in the research they would be labelled as infected. For this reason, the research findings are more skewed to respondents with low social, economic and gender status.

Some of these challenges were addressed with time, such as getting respondents who were HIV-infected to consent to participate in the research. As I will elaborate in Chapter Six, the cases of Benedicta and Rose were a

¹¹ It was my supervisor who escorted me during some of the fieldwork activities in the village.

result of Ashura's land inheritance case, in which she sued her uncle. I was attending the hearing, which had taken three years to reach the courts, and Ashura had begun to worry she would lose the case. By chance, one of the times I attended court was the day she won her case, and from this the rumours began to spread that I was helping women to gain land rights through the courts. Therefore, Ashura's case helped me to attract more interlocutors who had land-related contestations, some of whom — such as Ashura, Rose and Benedicta — were affected by HIV and AIDS.

5. Lyamba Ward: Location, Land Access and HIV/AIDS Prevalence

5.1 Introduction

This chapter introduces the study area. I have decided to put it in a separate chapter to enable the reader understand the context of the case studies that I describe in the next chapter. I describe the historical background of the village such as; how it emerged, the people who live in, their demographic characteristics as well as their livelihoods. I also describe about the emergence of HIV/AIDS and how it shaped livelihood opportunities, particularly issues about access to land. Thus, the information in this chapter is very general and specific details are provided in Chapter Six which follows after this. Most of the information provided in the description relies on my more than 25 years' experience in the village. I also supported my description of the villages with the knowledge by key informants who helped to provide historical details about the origin of the village, issues about customary land access, emergence of HIV/AIDS and the way it shaped issues about land access.

I begin the chapter by describing the ward and its villages — including its geographical characteristics, the people, their socio-cultural and economic activities and their access to land. The description of the study area is also anchored with the description on HIV/AIDS. I describe its emergence, preconditions before its landing and the effects it caused in the lives of people and their access relationships. As I have pointed out, the chapter lays the foundation for the next chapters which will provide detailed accounts of individual case study households and discussion that follows thereafter.

5.2 Lyamba ward

5.2.1 Geographical characteristics

Lyamba ward¹² I am describing is found along Latitude 2 degrees South and Longitudes 31 degrees East. It is linked by the Kigali-Isaka tarmac road that connects the neighbouring countries of Rwanda, Burundi, DRC and Uganda to the West and North West. It also connects other important towns and cities to the East and South including Dar es Salaam the largest city in Tanzania, Dodoma, the national capital and Mwanza which is the second largest city in Tanzania located along Lake Victoria. Ushirombo which is the district capital is also found about 8 kilometres along the Isaka-Kigali Road and serves Lyamba with administrative, commercial and health services.

Lyamba is one of the eight wards forming Bukombe District in Geita Region in the Lake Victoria Zone (Map 5.1a-c). It is comprised of four villages, Lyamba, Ifunde, Kagwe and Ishololo. The other three villages except Lyamba are remote and hardly serviced. There are at least a primary school on each of the villages and two or three retail shops where petty commodities are sold. Reaching those villages is usually by bicycles or motorcycles. Cars hardly reach those villages; and if so, only during dry seasons when the trucks are passable. Cars which go there are either trucks that collect cotton from stores or land cruisers from district official visiting the villages for administrative purposes. None of the villages have health services except for antibiotics which are sometimes unlawfully provided in retail shops. There is heavy reliance on traditional medicine and witch doctors. Given their remoteness, settlements are distant but the spaces between them is usually grazing land or farms.

Most of the administrative and commercial services are carried out at Lyamba village which is the ward administrative centre. Therefore, people from the remote villages usually walk for about three hours to access high order services at Lyamba or nearby centres of Bukombe or Ushirombo. Lyamba centre is serviced with 12 retail shops serving the rest of the remaining villages, licensed medical shops, bars selling both local and manufactured beer, restaurants and two guest houses. There is also a weekly-based market where food items and clothes are sold. Even though it is the ward centre, Lyamba lacks basic services such as health services. It is to its

¹² Although Lyamba is both a village and a ward, the information provided in this report covers all the four villages of Lyamba ward.

advantage that the presence of a tarmac road makes it easy to access services to the nearby important centres located along the road (See Figure 6 a–c).

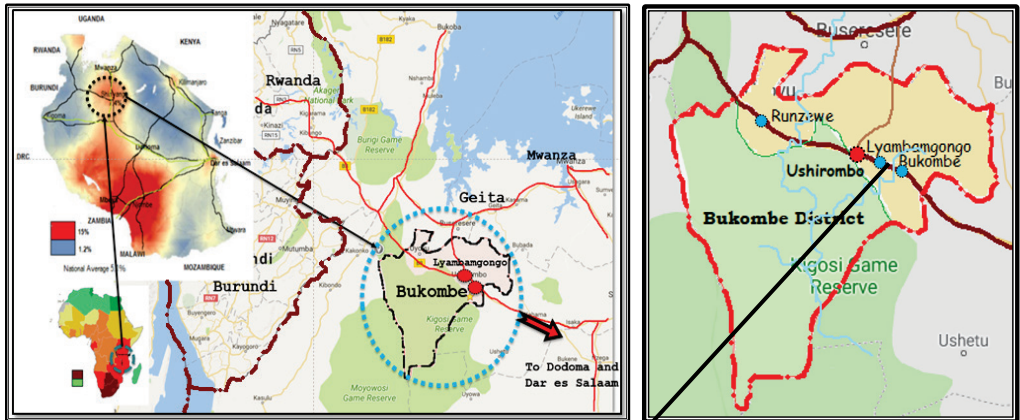
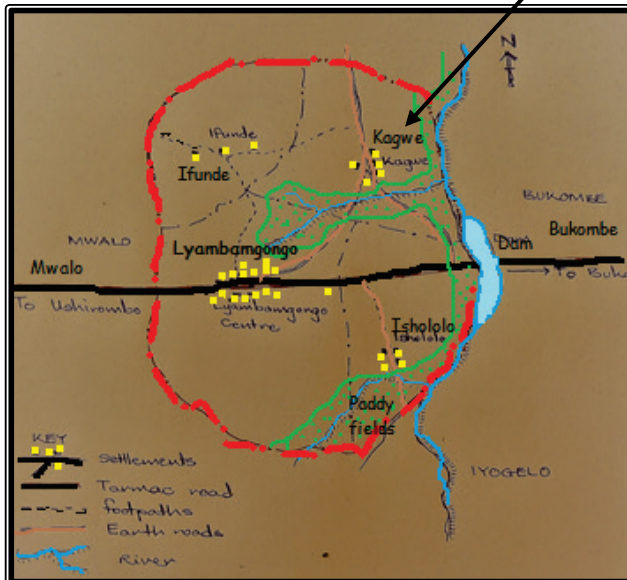


Figure 6. Location of Lyamba ward in the District and National setting
a) Map of Tanzania showing Bukombe District, b) Bukombe District



c) A sketch of Lyamba ward produced by villagers during the key informant interviews. Source: Own drawing with the aid of Google Maps.

5.2.2 Historical background

Most of the villages in Tanzania originated after the Ujamaa¹³ policies of 1967 when the country was struggling to establish itself economically six years after its independence. According to Mr. Kususya (84) a key informant who was a native of the area since 1957, Lyamba was part of Ushirombo village during before independence. Ushirombo which is the present District Headquarters was a small caravan centre on the route to Bagamoyo where they were shipped to the far East. Missionaries built a centre at Ushirombo (Image 7) and bought slaves who were some of the earliest natives of the area.



Image 7. Caravan routes at Ushirombo (along the old mango trees) used during slavery. Source: Fieldwork, September 2018.

Lyamba was located along the caravan route about 8 kilometres from Ushirombo and historical accounts show that there were a lot of mushrooms that slaves picked as they retreated far East. So, it was called ‘*Ku*’

¹³A form of socialism which was applied in Tanzania to promote rural development in the country and create and sensitize self-sustainable country in agriculture. The implementation of the policy led to formation of Ujamaa Villages in 1971.

ikombabwobha’ meaning a place to pick mushrooms. Later the migrants referred to it as *Ku’ lyamba migongo*’ meaning ‘a place of bending bare backs’ while collecting mushrooms, thus Lyambamgongo. It was declared as village by the government Notice No. 137 of 1975.

Mr. Kususya (84 years and Sumbwa by tribe) migrated to Lyamba in 1957 when he was 19 years. According to Kususya, Lyamba was by then a hamlet of Ushirombo. By then land was unoccupied and less populated.

[...] the village was a forest not like the way you see it now. It was common to see gazelle during the day and lions’ roars during the night.

Key informant interview with Mr. Kususya, Nov 2018.

Changes in terms of population and settlement development were observed after the Kagera war 1978/79 where large numbers of pastoralists from the North who were largely Sukuma by tribe migrated to the areas in search for land for pasture and cultivation. Due to their large herds of cattle and families, the Sukuma acquired sizes of land given their larger families and herds of cattle. Access to land between migrants (largely Sukuma) and indigenous (Sumbwa) was mainly through batter system of exchange and sometimes through purchase.

We were giving them freely, or sometimes with exchange for cattle because by then large portion of land in the village was vacant...A cow could be exchanged to 2–3 acres’ land and between 400 to 500 shillings¹⁴ for an acre.

Key informant interview with Mr. Kususya, Nov 2018.

The historical accounts made by informants also reinforce observations by Brandström et al. (1979) who have shown another form of land access. According to the authors, agro-pastoralists established dynamic relationship between cattle herding and land access (crop cultivation) through bride price. Animals particularly cattle were converted into female labor through bride price and marriage which in turn led to gain access to land and intensify agricultural production. Livestock ownership was thus used as a means to maintain and re-activate relationships of kinships and friendship. However, these relationships dissolved after the death of the household head and the inheritance (cattle and land) distributed according to inheritance rules.

¹⁴ About 34 to 43 USD. 1 USD was equal to 1.2 Tanzania shillings. At present, 1 USD equals 2300 Tanzanian currency (currencyprices.net- accessed on 26 April 2022).

According to key informants, the nature of activities did not allow the Sukuma to settle on one area. Agricultural practices for most of the Sukuma involved over stocking and deforestation which contributed to degradation of land. When land was exhausted, they moved to different areas where there was productivity. Further, another reason for migration which was also pointed out through key informants was decongesting the large families. Sukuma keep larger extended families on one boma (compound). As sons grew older and the family land could not support the bigger family, sons moved from their father's boma and re-establish to new areas where there were less congested. Comparing with the past, key informants indicated that over the recent years shifting cultivation has not been practiced as before and cattle herding has decreased. This can be caused by increased population in areas which might have also caused decrease in family land ownership.

5.2.3 Demographic characteristics

Dominant ethnic identities

The 2018 ward population statistic indicated that 97percent of the population in Lyamba was largely inhabited by the Sukuma, a migrant patrilineal tribe from the North thus the name Sukuma (Brandström, 2021).¹⁵ Key informants indicated that the Sukuma depended entirely on cattle, for subsistence in the production of dairy products. It was also a means for exchange in obtaining land and other agricultural products and have been used to legitimise marriages. Further, cattle have since then been regarded as prestigious commodity among the Sukuma as they represent wealth (Brandström et al., 1979). As massive numbers of the Sukuma moved from the North in search for pastures for their cattle in the south, their movement often involved cleared forests to get rid of tsetse flies which affected their livestock. According to key informants, the movement of the Sukuma could not proceed to the far South due to the presence of the Kigosi Forest Reserve. Many of the Sukuma therefore settled in areas around Ushirombo where the Sumbwa dominated and started diversifying their economy to acquire large areas for crop cultivation and grazing.

Prior to their invasion, the earliest natives were Sumbwa, who are claimed to be remnants of slaves from DRC, Rwanda and Burundi and were bought

¹⁵ According to Brandström, (2021) the Sukuma are an ethnic group from the south eastern African Great Lakes region. They are the largest ethnic group in Tanzania, with an estimated 10 million members or 16 percent of the country's total population. Sukuma means "north" and refers to "people of the north".

by missionaries to work at Ushirombo mission. The natives did not depend on land, but forest products. They hunted game and gathered fruits. They also depended on honey harvesting for making local beer or exchanged it with other food products. Therefore, as the massive numbers of the Sukuma people migrated and settled to the areas in the early 1980s, they pushed the Sumbwa to the far South. The reason is that the livelihood activities of the Sukuma involved crop cultivation to feed massive families they had, and also the animal keeping contributed to clearing of the forests which the Sumbwa depended for their livelihoods. To the present days, anecdotal evidence and my experience in the area indicate that Sumbwa is one of the diminishing tribes not only in the village but in the country as well. To the present day, the ward population statistics indicate that population is still homogeneous in terms of ethnic composition. 9 out of 10 people in the ward are Sukuma.

Population Distribution

The 2018 Population and Development Report indicated a total population of about 5,897 people as seen in Table 1. However due to lack of data on population trends it was difficult to estimate how much population has been changing in the village over time.

Table 1. Population distribution Lyamba

No	Name of the Village	Households	Population			Av. Household size
			M	F	Total	
1	Lyamba	305	1034	1077	2111	6.9
2	Ishololo	89	327	332	659	7.4
3	Kagwe	169	830	847	1677	9.9
4	Ifunde	186	668	782	1450	7.8
TOTAL		749	2859	3038	5897	7.8

Source: Ward Annual Population and Development Report, May 2018.

Due to its locational advantages along the Isaka-Kigali tarmac road, its proximity to the major towns such as Ushirombo and prospects of trade, Lyamba is more populated than the rest of the other villages. Ishololo village which is typically more remote compared to the other villages recorded the lowest population of 656 people as indicated in Figure 8 and is characterised by lack of social services and very sparse settlements. The rest of the villages

are remote having fewer social services such as two or three retail shops a primary school and a village office in each.

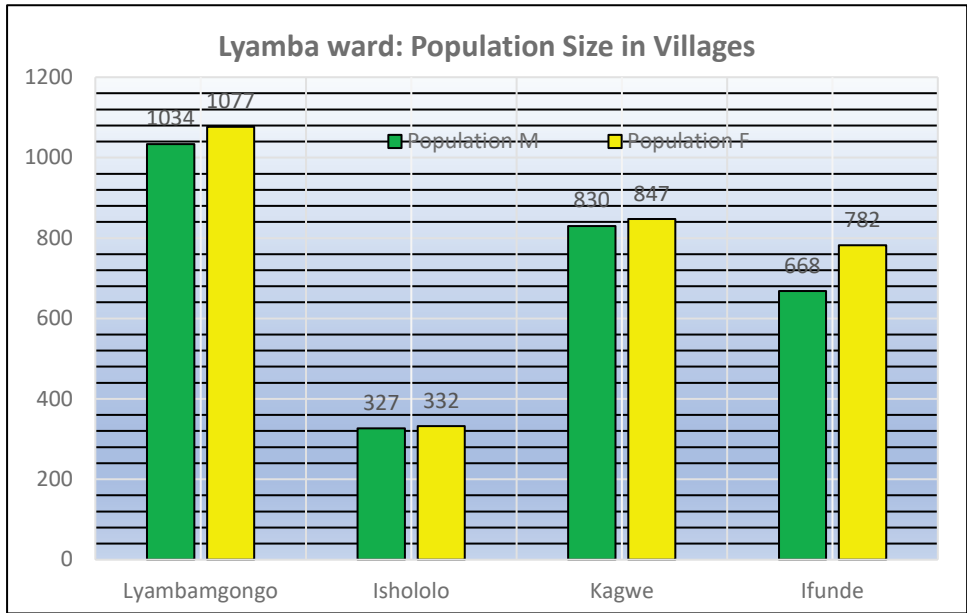


Figure 8. Lyamba ward population size by villages. Source: Ward Annual Population and Development Report, May 2018.

Ward population statistics of 2018 indicated an average household size of 7.8 people which is higher than the average district size of 5.9 and the national average of 4.8¹⁶. However, some households have members between 30 to 50 within one compound. Although Lyamba village has the largest share of population comparatively, it has the least average household (6.9) than the rest of the villages (See Figure 9). At Lyamba households are smaller in comparison to the other villages due to ethnic mix. In remote villages where the Sukuma are dominant, household sizes are large. Kagwe village for example, records the highest average household size of 9.9. One of the reasons why household sizes are larger among the Sukuma is the notion that a larger family, with bigger amount of land and cattle is considered rich. Therefore, household heads keep larger families to ensure many hands that are engaged in crop cultivation and doing manual works.

¹⁶ Source: National Population Statistics 2012.

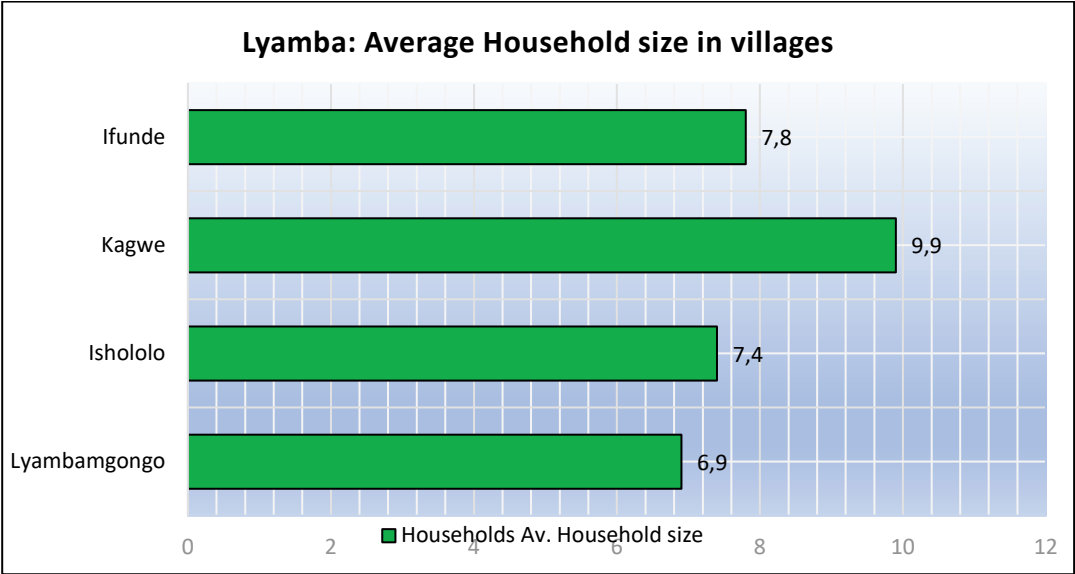


Figure 9. Ward average household size in the four villages. Source: Ward Annual Population and Development Report, May 2018.

5.2.4 Education level

The ward household survey 2018 indicated high levels of illiteracy where nearly 81 percent of the people above school-going age have either primary education level or never attended formal education at all. High illiteracy is associated with age and gender. Women who did not complete primary education or do not know how to read and write is 64.3 percent compared to 35.7percent percent of men. Equally, most of the respondents above 35 years, both men and women did not know how to read and write. On the contrary, 19percent of the people with school-going age have access to education at the level of form four and above. Most of these are youths below 25 years (See Figure 10).

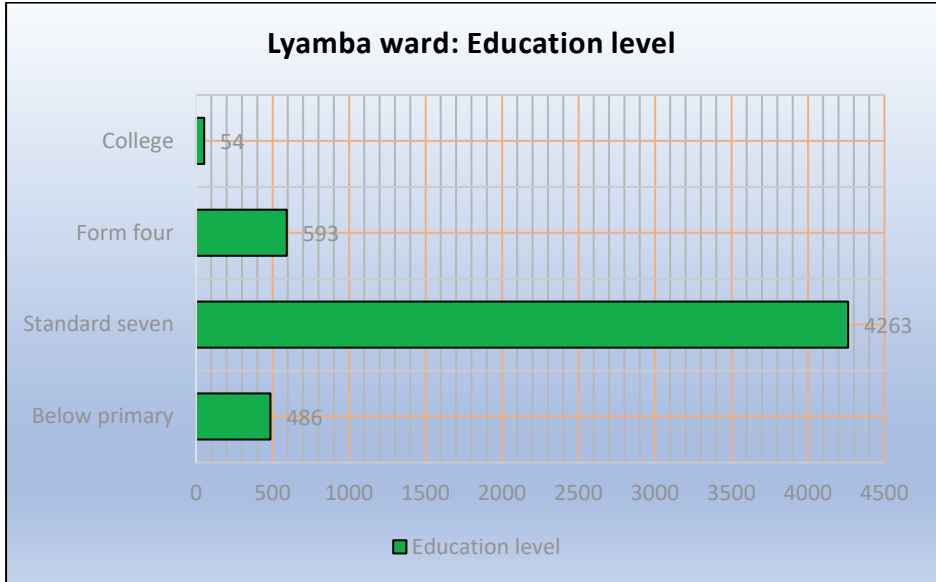


Figure 10. Education levels in Lyamba ward. Source: Lyamba ward Household survey, 2018.

According to key informant interviews, the high illiteracy among many people in the area is also attributed by the demand for manpower to sustain big families. While a substantial number of household members is required for cultivation, other members are needed for other production activities such as grazing cattle and preparing food to feed the working men and women. School-going children are usually assigned the task of grazing cattle. Therefore, allowing children to school means reducing the number of working men by replacing them to grazing activities. Another reason is that marriage is usually another source to add cattle through bride price which has for a long time been cows. The bride price used to be 40 cows¹⁷ depending on the qualities of a bride such as colour of her skin, moral behaviour and proved ability to work. Parents with daughters of such attributes would negotiate for a higher bride price. Apart from that it has been conceived that girls do not belong to their natal but matrimonial families. Taking a girl to school means benefiting her husband and his family. Therefore, parents would regard as if a wastage of money to educate their daughter. Many writers have indicated how customs among the Sukuma in

¹⁷ Due to reduced number of households with cattle number of cows paid for a bride price have been reduced to sometimes 8 cows and sometimes the groom may also receive money.

the Lake Victoria Zone hinder access to education for young girls. (Abubakar et al., 2018; Hussein, 2017; Mgalla et al., 1998; Nsanya et al., 2019; Schaffnit et al., 2021). All writers have pointed out cases of early marriages and pregnancies among school-going children caused by, among other factors, parents' need for dowry.

High illiteracies are also caused by the costs that are needed to support education. Households with many children are supposed to bear more costs to support paying uniforms, fees and stationaries. Besides, due to lack of prospects of employment, massive failures in examinations, parents do not see the returns of supporting a child who would spend seven or twelve years of study, unproductive at home, consumed parent's wealth and return home with nothing a parent could benefit. However, there is a close relationship between the level of formal education and access to land. In the subsequent sections and chapters of the thesis, I shall show how individuals who had access to formal education were able to challenge circumstances when their access to land was jeopardised.

5.3 Household land relations and access

As I have already stated, the Sukuma who dominate population in Lyamba are largely patrilineal and access to land follows the male line. However, this is not a norm in all households since as I noted in some households, these practices are increasingly becoming dynamic and vary between households. Although it has for a long time been conceived that land inheritance follows the male line, Cotula and Cisse (2006) have noted that such practices are affected by diversification of the economy, demographic growth, urbanisation, monetarisation of the economy and cultural changes. migrations and access to education. I noted in several households that many youths who get access to tertiary levels of education usually migrate to urban areas for employment. Therefore, they do not rely on land in the village. Yet, for many people who live in the village, access to land is still accessed through customary inheritance practices, lease, or purchase. Customs largely dominate how people gain access to land where men gain it through inheritance and women through social relationships.

According to key informants, land does not belong to women; not because women are less important but because there is fear that if land is given to a daughter, it might be lost when she is divorced and it is a shame for her

family to claim that land back. For that reason, therefore, female children only continue to access their natal land as long as they stay with their parents or their guardians or brothers through kinships. When married they can access through their husbands and when unmarried they can access through guardianship or through their brothers. This should be regarded in the context where daughters don't move succeed to gain formal education and get employment elsewhere. For those who do not get education or get employed elsewhere, access to land is important for their household sustenance.

According to Whitehead and Tsikata (2003), the idea behind giving inheritance rights to male offspring (in patrilineal customs) is to protect the family land being shifted to non-family members, which might be the case if a daughter becomes heir to such land. Therefore, because customs do not give women the rights to inheritance as men, marriage is an important site for many women's land access. Through discussion with a group of divorced young women, I noted that marriages are unreliable and unstable. According to the women, unreliability of marriages is caused by the fact that it is considered to be shameful for a woman to approach a man for marriage and men do not marry. Women were constrained by structural inequalities – because it is hard for a woman to approach a man for marriage inequalities as it is considered normal for men to approach a woman for marriage

If a woman approaches a man for marriage, the man might think, 'what is wrong with this woman?' He might think you are a prostitute and when not married, even your parents may start stereotyping you and ask, 'when will you get married?' and they are asking as if it you who decides when to be married. When you decide to get pregnant avoiding to get old without a child, they label you with names, *msimbe* (the unmarried), *malaya* (whore).

Key informant interview with Anna, September 2018

Marriages are also unstable following cases of divorces. Although ejections, separations or divorces are common in many places, it was noted by key informants that recent days there are many divorces compared to the past. Many factors were mentioned to cause instabilities in social relationships. One of the reasons that was mentioned by the divorced women were many issues about misunderstandings between couples including issues about negative perceptions on extramarital relations. Since marriage is linked with women's access to land, issues of marriage unreliability and instabilities affect women's access to land relatively compared to men. The reason is that men have control of land, therefore when there are misunderstandings and

instabilities men usually tell their wives to leave because men have control of land.

5.4 Emergence and Prevalence of HIV/AIDS in Lyamba

What I intend to do in this section is to give an analytical account of the context (Lyamba) in which HIV/AIDS landed, an account of how it arrived and spread and its trajectory over a twenty-year period in response both to medical and other interventions and possible behavioural changes by the people of Lyamba. A key aim of the thesis is to understand the ‘footprint’ of HIV/AIDS on land relations in Lyamba. But there are complex and indirect causalities at play here and they require a careful and robust exploration. A key part of this section lays out the contextual pre-conditions onto which HIV/AIDS landed, and answer the question: in what sense is the context of Lyamba similar or different from other contexts in which HIV/AIDS landed?

5.4.1 HIV and AIDS Prevalence in Lyamba

HIV/AIDS has been prevalent in Lyamba for a period of over twenty years. However, there are no statistics that have documented when the disease came in and the current status of its prevalence in Lyamba ward. Through key informants I was able to document their experiences on the landing of HIV and the evidence of HIV/AIDS cases. In 2020 National statistics indicated that regions that surround the Sukuma land including Geita, Mwanza, Shinyanga, Simiyu and Tabora vary. They range between 5 to 8% higher than the national average of 4.7%. Looking on the statistics, the Lake Victoria Region is second after the Southern Highlands in terms of HIV/AIDS adult prevalent rates (See Figure 11).

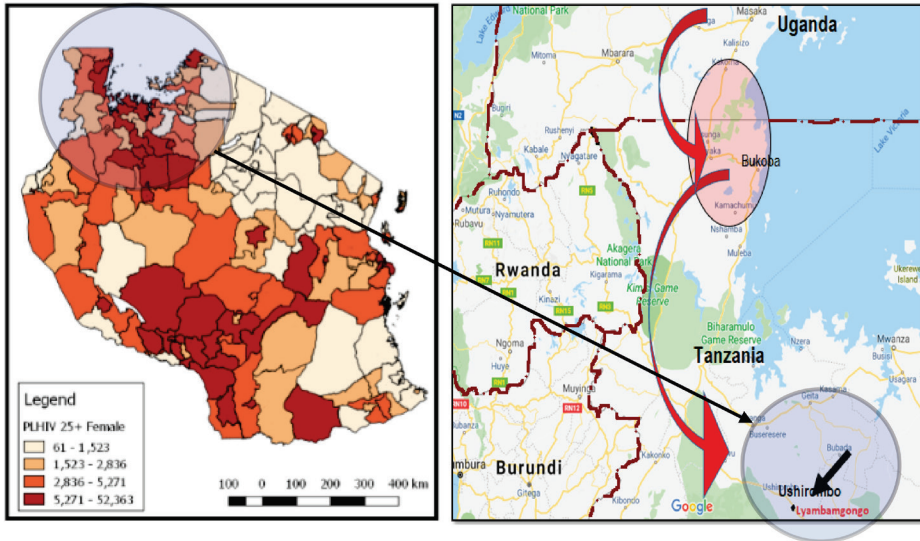


Figure 11. HIV prevalent in Tanzania (a) and locations where HIV/AIDS first emerged and later spread (b). Source: TACAIDS, 2020 and modified by the author.

Certain factors are important to be examined that shaped the emergence and spread of the disease and to do that, I trace its historical background. By tracing the history of the disease and how it came to Lyamba helps to establish control points that enabled its spread – how the nature, causes and effects of the disease were linked with perceptions around the disease, and how those perceptions had profound impact on social relationships within which access to land is embedded.

5.4.2 Contextual Pre-conditions onto which HIV/AIDS Landed in Lyamba

About 180 Kilometres from Lyamba village, along the Kigali-Isaka Road was the region where Janet Seeley (2015) in her book about Thirty years of HIV/AIDS in East Africa described as the epicentre of HIV/AIDS in East Africa during the early 1980s (See Figure 11). It was the region where Tanzania and Uganda fought a war famously known as Kagera war in 1978/79. Seeley noted that immediately after the war the region turned to be the epicentre for HIV/AIDS in East Africa. The first HIV patient was diagnosed in Uganda in 1982 and the next year in 1983 in Bukoba, Tanzania

The landing of HIV/AIDS in Lyamba was compounded by a number of many issues that happened simultaneously. It was the period when Tanzania

had not recovered economically from the scars of the Kagera war. Recalling about the event after war, key informants indicated how the aftermath of the war was also welcomed by the 1984 famine which added pressure on economic wellbeing of people in the villagers. Mr. Kususya (84) who migrated to Lyamba in 1957 about four years before the independence of Tanganyika (later Tanzania) explained that the economic situation after the Kagera war was very terrible. According to Kususya, after the war there was an acute shortage of basic domestic products including salt, food, and clothes. Some families struggled to afford basic services like food and clothing. Families with livestock sold them in exchange for food. Others that depended on crop cultivation had no option but to sell land. In other impoverished households with less household assets, there were cases of men who abandoned their families and went to 'try their luck' in the mines located within the region.

The aftermath of the war and the famine indicated differences and inequalities between men and women at household level and their benefit or being severely affected negatively. Key informants indicated that there were households where men sold their household properties that they were going to seek for jobs in the mines. Others abandoned their houses completely leaving their wives and children in an impoverished state. Unlikely, women with children could not abandon the families. "How could women abandon their children? they remained to take care of them" said Kususya.

The aftermath of the war and the 1984 famine hit the poor household hard. Abandoned households were severely affected and exposed. According to key informants, the selling of household properties impoverished many households. According to informants, the effects of the famine called the attention of the international community for support. The government received food from the US support of yellow maize termed as '*mahindi ya yanga*'. The support was provided to impoverished households only aiming to relieve them from extreme conditions of famine and death. According to key informants, there were cases of deaths due to extreme hunger and poverty. Abandoned and many single-parent families (mothers and children) walked door to door searching for casual labour at least to get means for food. There were also cases where women engaged in transactional sex to get money.

According to key informants, inequalities between men and women were also observed in terms of employments offered while the Isaka-Kigali Road

was constructed in 1985. “What job could a woman get in a road construction company? Claimed one of the informants. When the road was constructed both skilled and un-skilled jobs were provided. Some of men in villages where the road passed applied and were given temporary employment in the road construction project. Other non-skilled jobs such as levelling or carrying cement bags were provided to young men who applied for such tasks. “Some women were using the opportunity to vend food to workers and others were involved in sex issues to gain money in exchange with the bosses of the KOJIFA company (The name of the Italian company which was awarded the Isaka-Kigali Road construction project). According to key informants, not all women were involved in transactional sex except ‘*wasimbe*¹⁸ and *mashangingi*. These stereotypes were given to single matured women, single parent mothers, divorced women and widows single-parent mothers or the unmarried women. It was also another form of inequality in terms of conditions of being married or not being married. People associated a condition of being unmarried and negative perceptions that a woman could be stealing other women’s husbands. All stereotypes carry the same meaning of prostitutes.

Transactional sex was not common in the area and it was stereotyped. It was indicated by key informants that women who were thought to involve in pre-marital or extramarital sex were labelled as Malaya (prostitutes)¹⁹. However, it was not a case for men. Such inequalities in labelling differences due to sexual conditions have existed even up to the time I was doing this research. It was perceived to be common for men to practice pre-marital, extramarital or polygamous sex relationship. It was not common and socially accepted that women should not. However, after Kagera war, there was an influx of immigrant women from Kagera region who were claimed to engage in transactional sex.

¹⁸ *Wasimbe* – a stereotype for an un married woman. Equally *shangingi* is a stereotype for similar case but connotes a woman who depends on sex for survival.

¹⁹ Pejorative and evaluative term. I use it here in relation to what people in the area used to label women thought to practice extramarital or premarital or transactional sex.

We called them Malaya and they were usually found in bars, restaurants and areas where both local and manufactured beer were sold.

(Key informant interview with Mr. Kususya, November 2018)

Although it is hard to point directly that Haya women who immigrated to areas around Lyamba were involved in transactional sex, a study by Kaijage (1993) supports the claim. According to Kaijage, elsewhere in Nairobi Kenya like in Tanzania, the initial HIV seropositive patients were haya women from Tanzania. Kaijage shows that urban prostitution among Bahaya women dated back to early days in colonialism in 1957. At a time when women had less opportunities than men for urban wage employment, a good few of these women were prostitutes (Kaijage, 1993). Barnet and Parkhurst (2005) have argued showing the link between transactional sex and harsh economic conditions. In those areas, sex is more likely to be linked to livelihoods, duty and survival in contrast to in rich societies where sex is a matter of choice.

5.4.3 The emergence of HIV/AIDS in Lyamba

According to Kususya, HIV/AIDS emerged in the midst of a number of factors that were happening simultaneously and compounding to challenges they were experiencing by that time — population and ethnic influx — the heightened harsh economic conditions of the war and famine — structural inequalities in terms of benefits from wider social benefits at household and community levels and discrimination based on gender and sexual conditions. HIV landed by the time when the market for Juliana clothes²⁰ and the Isaka-Kigali Road which is famously known as Kojifa²¹ road was under construction. So, the disease was labelled as Juliana because it was believed to come from (Uganda) the very same place Juliana clothes were manufactured. The Kojifa road also facilitated further movement of people and goods from the early HIV-affected areas to Lyamba and other areas in Tanzania. By then the disease was unknown, speculated and spreading.

When the rate of HIV/AIDS infection was high and the disease was becoming known and cases of HIV infection were mounting, it was termed as *silimu* (slim) due to the slimming effects of the body (Seeley, 2010) and

²⁰ Juliana was a brand name for silky and light clothes from Uganda for men which had been so popular in the Lake Victoria Zone after the Kagera war. Those clothes were in fashion by then and people who bought those were perceived to be of high social status.

²¹An Italian company that constructed the road

later it was popularly known as *edis* (AIDS) due to its official name from formal institutions. Then people started giving it their own names depending on the symptoms and over the recent years it has different names such as *kenchi* (roofing trusses) signifying the exposure of bones when a slimming AIDS infected person shows — *miwaya* (electric wires) signifying the network of its spread and at present it is commonly known as ngoma (drum) from the term *ngoma nzito* (heavy drum) a word which was popularised by popular music stars, signifying severity of something very heavy and with severe effects. According to Kususya most families in Lyamba had at least one close or distant relative who had been infected or died by AIDS. Fear of the disease was exacerbated as sickness and deaths related to AIDS were increasing.

Kususya remarked that people began to suspect that there would come a time when the village population would dissolve due to increasing deaths. Initially, the AIDS victims were relatives working away for longer term outmigration who came home infected and in their last days of their lives, to die but later in 1990s people from the village started to get infected, sicken and die. People started linking it with faith-based beliefs thinking God had decided to punish people on the basis of their sexual behaviours. Such fears increased when the year 2000 was approaching claiming the end of the world was soon approaching. Heightened deaths, fears, uncertainties, negative perceptions and stigma associated with HIV/AIDS pandemic exacerbated gendered inequalities in various aspects of life. In the past decade, there was hope that HIV treatment was starting to be distributed to lessen the problems of HIV and AIDS. In the present days, drugs are distributed in bigger hospitals and people who are infected are supposed to report to care and treatment centres (CTCs) for treatment. According to informants, there are still problems with regard to how the disease is perceived and readiness for people to go for ARVs given the prevalence of HIV/AIDS in the area. In subsection 5.5 I highlight how the HIV/AIDS affected household access to land.

5.5 HIV and AIDS and Land Access Linkages

It is difficult to quantify the extent to which the landing of HIV might have contributed on access to land. However, as I already documented in the conceptual framework chapter and on the previous section on land access within families. The emerging evidence which is also supported by Agarwal

prompt to see households as ‘complex matrix of (social) relationships in which there is on-going conflicts and contestations’ (2003:15). Households are important sites to explore how the footprint of HIV and AIDS effects on land access.

5.5.1 Stigma and Discrimination

According to key informants, even before the coming of HIV, men and women had different positions of authority at household level. A man was in charge of the household decisions and a woman who was considered to be ‘bought’ and brought to marriage was supposed to be subordinate to a man. According to key informants, any suspicion of extramarital affairs had serious consequences to women which included physical violence. Apart from physical violence, a woman would likely be physically abused and divorce altogether. Such cases were also compounded with stigma and discrimination including being stereotyped as *malaya*, or *kahaba*. And then *msimbe* or *shangingi* when not married. Key informants indicated that such stereotypes would spread in the village and affect her chances of being married. On her return back to her parents or guardians after divorce, consequences were also huge.

I recall an incident of my own sister who was divorced (not due to extramarital affairs), upon reaching home, she was regarded as a disgrace and shame because she could not be a good wife to her husband and she ashamed the family in the village. apart from such stereotypes from home, she was also supposed to endure discrimination from other people in the village that she was a *msimbe* which she couldn’t. She decided not to stay at home and restart her life elsewhere to distant relatives where people didn’t know her. While practices had effects to women, it was not a case for men. A man could be caught in extramarital affairs, and h wouldn’t feel sorry to his wife. According to Federica (62) my female key informant, people in the village including married women know that no man can stay with one woman. So, it is better not to stalk his life. Apart from cheating, there is also a perception that a man could have as many wives as he could. However, with Christianity that practice seems to have been stopped in theory and in public, but in practice it still operates.

5.5.2 HIV/AIDS and Marriage Instabilities

Infidelity has consequences on stability on marriages. Nabaitu et al. (2004) also supports my observations. In their study they examined people's beliefs about the causes of marital instability in Uganda. Their study used purposive sample of 134 respondents (72 males and 62 females) was selected to represent different ages, religions and marital status. Respondents were asked in semi-structured interviews to comment on the reasons for continuing marital instability in their community. Results of that study revealed that seven out of ten couples separated on learning of a positive HIV test result of one or both partners. The study revealed how the evidence of HIV infection exacerbated issues of marital instability in families. Similar results were also revealed in a group discussion with 6 young divorced women aged between 24 and 35 who were HIV infected. Respondents mentioned issues of their husband's dissatisfaction in sex and having secret extramarital relations, beatings and forced labour. All six divorced women realised they were infected during their maternity but when results of their infection reached their husbands conflicts emerged leading to violence, separation and divorces. Many writers have linked HIV/AIDS and cases of marriage conflicts and dissolutions due to perceptions of lack of trustworthiness (Aliber & Walker, 2006; Kessy et al., 2010; Manji, 2000). These studies have shown how concealment of HIV status to avoid being spotted, is a mechanism used to retain the status of women in marriage.

The coming of HIV/AIDS reinforced the already existing inequalities in terms of position of authority at household level. Prior to HIV it was difficult to know if a wife or husband had extramarital relationships – but the emergence of HIV and AIDS exposed and reinforced the perceptions due to evidence of HIV infection or symptoms that were exposed by HIV and AIDS. According to informants, even after ART, people still associate symptoms such as rashes on skin, slimming body, cough which might be caused by tuberculosis bacteria (TB) with HIV/AIDS. So, evidence of such cases starts heating suspicions of HIV and possible links with infidelity. As key informants revealed, instabilities in marriages had consequences on women than men in terms of access to land because a man would likely find another woman to marry while a divorced woman lost her land access and similarly suffered from discrimination.

5.5.3 Instabilities in Kinships Relationships

The emergence of HIV also is seen to affect kinship relationships which are sites for land access as well and have negative consequences as well. According to my personal experiences at home, evidence or suspicion of HIV infection had consequences on kinships relationships. These consequences were observed in relation to negative perceptions on HIV infection, perceptions of fear and shame which affected both the HIV infected person and the family s/he was living with. Using my family as a case, I recall an incident where an uncle was brought home during his final months of his life. Apart from the fear we had against him due to the outward symptoms he showed and that he had completely changed from the usual person we knew, there was also distance between us and him. On my side, the distance was caused by the fear that he was no longer one like us, and that he was dangerous and contagious. Perhaps this was due to my young age at that time, but I observed similar treatment from other family members against him. This distance reduced social interaction between most of us and him as we were even afraid to touch or eat with or wash his clothes. His case does not indicate lack of access to land through his brother (my father) during his final months of anguish and death.

This was during the times when there was no treatment for HIV, perhaps things could be different these times when people who properly take ARVs do not have physical signs as such. However, through key informants and group discussions I gathered cases where HIV indicates misunderstandings and instabilities within kinship relationships. However, it is contextual and based on moments where there are open moments for land contestation. Under such circumstances stigma on HIV/AIDS can be used to gain access from land. My view with regard to these kinship based claims reinforce arguments made by Whitehead and Tsikata (2003) about the processes by which interests and claims to land are made and secured. Therefore, in order to understand how the context of HIV and AIDS and how it affects land access, I detail in the next chapter individual cases and how their access to land is affected by HIV infection.

Conclusion

The chapter has introduced the village and provided general view of the village to understand issues that will be detailed and analysed in the subsequent chapters. I have described my experience of the village and locational aspects including the people, their socio-cultural activities and their access to land. I have also documented the access mechanisms and social cultural relations within which land is accessed. I have also connected with issues around HIV and AIDS especially historical aspects and the conditions that existed during the landing of the disease in the village which facilitated its spread and how the disease might have affected mechanisms of land access. The chapter only lays foundation for the next chapter which will provide detailed accounts of individual case households and discussion that follows thereafter.

6. Ethnographic Cases of HIV Affected Individuals and their Access to Land

6.1 Introduction

In Chapter Five, I gave a general overview of Lyamba village, and the historical accounts of HIV/AIDS and land in the village. The accounts were mostly based on my experience in the village, and I supported them with descriptions from various key informants. In this chapter, I am inspired by Clifford Geertz's (2008) method of 'thick description', where I give a detailed description of specific individuals affected by HIV and AIDS. The intention to describe these cases in detail is to pay attention to means and processes in which land access is gained or constrained, and ways HIV and AIDS influence access and exclusion. I begin with the case of Mariam in part 6.2 which covers the diverse ways she accessed land through multiple social relationships and how her HIV/AIDS constrained her access to land. Her case opens up to several other eight cases of two men and six women. These cases indicate very diverse and complex ways in which access to land is gained and lost in the context of HIV and AIDS infection, and I describe them in part 6.3. Further, I also add other cases of access through collective mobilisation. Here I describe groups showing other diverse ways in which HIV affected people fight back to regain access to land. However, the information obtained still builds on the discussion that follows in Chapter Seven.

6.2 Case Household of Mariam

I have chosen to begin with the story of Mariam, 38 years old, and HIV infected. Her case helps to explain how her access to land was embedded in a number of social relationships which she relied upon to gain social status as a woman. But as her story develops, it also indicates how perceptions of her HIV infection affected her access through social relations. The story also shows how she exercised her bundles of powers to navigate different options to regain access. At the end of her story, I provide a summary of different issues that emerge from her case that help me to connect with a series of eight others cases of individuals affected by HIV and AIDS that build on or contrast it. I have divided the story of Mariam into four subsections: my initial encounter with her; the story of her life, including how her natal family dissolved; her failed marriages, and her conflict with her brother.

6.2.1 My Initial Encounter with Mariam

Mariam was the second informant I was directed to by Monica through snowball sampling, in May 2017 (Monica is another HIV-infected woman whose story I describe in subsection 6.2.3). She was living in Ifunde, a village within Lyamba ward, located about 35 minutes by motorbike from Lyamba. I introduced myself to her, the purpose of my research, the people I was interested to meet with and asked her to participate in the study. However, she denied she was infected and questioned who told me about her HIV infection. I decided to return to Monica, who had told me about Mariam, and who claimed they used to attend an HIV clinic together. I asked Monica to talk to her instead of gaining me her trust. Luckily, when Monica talked to her she accepted. I called her and scheduled to meet and become familiar with her before starting our regular interviews. She suggested we arrange a place with less interaction, a place with only the three of us at most; that is, Leticia (my research assistant), Mariam and me. Leticia, who was familiar with the village, arranged a secluded place at Lyamba where we could meet. The next day, she came as she promised, and Leticia let her in, offered her a seat and introduced the two of us to each other. She had a young child of less than two years, who seemed to be coughing regularly, to the point that we did not prefer to spend more than 10 minutes with her, in order to give her and the child time to rest. We rather scheduled a day when we could follow up for more discussion.

Then came a day we scheduled to meet her. My assistant Leticia had given me a background story about Mariam which overtly expressed her puzzlement with Mariam's passion for marriage, yet being HIV infected. "Mariam is HIV infected but likes being married so much; she must have been married more than three times now and dumped," she said. Having grown up and spent more than 25 years in the village, it was uncommon for me to find a woman who had been married more than twice. People would start questioning what was wrong with the woman, and why she had been divorced so many times. She would often be linked with immoral behaviour, which would make people question why she would be rejected by three previous men. This made me curious to know about Mariam's story and her marriages. It took us 30–40 minutes on a motorbike from Lyamba village centre to Ifunde, where Mariam was staying, and we travelled with difficulty, as the path was muddy and sandy in certain places.

6.2.2 Access Through Her Brother-In-Law

Mariam was at the compound waiting for us, as we had given her prior notice of our visit. She seemed to be more cheerful than the first day we met. I wondered what had given her the confidence compared to the first day, when she seemed uncomfortable and shy. She was with her two children, one of about four and the youngest who still seemed ill. I learnt later that the two children were from different fathers, and she had had others with her previous husbands as well, though she had lost custody after each divorce. The compound where we found her had two houses: a smaller, dilapidated thatched house which was used as a kitchen, separated about fifteen metres from the main house (see image 12). The main house where she probably slept had one bedroom and another room which was used to store cooking utensils, hoes and brooms, and smaller logs used as chairs. The house had only one small window and no door shutter. Pieces of reeds, cut and tightened together with ropes to fit the windows and door, were used as a shutter, and could be removed during daytime and closed during night-time. The kitchen was smaller and even more dilapidated than the other house. It was roofed with thatch, and perhaps the smoke from cooking had darkened it. The house was previously used by Mariam's brother-in-law, who had built another one about 100 metres away.



Image 12. A house Mariam was given by her brother in-law. Source: Photo taken in May 2017.

Before coming to this place, Mariam had been staying with her brother, where she had customary rights to the land the brother possessed — he had obtained it after he and his other two brothers sold the clan land following their father's death. The sisters did not take part in the decision to sell the land and division of the profit, so they were given the right to choose which brother to stay with when the brothers decided to part ways. Mariam had chosen this brother's land; however, when the two had a misunderstanding and were unable to resolve their differences, Mariam had to beg to stay with her sister. The sister asked her husband if Mariam was welcome to their place and also begged for a parcel of land for her to cultivate while at their place. The husband accepted, and gave Mariam the house I found her in, as well as an acre of land, which seemed enough for Mariam. On this land she cultivated both food and cash crops (cotton) to sustain herself and the two children.

However, due to her illness she was unable to engage fully in cultivation. Sometimes her brother-in-law's cows would graze in her farm when the children could not take care of the cows properly. Therefore, when the harvest was low, she relied on her sister for financial and food support. Apart from her sister she also relied on support from Monica, who had become her

favourite because she too was infected by HIV. The two usually went to the HIV clinic together, and would support each other with fare during times of deficit. According to Mariam, it was easy to tell Monica many issues and secrets because she was also infected and could understand better than others, such as the brother whom she had run away from.

6.2.3 Mariam's Conflicts with her brother

Immediately after the death of their father, the brothers had decided to sell their natal land, and gave the women a chance to decide which of the brothers to stay with. Mariam did not know how much money their land was sold for since the decision had been her brothers'. According to her, the brothers claimed they would stay with the sister before deciding to move to their husbands. Under custom, the sisters had equal rights to the customary land as the brothers; the difference is that custom gave the brothers the ability to make decisions about land. In other words, the sisters would always return to the brothers because they had custody of the natal land. When parting ways, their mother had chosen to stay with her eldest son, who migrated with his family to Mpanda (about 400 kilometres away, in southern Tanzania). Their youngest brother had not married by then so none of them stayed with him. He also migrated to the Morogoro region, in central Tanzania. Mariam, who was the youngest of all and had not completed her primary education, chose to stay with John, the second of the brothers.

When she was 16 years old and in class seven, Mariam was in an 'informal' relationship with Daniel, a young man from the village. Daniel asked Mariam for marriage and promised they would leave the village. Mariam accepted but was worried that her brother would not consent. She asked her sister to talk to their brother about Daniel and his marriage plan. The brother accepted, but on the condition that Mariam completed her primary education, and that Daniel would follow the customary procedures for marriage. According to Mariam, the procedures involved presentation of a marriage proposal by any of Daniel's relatives to her brother. Upon acceptance of a proposal, the brother would arrange a day to negotiate a bride price (*kukwa*), and a team of friends and relatives would join to help make sure the bride price was fair. Once there was a consensus, the groom's side would pay a portion of it, and agree on when to pay the remainder. Once the bride price had been paid the bride would be considered part of the groom's kin group and they would decide when to take

her. However, Daniel was not ready to follow the customs; instead, he persuaded Mariam to run away with him.

Mariam knew there would be consequences to leaving her brother without permission. However, she was also not ready to leave Daniel, who promised he would give her a better life than she was getting in her brother's household. According to Mariam, Daniel argued she would not stay with her brother all her life. She needed her independence, her own life, her children and reputation as a woman. This would not be obtained by staying with her brother but by getting married. Mariam thought Daniel had a point, so she decided to run away with Daniel no matter what the brother would have said. She followed Daniel to his 'ghetto' in town and stayed seven years. However, Daniel was not who she expected; he had extramarital relations. After seven years in town with Daniel, they separated, but she felt shy returning home, where her relationship with her brother had soured. She stayed between towns, and in two more other relationships she termed as 'marriages' — the second of which lasted for three years — and another that lasted a year, dissolving after the husband realised, she was HIV-positive. Mariam decided to return to her brother, who anyway received her. Mariam told him what had happened, and that she was HIV-infected. According to Mariam, her relations with her brother were not that good. He regularly complained and accused her of many things — prostitution, lack of respect, pride and bringing shame to his family. All of these he linked to her HIV infection:

It became like a song (a daily practice); whenever I asked him for help on something, or did anything which displeased him, he would bring up the subject of my HIV infection and ask why I did not listen to him before marrying a man who never paid a bride price. He would always say, "No wonder your husbands did not like to stay with you"; another day he would say, "that is why you got infected by HIV"; another day he would say "your HIV is a result of your prostitute behaviour". These words annoyed me. He made me feel not as important as I thought I was. I then thought, what do I benefit by staying with a brother who does not see value in me? So, I decided to leave his place.

(In-depth interview with Mariam, November 2017)

6.2.4 Mariam's interest in marriage

By the time I met and talked to her, Mariam was dating Deus, who proposed for a marriage. According to Mariam, Deus used to come to her place regularly, and many times helped Mariam with the cultivation tasks. According to Mariam, he seemed to be a nice man, but she had not told him she was infected and she also did not know whether or not he was infected.

She had also withheld her HIV status during her third marriage, and when her husband found out, he beat her up and ejected her from the relationship. While our conversation was going on, a man came and greeted us in the Sukuma language, and Mariam stood up to receive him with respect, as most women in Lyamba do to their husbands or people they respect. “He is here,” she said while standing, picking up a *khanga*²² cloth and holding her baby tight, perhaps going to greet him. My instincts told me — and it was true — that this was Deus, the man she was expecting to marry. Before she could stand up and go, Deus came with a stick in his hands and stood a few metres from where we were having our conversation and greeted us in Sukuma. I could see him through the widening cracks of the kitchen walls from where I was sitting, while my assistant and Mariam responded to his greeting. “Is it him?” My assistant asked Mariam in a lower tone while smiling. “Yes, it is,” Mariam replied while the man excused himself to let us go on with our discussion.

“Are you getting married again?” My assistant exclaimed with surprise in a serious but very low voice, perhaps to avoid being overheard by Deus, who was leaning against the wall of the other house biting into a freshly steamed sweet potato. “*Mh!*” Mariam nodded humbly and added,

Life! If married, people regard you as a reputable woman and of decent status ... not a prostitute or a *msimbe*,²³ who takes other women’s husbands. When you are married you have the guarantee of at least having a house to live with your children and farm to cultivate even when married to a poor husband.

(In-depth interview with Mariam November 2017)

Leticia (my research assistant) who used to attend to HIV-infected people in the village including Mariam continued, “Have you told him that you are infected?” Mariam did not reply for some time, and we were also quiet, waiting for her to say something. I felt as if she was troubled by the question and wanted to change the subject. Before I interrupted with another question, she replied,

²² A piece of cloth used by women to cover the lower parts of their bodies and sometimes used to tighten their children when carried on their backs.

²³ A synonym for an unmarried woman, who in Mariam’s interpretation is regarded as a prostitute. According to key informant interviews, marriage is something that gave a woman social status and respect in Sukuma customs. Once a woman was adolescent, she was prepared for marriage. Marriage was a blessing to a girl’s parents because they received a bride price, which was usually cows, and added to the wealth of the family. If a woman was not married, it was considered bad luck because people would think she was immoral or a prostitute – the type of woman that a man would not prefer to marry.

If he knows? I do not know what he can do [...] but I also heard a rumour that he had a relationship with a woman who died from AIDS. Maybe he also heard that I am infected and that's why he has come to me as well.

(In-depth interview with Mariam, November 2017)

6.2.5 A summary of emerging issues from Mariam's story

As I already pointed out in the introduction of the story, Mariam's case shows the dynamic role of social relationships which she relied upon to gain access to, among other things, land. I clarified in the theory chapter Ribot and Peluso's (2003) description of social relationships in the access analysis. Mariam's case clearly indicates how the social relationships played both an enabling and constraining role of her access. As an enabling mechanism, Mariam relied on relationships with her male counterparts to sustain her livelihood her entire life—from her parents, her brother, in her marriages, from her brother and later her brother-in-law. In discussion, how these relationships were an enabling mechanism, it is also important to see how Mariam had bundles of powers in those, and how she exercised her bundles of powers to navigate within those different relationships whenever her access seemed to be constrained. Here is where I look into the other side of social relationships as a constraining factor, and I want to probe more into how her HIV and AIDS infection affected her bundles of powers to maintain access.

Mariam's story suggests that HIV infection constrained her bundles of power to gain access to the relationships she relied upon. Evidence of her HIV infection, for example, had caused misunderstandings and conflicts in her marriages, and these instabilities exposed her to being ejected by her husbands. She decided to conceal her HIV infection from her future husbands as a strategy to get married to her subsequent husbands. As Seeley (2015) observed, evidence of HIV infection is seen as evidence of being less trustworthy in a relationship. Mariam's return from her marriages seemed to affect her relationship with her brother. According to Mariam, it seemed he did not like her and often blamed her for her HIV infection and associated it with her immoral behaviour, lack of respect and shame, also being referenced whenever they had misunderstandings. Certainly, by constantly being stereotyped, Mariam's self-esteem and social status (as her bundles of power) were weakened to the point that she decided she needed to find an alternative relationship in order to regain access.

But there is something that prompts me to probe the context of Mariam's constrained access: Looking at the relationship with her brother, for example, there is nothing that shows what was intrinsically bad about Mariam's HIV infection that would make the brother use it as a reference for their conflict. After all she had the customary right to gain access to land through her brothers. Mariam's case shows the context of exclusion points to inequalities of access between her and her male counterparts, on whom she relied for access. These are differences of power as a means of access, and differentiate between those who control access and Mariam, whose access was mediated by her male counterparts. This difference is highlighted by Ribot and Peluso (2003), who show relationships of dependence between actors who control and those who maintain access. The exercise of power (as the ability to influence access) is revealed in the ways her brother — who although had the obligation to keep Mariam — decided to sell their natal land and divide money after their father's death: her brother influenced Mariam's marriages and wanted to benefit from her bride price, likewise her husbands-controlled decisions and the flow of benefits in marriage, including deciding to eject her from relationships. The case suggests having rights to land ownership gives men the ability to control decisions within relationships.

But the context of power inequality between actors within the relationships also shows the struggles to gain access and instabilities within relationships that exacerbate those struggles. As the story shows, being infected with HIV weakened Mariam's access due to the perception and effects of HIV and AIDS, such as lack of trustworthiness in marriages, shame, disgrace, disrespect and blame against her brother. Clearly, the story suggests that these factors exacerbated Mariam's loss of social status and self-esteem to hold onto those relationships. Although there is a clear indication that Mariam's HIV infection and insecure access to land were connected, her case raises the need to explore from other cases the dynamic factors that underlie exclusion from land in the context of HIV/AIDS. In the following section I present seven other case studies with a variety of individuals. The purpose is to explore the many different dynamics, and the complex ways into which access is linked with and constrained by HIV affectedness. What I shall be paying attention to is how these different individual dispositions and their HIV and AIDS infection shape access to land.

6.3 Eight other stories corroborating Mariam's story

The following eight cases depict eight individuals affected by HIV and AIDS, and their struggle to gain access to land. I begin with the cases of Monica and Emmanuel, which relate to that of Mariam; for example, there is Monica's case, which shows how women's secondary rights as wives or sisters may be differently impacted according to their HIV status. However, this assumption is further challenged by Emmanuel, a man whose secondary rights to land are also affected by discriminatory practices. Emmanuel becomes a victim of double stigmatisation within his social context, partly because he is HIV infected and partly because he is gay, a disposition which is not tolerated among his local community. His case challenges the notion that women alone are victims of this form of insecurity in their secondary rights. This idea is supported by the narrative of Rebeca, a woman who was labelled as *jike-dume*, which literally translated as 'male woman', or a woman who marries men. The case of Rebeca opens the debate on whether having independent and primary ownership of land gives women the power in social relationships and secures their access. The case of Rebeca demonstrates this notion, but the case of Laura shows different results. Nevertheless, both cases reveal that primary ownership of land is not negatively affected by HIV and AIDS. Finally, the cases of Benedicta, Ashura and Rose exemplify variations on the theme of female agency and inventiveness in securing access to land and other property within and outside the boundaries of customary practices.

6.3.1 Monica's contestations over land rights with her uncle

Monica, 40 years old, a mother of four children and HIV infected, was the first respondent I met during my fieldwork. Unlike Mariam, Monica did not resist the invitation to participate in my research or ask many questions when I described my research interest and why I had selected her. Monica had a story to tell but lacked the proper audience to explain what she was going through in relation to her land problem. Her case also caused a methodological dilemma due to the situation we found ourselves in. It was difficult to interview her because the first day we visited her place, her uncle heard about it and he asked Monica to stop us from interrogating their family problems. While we were trying to figure out whether or not to pursue the case, we called to know Monica's position on the matter. Monica wanted her case to be known because she seemed pained by the treatment from her

uncle²⁴. Most of what I shall be documenting in Monica's story is her contestation case with her uncle, whom she claimed had confiscated her inheritance from their deceased father.

Just like Mariam, Monica was married before she completed her primary education. Her father received 28 cows as a dowry, but her marriage dissolved years later with the death of her husband. Monica did not know whether her husband had died of AIDS but she noted a dramatic change in his weight and deterioration in his health a year before his death. His brothers took him to local healers, who would tell a person behind his illness. Meanwhile, Monica remained at her matrimonial home for nine months taking care of her children. Her husband did not return. She received news of his death through her in-laws.

They [her in-laws] came and told me, "Your husband is dead, so you don't have anything here. You can take your belongings and return to your natal family". So, I packed my belongings and two young children. The other older children remained with their uncles. While with my parents, I felt very sick and realised I had HIV infection, so they [the doctors] asked me to start taking the HIV dosage.

(In-depth interview with Monica, November 2017)

After two years of staying with her natal family, her father passed away. When the funeral was over, the clan members (her uncles and other members of her extended family – all men) convened to deliberate over how the wealth of their relative would be handled. The deceased did not have older sons except Damas, Monica's young brother, who was less than five years old and had a walking disability. He was a cripple. According to Monica, her deceased father left an estate of more than 100 acres' land and more than 200 cows. The clan members did not take the inheritance because he had older children and their mother. But customs did not allow women to inherit property; therefore, the members passed on the inheritance under the guardianship of Monica's uncle, her deceased father's immediate younger brother.

Tensions between Monica and her uncle began when she noted differences in terms of the physical development at his house. He constructed a house that was modern-looking compared to hers. I saw this for myself

²⁴ While I signpost this as a methodological challenge, I have decided to document this even though the uncle did not consent. However, the uncle was not a key respondent in this task, and based on my judgement, his actions violated the constitution on matters of equality and justice. Notwithstanding this challenge, I have tried to conceal identities as much as possible to avoid any harm that might come to Monica from publication of the thesis.

when visiting Monica during my fieldwork. It had nice decor, was roofed with asbestos sheets and fenced well. Monica's compound, which was about 200 metres away, had three mud-brick houses. The one which Monica usually slept in was roofed with thatch and dilapidated. Monica learnt that her uncle was selling cattle, at times he was renting or leasing part of that land to *rika* women²⁵ and obtained money which, according to Monica, benefited himself and his family. Contrary to the guardianship role which Monica anticipated; the uncle had taken control of the land as if it were his own property. He decided what size of land Monica and her mother were to cultivate — and where they could or could not cultivate — and also prohibited them from selling. Tensions with her uncle escalated when Monica, who bore the responsibility of taking care of her mother and her children, decided to sell part of the land. She also needed money for her monthly HIV clinic expenses, which included fare and food. After hearing this, the uncle threatened her and warned her against the decision. According to Monica, although she could use the land, she could not sell it or generate resources from it to meet her own household needs. By then her younger brother Damas, who was disabled, had reached the age of 18. Monica thought it was the right time to ask her uncle to surrender his guardianship role, since there was someone who could take inheritance rights. However, all attempts to persuade the uncle were in vain, and this led to serious misunderstandings between the two of them. Monica decided to seek redress of her claims through clan meetings, where her uncles and other elderly men of their clan gathered.

As a customary institution, the clan meeting had the task of resolving disputes between members of the family. Clan members usually convened after deaths to decide issues of inheritance, but also in emergency situations like this one, to mediate disputes. Only men attended these meetings and made all the decisions. The uncle – who also attended the meeting and was influential in the clan in terms of his age, wealth and level of persuasion — challenged Monica's idea to claim the inheritance. According to Monica, members of the clan did not give her adequate attention and room to speak up about her claims because the uncle interrupted her whenever she wanted to speak. After all, due to the workings of hierarchy, it was considered disrespectful to challenge a person considered to have higher social status within the clan. According to Monica, her uncle pre-empted her claims by

²⁵ Groups of women gaining access to wages and sometimes access to land through a joint labour arrangement.

exploiting stigma against herself and her crippled brother. Monica reported him saying,

We know from our customs, a woman-led family [like theirs] requires a leader [a man]. That is why the clan members thought it better to appoint me as their guardian, the duty I have been discharging over these years. Have you ever heard of any problem? What will people understand when they hear we have decided to abandon our customs to give an inheritance to a woman? After all, we know this child is suffering from the *ugonjwa wa kisasa* (literally translated as the 'contemporary disease', i.e., HIV). Do you think we need to entrust property to a woman who is infected by AIDS while we know what effects the disease might cause to her life? And her crippled brother, what will he do to this property?

(In-depth interview with Monica in April, 2017)

In the end, Monica did not get what she had claimed. The clan members allowed the uncle to retain the guardianship responsibility. When I asked if she planned to advance her case to the village government or to the court, she said she feared entering into conflict with the family members. According to Monica, the clan members and relatives would be angered by such action. So, even if the ward tribunals or the court granted her the rights of ownership, as she wished, she would still have to return home to face angry relatives. They would even excommunicate her from the clan for taking clan affairs to the court. She claimed her social relations were still important for access to wider clan benefits other than the inheritance. So, she decided to concede her land claims.

Monica's case builds on how Mariam's narrative shows the embedded nature of land in social relationships, but still reinforces the point of women's weaker land claims in those social relationships. This angle leads to a conclusion, although rather premature, that the secondary rights of women are affected by HIV and AIDS: Although Monica's case corroborates that of Mariam in terms of the role of her gender, marital status, education and knowledge on formal land rights, it differs in terms of context, indicating how land is gained through contestations, and in these contestations discrimination based on gender, disability and HIV infection is legitimised under customary systems to deny Monica or her crippled brother inheritance rights. In Monica's case, these same forms of discrimination legitimised as custom were deployed, with the result that she lost her access to land because of her gender. The cases of Emmanuel, Kabete and Rose, which follow, show the complex ways that HIV/AIDS-related discrimination is manifested.

6.3.2 Emmanuel: An HIV-Infected Gay

Emmanuel used to be my friend between 2008 and 2009 way back before I began my PhD. He was not Sukuma but *Nyiha*, a tribe dominating the Mbeya Region in the Southern highlands of Tanzania, where he had migrated from, and where the HIV infection rate is 14.8% — the highest in the country. His wife had died, leaving him with two daughters, one with eight and the other with five years old. He was supported financially by the Roman Catholic church including a small hut he and his daughters were living. By the time I was doing my ethnographic work he had already migrated from Lyamba after the support he had been receiving from his local church ceased following rumours of homosexual behaviour. While thinking about issues of land and HIV/AIDS, his story came to my mind. I am writing it to show the various ways people discriminate. One which was used in Monica's case is how discrimination was legitimised through customs to deny Monica her land claims, and equally to deny a crippled brother who had the right to inheritance. Emmanuel was exposed to double effects of discrimination, and this affected his secondary rights to land and support from the church.

I had just returned to Lyamba after my first-degree university graduation in 2008 and was working in a cotton processing company at Ushirombo on a temporary basis. During that time, I came into contact with Emmanuel, who was infected with HIV and was also gay,²⁶ although I did not know that yet. He regularly attended Roman Catholic services and was singing in a church choir. At that time, I did not know he was HIV infected or gay. I was only moved by his devotion to church attendance, and that his wife had died, leaving him the burden of taking care of their two children, who were then under 10 years old. It is because of his devotion to the church and his status as a widower with two young children that the church offered him support. In my experience, it was not common to find a widower in the area; usually, a man whose wife had died would find a new wife very quickly. I also wondered why other widows in the congregation did not get the same kind of support from the church that Emmanuel did — support which included use rights to cultivate land belonging to the church, which was often cultivated by the catechists. I did not know exactly the amount of land he had been given to cultivate, but I was aware that he had land rights because I had helped him harvest his maize crop — sometimes at his request, other times because I offered. Emmanuel did not own a house either. He was living in a

²⁶ Homosexuality is condemned and highly discriminated against in the studied area and the country at large.

small hut given to him temporarily by a good Samaritan from church who owned a plot with that small hut, but his family lived in Ushirombo. So, for more than four years of his time in Lyamba, Emmanuel was staying in that house.

Not long after we started interacting, we became close companions. I was not only moved by his dedication and his service to the church, but also his courage to raise his little children with limited financial means. I felt the urge to support him financially somehow. We also spent some time together, especially during weekends, and I began to notice something unusual about him — his gestures; especially the way he softened his voice as that of a woman while his real voice was more masculine. He also tended to act in a way similar to what I saw from women in the local area, such as swinging three fingers in the air, which in Sukuma they would term *kudosa nyakima*. It is a gesture often used by women when gossiping or backbiting. Although I was not comfortable with his attitude, I had a margin of tolerance. Other people labelled him as *nkima* (a woman), a stereotype which would discredit a man in the village. A man would be labelled as a woman when he failed in his manly duties to satisfy a woman in bed, due to impotency, for being married by a woman, and for being gay. Any man would like to show they were a real *ngosha* (a ‘real man’), especially in front of other women; for example, by being extraordinarily courageous, or brave, by satisfying a woman in bed and taking control of a family. Being labelled *nkima* did not seem to hurt or disturb Emmanuel.

I had little time, being in contact with him due to the nature of my job activities, as I was leaving early in the morning and coming back in the late evening, Monday to Friday. We had contact only during the weekends, when he would invite me to his place, and we drank beer or ate what he cooked for his children. When I hesitated to eat because it was too little for his children, or because I felt I did not like the food, he persuaded me in his feminine style, which I did not like but tolerated anyway. Other people did not tolerate his attitude, however. A few days later, my father called and told me of the danger I was putting myself in. He told me that Emmanuel was HIV/AIDS infected and also gay. This warning was in reaction to the rumours that had started to spread about my interaction with Emmanuel, and the potential consequences for my social status and reputation. According to my father, I could continue interacting with Emmanuel if my reputation and social status in this village did not matter to you at all. However, the suggestion was, to

avoid Emmanuel at once to maintain my good reputation, after all, there was nothing Emmanuel could offer than ruining my reputation. “That person is HIV infected and gay, just in case you did not know” (said my father in 2013).

Of course, his HIV infection or his being gay did not matter to me, but my social status and reputation in the village were important to me. I would not tolerate being called gay or HIV infected, as these attributes would taint my social status and the way I would interact with people in the village. Then I wondered what people might have been thinking about me all those days I was interacting with Emmanuel. Indeed, I was only moved by sympathy and there was nothing between us. But “would this help to convince people about how I relate with him?” I thought. I started thinking about migrating from the village and applying for a new job far away from the village. And so, I did. I got another job and moved to Dar es Salaam, but by then, I had already started to distance myself from him to protect my tainted social status, though I did not tell him so. Nevertheless, it did not take long for him to realise I was avoiding him; the same thing had happened with other new friends he had made, and who also subsequently disappeared from his life. One day he came to my place and asked why I had been so distant. I did not want to tell him anything because I did not feel comfortable asking whether he was HIV infected or gay, and I also wanted to avoid embarrassing him. But he decided to ‘hit the ball in the middle’, asking, “Are you avoiding me because people have told you I am gay and HIV infected?”

I did not expect him to have the courage to ask me, and when I got the chance to ask whether it was true or not, he admitted that it was true. Indeed, I was very touched by the forthrightness of his admission, and the way he was enduring overlapping layers of discrimination. I migrated for my new job at around the same time that Emmanuel made his admission to me. By the time I returned for fieldwork in 2017, I was told he had migrated from the village too. It seemed the news had reached the church officials, who would not tolerate his homosexual label because it would also taint the reputation of the church. There were also strict measures imposed by the then-government against institutions that supported homosexuals, so the local church officials decided to stop offering its services to Emmanuel.

Emmanuel’s case challenges the assumption that links women in customary Tanzania with weaker land claims and elevates men to grant them primary rights to land. The case shows that gender in and of itself does not

determine security to land tenure vis-à-vis the effects of discrimination. Emmanuel's case shows that both men and women who have secondary rights to land can succumb to effects that threaten their land security as well. The case shows how his use rights to land were affected by the double effects of discrimination by HIV infection and by homosexual behaviour, which is not tolerated in the area. The case also shows that HIV is not the only factor that stresses tenure security; discrimination by sexual orientation is also one of the factors. However, the context of discrimination in Emmanuel's case differs from Monica's, wherein discrimination was a precursor to the gaining of land; in this case, discrimination is exercised because the attributes of homosexuality and HIV infection are deeply discredited. Consequently, they affect social relationships that Emmanuel relies upon to gain access to wider social benefits, including access to housing and farming. I also present the cases of Rebeca and Laura, who had ownership of land in their marriages but whose narratives present complex results — one of which indicates that control of land may increase the bargaining power of an individual even if they are affected by HIV, while the conclusion of the other does not bear out this point.

6.3.3 Kabete's *nyamachoma*

Kabete, 54 and HIV/AIDS infected, migrated from Lyamba before I began this research. His story is very short because I did not happen to interview him, but overheard his story from more than four sources. It seemed to me that his story was told by any person in the village who by the time of his departure was mature enough to understand things. Kabete used to be our neighbour, as both he and my parents were teaching in the same school. Apart from his teaching activity, Kabete had a business he was operating. His business was a restaurant where he was selling hard and soft drinks, food and *nyamachoma* (grilled meat). The business began in June, the time when many farmers in Lyamba sell cotton and have money. Later it became so famous locally that other people saw it as an opportunity and decided to open new restaurants as well. But it seemed Kabete's restaurant was making *nyamachoma* better than others.

A rumour began to spread in the village that Kabete was mixing his AIDS blood with the *nyamachoma* he was selling. The exact source of the rumour was not known for certain, nor whether it was even true. According to informants, the rumour came from Kabete's competitors, who were jealous

of his business profits. Whatever the truth was, the rumour succeeded in its intention to scare people away from Kabete's restaurant. In the following months, the number of customers reduced, and reached the stage where Kabete decided to close down his restaurant. Another informant who was a regular customer at Kabete's restaurant said, "I knew for sure Kabete would not mix his AIDS blood in *nyamachoma*. But when I thought to go for a beer and *nyamachoma*, I became worried and thought 'what if the rumour is true?'". Kabete ultimately decided to migrate from the village, sold his property and lost his business opportunities in the area. Kabete's case is part of a continuum of cases which demonstrate the diverse ways in which HIV/AIDS and the discrimination associated with it affect access. Before I summarise these first four cases, I bring the case of Rose to illuminate ways people may utilise the discrimination effect of HIV in contestations to gain access.

6.3.4 Rose' story: contestations, discrimination and claims for land rights

I divided Rose's story in two parts which explain her HIV/AIDS and how it affected her access: The first part shows how contestation with her sister-in-law over access to a restaurant and its business opportunities – as in the case of Kabete — led to the exploitation of stigma and discrimination against her HIV status and resulted in her losing her customary rights of access through her brother. The case tries to show how access is gained and lost through discrimination. The second part of Rose's story highlights a little bit about mechanisms to gain access to land beyond customary practices. It also raises questions on why having individual control and ownership of land rights was important to Rose, rather than access to secondary rights through relationships.

Contestations between Rose and Priscilla

I met Rose, 42 and HIV infected, towards the end of my fieldwork, in November 2018. She had seen me in the village for two years and was perhaps getting an idea of what I was researching. Rose had been staying in a place she was given by her brother after a conflict she had with Priscilla, her brother's wife. Rose had lost her matrimonial land rights after the death of her husband, and was compelled to go back to stay with her parents for a time. Her husband's relatives claimed their deceased brother's land and other

properties except Rose's clothes, which she was asked to collect. It was by chance while collecting her belongings that she found the deed to that land (see Plates 6.2 and 6.3). Rose decided to hide the documents, anticipating to claim this land through legal channels in the future.

MULUNGWANA
 HALMASHAURI YA WILAYA YA [REDACTED]
 STAKABADHI YA S/KIJIJI
 No. KIJ 22455
 Tarehe 22/11/2006
 Nimapokea kutoka [REDACTED]
 Anuani MLEXI KATI PAATXWA
 Hesabu ya Shilingi GLEPO THASIN U Senti
 Kwa ajili ya UCHANGIJI KATI PAATXWA
 ALIHA MASHAURI MSHALI 30
 CASH/CHEQUE
 Shs. [REDACTED] 3,0000
 Saini ya Mwendaji wa Kijiji

HALMASHAURI YA KIJILI [REDACTED]
 OFISI YA SAKI KATI PAATXWA
 MSHALI KATI PAATXWA
 12-5-2006
 [REDACTED]
 G. MASHALI KATI PAATXWA
 YAH
 UZAZI NA UNUNUZI WA SHABANA UROBWA WA
 NUSU BWA LA MICHAMO NA MINAZI
 KATI PAATXWA R.W. HAMIDU MU MGENGO KNY FAMILIA
 " SHABANI MU. MGENGO
 MNUNUZI - ISANZUZA WILLIAM
 SISI KATI PAATXWA KATI PAATXWA KATI PAATXWA WENYE
 akili himeu kati paatxwa ya familia ya Mzee
 Mgenyo (Marehemu) tawala Gno de hule Shamba
 naku kati paatxwa Isanzuza William kati paatxwa ya
 kati paatxwa kati paatxwa na makazi kati paatxwa 10000/-
 - Wazazi - Hamidu M. Mgenyo
 - Shabani M. Mgenyo
 Wakishudia -
 Yusuf Shari Zombo kati paatxwa
 Hamidi Salehe Togo -
 MNUNUZI [REDACTED]
 VEO HAKUWA NA HAKUWA
 OFISI YA SAKI KATI PAATXWA
 MSHALI KATI PAATXWA

Figure 13. Signed certificates of land purchase issued to Rose’s deceased husband on 12 May 2006. Real names are redacted to protect the respondents. Source: Fieldwork, November 2018.

After leaving her matrimonial land, Rose went to stay at her father's house with her five children. While there she realised, she was pregnant, and went to the clinic. The diagnosis indicated she was infected with HIV. As she explained,

I was very much shocked when I realised, I was infected. I used to hear about others [being infected]. I started worrying about death, what would happen to my children when I die. I thought of what people would say about my HIV status [...] I thought about how long I could endure their [negative] words. So, I decided to tell no one but my brother, whom I trusted, and besides, he usually helped me with many things.

(In-depth interview with Rose, November 2018)

Rose did not want to stay with her parents given her HIV infection; she did not want to make them feel desperate about her just in case they realised. She instead asked to stay with her brother, who had inherited part of his father's land, and whom she trusted. The brother accepted and also offered for Rose to work at his restaurant, which his wife was also operating, and he would earn 50,000 shillings (about 30 USD) every month for this. Rose found it to be a better idea. It seems, though, that her brother did not communicate with his wife about welcoming Rose into their home and bringing her into the restaurant to earn a share of its profits. The first week that Rose went to the restaurant was not welcoming, as the host – her sister-in-law – did not seem to be happy, and tensions began to simmer. A few weeks later, Priscilla asked Rose not to go to the restaurant because her presence was not needed there. Rose was of the opinion that the restaurant belonged to her brother, and he allowed his wife to operate it, so Priscilla had no right to terminate her participation. "But the restaurant is ours not yours. My brother has allowed me to operate it as well," said Rose to Priscilla. According to Rose, Priscilla had a subordinate position of authority in relation to her brother's land under their customs. She did not have any right to prohibit her from using the properties in any way. "I lost my land from my husband's brothers when my husband died. Why did she think she had so much more authority over my brother's properties than me?" said Rose to me.

Despite the sister-in-law's warnings, Rose continued to use the property and work at the restaurant. For several days the two of them stopped communicating as well as they previously had. One day the two of them had an open argument at the restaurant that led to an exchange of insults. In the end the sister-in-law provoked Rose in front of customers:

You are forcing us to let you stay at our house because you have nowhere to go. You have decided to end your life at your brother's house [...] Do you think we don't know? Do you think we don't know that you have HIV infection?

(Interview with Rose in November, 2018)

Rose was angry that the brother she trusted had leaked her HIV status to his wife when she never wanted anyone to know. She also wondered why her brother did nothing against his wife when she told him about their conflict and the disrespect Priscilla showed her, as she had expected he would reproach her for it. After the embarrassment, Rose decided to ask her brother to leave his house, but the brother offered her another vacant-but-dilapidated house, and this is where I found her.

Rose's demand for ownership and control of land

Rose had seen me in the village for two years. One Sunday evening I was coming from my daily interviews when I heard the shouts of a little girl from behind calling me by name. I wondered how my name had spread so quickly that even a girl of about twelve would have known me. "My mother has asked me to call you," the girl said as I looked behind. As she drew closer to me, she lowered her voice and added, "My mother wants her name to be registered as well". I did not know what the child was implying because I was not registering people's names, as the mother of the child had assumed. Nevertheless, I thought there was something urgent her mother needed so I decided to respond to the call.

"Where is your mother?" I turned back to ask the girl, who was already headed back home. "Home," she shouted, pointing at the two isolated thatch houses. I followed from behind, pushing my bicycle. Their house was located about thirty metres from the Isaka-Kigali tarmac road, and it was easy to identify it by the thatching, in contrast to others that were roofed with aluminium sheets. I drew to the compound near the *kikome* (fireplace) where two naked children younger than ten were warming themselves up after a bath, biting into mangoes that had fallen from a tree around the house. I greeted the children while picking one of the mangoes, rubbed it with my hands and started biting into it, then waited for my host to come. I instantly saw the girl who had come to call me, bringing a small wooden chair commonly known as a *kigoda* from one of the two houses. As I was sitting down, a woman whom I quickly understood was the girl's mother, came out from the same house holding a small black plastic bag with documents in it (see Plates 6.2 and 6.3).

“Look”, she said, and added words in the Sukuma language which I can translate as:

Here are my papers but I do not know how to read them. They [her husband’s brothers] sold the land I used to own with my husband. They have left me with children and I am struggling to raise them alone. You see my deteriorating health and worry about where my children will be when I am no longer alive. Help me to secure that land. Take the documents, they are here. Please help me.

(Interview with Rose, in November 2018)

Rose’s story, like Mariam’s, raises issues about social relationships as a means she relied on for access, and the ways they were affected by HIV infection through the death of her husband, and through stigmatisation. However, it raises the role of land – and how she thought having rights of land ownership would secure the wellbeing of her children given her fear that she was near death. The following two cases of Rebeca (the woman who married men) and Laura further show the diverse meanings and values that are put on ownership and control of land.

6.3.5 Rebeca’s story: ‘The woman who married men’

In Lyamba ward, it is usually perceived that men marry women. It is usually a man who approaches a woman with the intention of initiating a marriage relationship. When accepted, other processes I have detailed in Chapter Five follow. The process ends in a woman consenting to leave her parents and join a husband to establish their new family. Sometimes bride prices are not paid, especially when the bride and groom informally decide to cohabit without informing their parents — an act which the Sukuma refer to as *kubola*. Therefore, in Lyamba, if A marries B it means B has accepted to move into A’s house. Then, married person B becomes the subordinate to A, who controls the household decisions, including divorcing B. However, the underlying factor that gives A that ability is ownership of land.

Although it is perceived that men marry women, for Rebeca (54) it was different. She was labelled as ‘the woman who marries men’, signifying that she had power over the men she cohabited with. Although the label might be seen as a stereotype, in Lyamba it was a positive stereotype. Her case shows that after her struggles in two marriages which ended in divorce, she decided to buy land and build a house in the village through incremental savings from

her *gongo*²⁷ business. When a man wanted to enter into a marriage relationship with her, she did not want to move into his house; rather, he had to move into her house. The reason behind this is that moving into a man's house would give him power. She would be subject to humiliation, succumb to being ejected from marriage and consequently kicked out of the house whenever that man was no longer in need of her. Instead, she wanted any man wanting to enter into a marriage relationship with her to move into her house. In that way she would not lose her land whenever the marriage dissolved, and equally, she would have the right to eject a man from her house if he behaved badly.

I came to know Rebeca one morning when I arranged to meet one of my respondents in Lyamba village. Her case was not obtained through snowball sampling, as with most of the respondents; it was coincidental based on an event which I will describe which drew me to her. Therefore, there was little room for me to ask whether or not she was infected by HIV/AIDS. It is difficult given the circumstances of HIV/AIDS and the way people look at it as a sensitive topic, even when I got the opportunity to interview her. However, accounts from many people in the village that I asked about her, including my research assistant, indicated she was HIV infected. Their basis for claiming so was the multiple relationships with men she had been associated with, some of whom had died. So, I decided to include her in the research and categorise her as 'affected' based on the observation that in this era of HIV treatment, what affects people are social perceptions rather than medical-related effects. Such prejudices, labels and stereotypes based on HIV infection importantly constitute the spoiling of relationships that nurture access to land. For this reason, Rebeca's case study was included as well, to analyse how her access was affected.

One day, as I was on the way to meet some respondents, I stopped to watch an event which drew the attention of passers-by and neighbours. The event was a fight between Rebeca and a man who was her husband, and the fight seemed like the ending of their marriage. In the fight, Rebeca, who appeared to be more decisive than the man in terms of instigating a forced ejection, was going inside and coming out with a bunch of clothes perhaps belonging to the man. She threw them haphazardly around the compound,

²⁷ *Gongo* is an illicit traditional home-brewed spirit, popular in Tanzania made by fermentation and distillation from grains like cassava, maize and millet, and is very potent. Sometimes people made *gongo* from faecal materials, and was banned by the government. Despite the ban, people usually drink it in secluded places to avoid detection.

and others fell on the dried grass outside the compound. While doing so, the man, without responding with anger or begging for help, picked up the thrown clothes and packed them in a tattered bag. I clearly heard most of the words the woman was uttering:

Get out of my house. I do not need you anymore. What sort of a man are you? Lazy, drunkard and cannot provide for your family [...] your duty is to eat like a pig and do not know how to find money!

(In-depth interview with Rebeca, November 2018)

When the fight seemed to end, the small crowd of spectators that had gathered started to disperse, but I was moved to observe the outcome of the fight. My assistant, who seemed uninterested in the scene, was pushing me to hurry onwards to the scheduled interviews. A man who stood closer to where we were was also dispersing, and laughed sarcastically, saying in a jeering tone, “He deserves this treatment. Where have you ever seen a man be married by a woman?” I had never witnessed an event as such, or cases where a woman would marry a man. According to informants, buying land — which was costly, and it had taken Rebeca a long time to build her own house — was Rebeca’s way of freeing herself from male dominance. Control of land gave her the ability to ‘marry men’ and divorce them when she got tired of them. Whatever the circumstances, what determines dominance and subordination is land ownership, where the one who accepts to move into the other’s house becomes subordinate.

Rebeca’s case challenges most of the cases of women in the study area, who rely on social relationships, especially marriage, and who appear to lose those rights during times of instability and with the dissolution of those relationships through death or separation. Rebeca’s ownership and control of land gave her power within the marriages she entered, even if affected by claims that she was infected by HIV. Rebeca’s case asserts the claim from the literature suggesting that insecurity to land tenure facing women is attributed to their lack of legal rights to land. Thus, access to property rights holds the key to empowering vulnerable poor people (Musembi, 2007), as well as, in this case, the HIV/AIDS affected.

6.3.6 Laura: Land ownership in marriage

Laura was married after her husband Charles had divorced two previous wives. Laura did not know that Charles had HIV/AIDS during their marriage. She knew it later when she went to a pregnancy clinic. After telling her husband, he then told her he got it from his former wives. According to Laura, the HIV results shocked her very much, but then she had nothing to do and nowhere to go. “After all, separating or staying with him would not take my HIV infection away, so I decided to remain in the marriage.” she said. Years later, her husband became paralysed and lost hope about the ARVs he was taking. He decided to seek additional support from local healers. According to Laura, her husband stayed for nearly three years with local healers, who confiscated his wealth.

He had about 20 acres of land and more than 50 cattle, but he sold all the cows and was left with eight. He then started selling land until his brothers were worried his sons would not get any inheritance. That is why we brought him back home.

(Interview with Laura, in November 2017)

During the interview, I separated Laura from her husband to enable her freedom of speech. My experience in the area had shown that women usually felt shy or talked less when with their husbands such that, when a question was asked to the wife, the husband usually answered for her. Even if the answer provided does not reflect what the wife would have replied, she cannot negate the husband’s answer. Separating the couple helped me to know that Laura had inherited land from her deceased father, but did not want her husband to know, otherwise he would have taken it. According to Laura, when a woman is married and moves into her husband’s house, that woman and all of the property she owns becomes the husband’s.

This claim is also discussed in Seeley (2015), showing that the philosophy behind bequeathing property to male offspring in patrilineal tribes is motivated by the fear that property may be lost when a woman is married. Therefore, to avoid losing land to her husband, Laura decided to hide the document and her three-acre land from everyone except her brothers. She planned to bequeath that land to her daughter Salma (12 years), who was also on ARV medication. Laura was worried that HIV/AIDS would eventually take her life and her husband’s. When such circumstances appeared, her daughter would not inherit any share of his land. Her husband’s sons from the former divorced wives would divide that land, and her daughter, who was

also infected, would live a miserable life. So, she entrusted that land to her brothers for her daughter, just in case the worst situation happened.

Laura's case does not indicate the social consequences of HIV/AIDS and whether they affected her access to land. Her story only points out medical challenges related with the long-time illness of her husband and the selling of land to defray medical expenses. This issue has also been documented by other scholars (Asenso-Okyere et al., 2010; Okuro, 2007). What the story may lead to is the threat of her security to land in different circumstances – firstly, that she and her daughter would likely be vulnerable to customary dispossession of land in case her husband died. Therefore, marriage was the only mechanism to secure access to that land for Laura and her daughter. Secondly, Laura's case shows similar but contrasting evidence to the previous case of Rebeca in relation to access rights of land ownership. While Rebeca's case indicated that land ownership secured her position as the decision maker in her marriages, Laura's case suggests different results. Yet, the two cases don't water down the relevance of land ownership.

In the last two narratives — of Ashura (21) and Benedicta (68), which I present in subsections 6.3.7 and 6.3.8 — I highlight, among others, issues of land contestations to gain and maintain control of land. They also raise important issues of legal pluralism in which land is embedded. Interestingly, the cases show women's agency outside of customary practice. The affected women gained control and ownership of land outside the customary system through access to capital, relationships of authority, formal education and awareness of legal rights. While the cases highlight different acting spaces that the affected people have within and outside customary systems, they also indicate how ownership and control of land might be important for HIV-affected women.

6.3.7 Ashura's story on intra-household land contestations

Ashura's case is an illustration of how knowledge-based access was used to claim rights to land. Ashura's boldness and eloquence regarding formal laws, and her knowledge of her rights, enabled her to challenge customs which conferred her uncle guardianship of their natal land after the death of her parents from HIV/AIDS. The uncle used his position as the trustee to illegally sell the land he was entrusted with on behalf of the orphans.

On 22 February 2018, during my second term of fieldwork in Lyamba village, I passed by the house of Mr Abdul, a primary school teacher whom

I used to meet and talk with over the past fifteen years. When I reached the house, I found the tenants, who could not give me any information about the owner. They directed me to Jane, a woman who was directly in contact with the owner. So, they paid rent to Jane and they did not know who Jane was in contact with. According to Jane, whom I interviewed, Mr Ahmad was Abdul's younger brother, and was assigned guardianship responsibility to handle the deceased's property and the orphans. Ahmad was not living in the village but was in Kahama town, 100 kilometres away from Lyamba, and was not staying with any of the orphans. The orphans included Ashura (21) Mr Abdul's eldest daughter, who was in college after passing her form six examination. Her siblings were scattered across the paternal uncles, and she was initially staying with her uncle Abdul, though following the conflicts, she was given a place with her maternal kin.

Ashura had filed a case against her uncle Ahmad and accused him of stealing the property left to the orphans by their deceased parents. The uncle was collecting rent from the houses where the deceased family were staying. He was also renting farms to *rika* groups of women according to negotiated arrangements — they cultivate a portion of that land; they sow and take care of it until harvest. Their return was to get a portion of land which they would cultivate on their own. Additionally, Ashura accused Ahmad of stealing money from the bank account that held her late father's retirement benefit of about 48 million — it had been put under Ahmad's guardianship as well, on behalf of the orphans. When I met Ashura, a decade since I saw her last, she had spent three years following her case in court. She wanted the court to endorse her as the guardian instead of her uncle Ahmad, whom she accused. By doing so, she would control all the inheritance. But the court required her to convene another clan meeting and ask the clan members to revoke the guardianship position of the uncle and endorse her instead.

However, Ashura was not sure her paternal clan members would accept, or at least it would not be an easy task. After all, she had taken him into custody, and some of the clan members wondered why she did not present her allegations to the clan meeting instead. Instead, she decided to present her claims to her maternal uncles, who convened a clan meeting, explaining the situation in defence of their matrilineal daughter. They drafted another document on 15 October 2018 (see Image 14), which was accepted and signed by the judge.

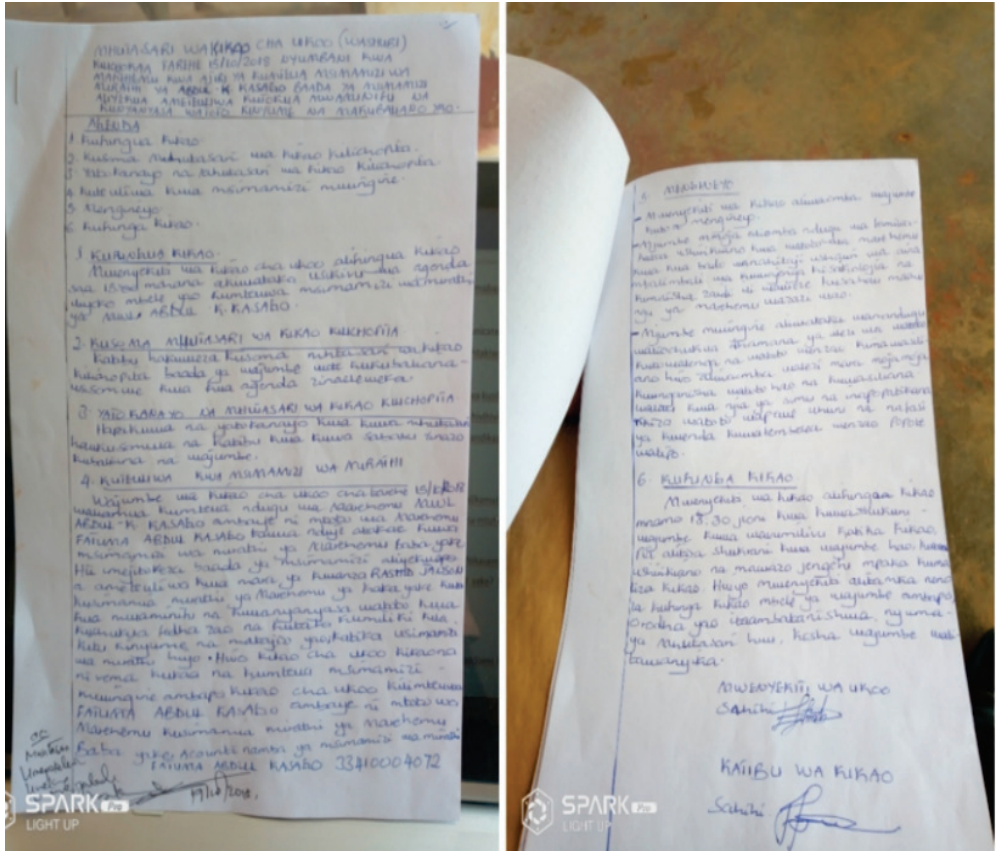


Figure 14. Minutes of a customary meeting on Ashura’s guardianship case. Source: Photo taken by Butungo before the court procedure convened in 2018.

When I met Ashura, she complained about the long time spent in court procedures, and that she had spent so much money in the bureaucratic court procedure. At times she thought the uncle was trying all means to bribe the judge. She was surprised, for example, why she presented all the evidence required by the court, yet her case was postponed every time. She also told me of the ongoing tensions and misunderstandings with her paternal kin, who were unhappy about her decision. I attended three of Ashura’s court hearings and she successfully got the inheritance back after the court ruling.

Ashura’s case also indicates how access to knowledge and collective action can empower actors to gain control of land. According to Goldman et al. (2016), access to knowledge encompasses a wide range of factors, including beliefs, ideological controls, discursive practices and information.

In this study, access to knowledge through formal education and empowerment makes individuals able to challenge situations where rights seem to be trampled. Ashura's case also contrasts Monica's, indicating that access to knowledge about rights is likely to give actors — especially women — the bargaining power to defend their land rights. The case of Benedicta which I explain in the next section also shows how a combination of factors, such as access to knowledge on land rights and access to relations of power, may strengthen land rights in the immediacy of HIV and AIDS.

6.3.8 Benedicta's story: Contestations for land rights

Benedicta, 68, a retired primary school teacher and infected with HIV, was one of the TASAF women I highlighted in Rose's case (see 6.3.4). Based on her long-time public service and her knowledge of widows' land rights, the widows selected her as their chairperson. Benedicta had come to my place seeking to meet me in person. This might follow the rumour I have already explained about Ashura's case. Benedicta told me later that she thought I was a TASAF person because my appearance in the village seemed new and different. So, if I was one, then she wanted to inform me of their presence and their demand for financial and legal support on land-related issues. She also thought I was perhaps a lawyer, or someone who could advise them on legal issues following the victory of Ashura in court. When I clarified to her my role as a researcher, and that I had nothing to do with people's affairs, she advised me to meet and talk to the widows, and to advise them on various issues that required legal support, to which I agreed.

I attended two of their meetings, which usually convened on Sunday evenings. Benedicta had mobilised the group after overhearing that others from a neighbouring village were receiving government funds through TASAF. When such grants could not be remitted by the government as they had anticipated, they did not break the group, rather they met on a weekly basis, where every participant would contribute a minimum of 2000 shillings (about 1 US Dollar). It seemed a routine in their meeting that they would start with greetings, and if any of them had a problem, she would share it with others and they would advise, console or help in any way they could. Then a bursar would start collecting money which every woman was saving. When a member reached a minimum amount of 50,000 shillings, she would be required to borrow at least 80% of the savings. According to Benedicta, it was a mechanism to help women secure rights to land and incrementally

construct housing. It was also an initiative of the group to make sure every widow had access to land and a house at least. Benedicta had also planned to bring a legal advisor — whom she supposed to be me — to empower them on issues of land rights. But she had also been doing every meeting with the widows, and that might have empowered Rose to claim land rights through the formal process (her story is documented in part 6.3.4).

Benedicta had also been a victim of property dispossession after the death of her husband from AIDS. They had a car (which she sold), a good house, a dairy farm and a farm of about 40 acres. Benedicta would be regarded as rich in comparison to others in the village. Even when I visited her house, I could see the contrast of modernity in comparison to average households in the village. However, after the death of her husband, she began to receive threats from her husband's kin. The threats started after she rejected being dispossessed. Although Benedicta clung to formal laws, her education and knowledge on her matrimonial land rights was not enough to convince her in-laws from frequent threats. One day she received a note, "We are coming to take what belongs to us. We do not want to see you in our deceased brother's house". She was scared and thought they would murder her. So, she went to report her case to a police station at Ushirombo. Benedicta told also of her connections with the district commissioner (DC) who was her deceased husband's friend, whom she also notified of the threats she was getting from her in-laws and asked for security. The DC came to the village privately, met her in-laws and threatened them against any verbal or physical assault on Benedicta, and said that he would be monitoring her progress.

Benedicta's story, which is also a collection of stories of the TASAF women's group, largely elucidates a combination of many factors that alter women's bargaining power and ability to own land, both intra- and extra-household relations. It indicates the strength of knowledge-based access as a means Benedicta used to empower widows to defend their land-related rights, but the case also indicates a combination of other factors which go together. Her case asserts the observation by Chapoto et al. (2011) showing how the wealth and land assets of the household prior to the death of the male household head has greater potential of loss after his death. According to their study, wealthier widow-headed households are targets for property grabbing.

This case indicates that knowledge-based access alone could not sufficiently safeguard her land rights, but that there is a combination of mechanisms

at work, such as access to relations of authority. The examples of the VICOBA women also indicate how investment in groups was instrumental to the empowerment of women to access land through self-mobilisation and personal savings. Sara Berry (2002) noted how people invest in groups in order to gain access to resources. According to Berry, access to land may depend on how actors are able to invest in means of production, which in Benedicta's case are groups that mobilise economic development. Berry's analysis stresses the importance of developing economically based ties, in addition to other identity-based relationships, as a means of being included or excluded from certain kinds of benefits (Berry, 1993).

6.4 Diverse Mechanisms to Regain Access: Excerpts from Other Ethnographical Cases

In this final part of the empirics, I introduce other ethnographical cases of the HIV- and AIDS-affected people, and explore a range of mechanisms they use to regain access to land outside their family-related social relationships. These mechanisms include shared social identity, access through knowledge, capital and relations of authority.

6.4.1 Access through collective action

My analysis of access through extra-household mechanisms indicates two groups of HIV-affected widows and divorced women. The groups were *rika*, which involved single-parent-divorced women, and VICOBA, which involved HIV/AIDS-affected widows. I wondered how these groups were organised since they both involved HIV/AIDS-infected individuals. Apart from HIV infection, each of these groups had members who shared more or less similar social identities such as gender, economic status, level of education and the history of challenges they faced.

Rika women

Rika is a Swahili term which implies 'similar age group'. But in Lyamba, the word *rika* can refer to a cultivating in-group of people. Rika groups usually involve men, but there are also groups of women formed for the purpose of securing land-related labour. Securing land-related labour is difficult for one person since it is assumed that one person will take a long time to cultivate a given parcel of land. Land owners usually prefer groups, and therefore forming

rika groups help members to secure labour; at the same time, it helps them to organise themselves collectively to address some of their group challenges. I participated in a *rika* of young divorced women aged between 24 and 35. Anna²⁸ (24 and HIV infected), one of the group members, consented to be my research participant. The group was formed through relations of friendship and shared identities. I wondered how the group contained only HIV-affected women of similar age groups, levels of education, income and marital status. Anna told me she was approached by Louise (28), her friend who was also renting a house at Lyamba, and whom she knew was HIV infected²⁹. I also did not ask her friend whether or not she was infected, as she was not my research participant³⁰. The two of them also approached two other friends whom they were connected to in terms of shared social status, and had a reciprocity of services. Later, the group advanced to eight single-parent women, as can be seen in Image 15.



Image 15. *Rika* women cultivating at the farm of one of the land owners in Lyamba. Photo taken by Leticia, my research assistant, September 2018³¹.

²⁸ She is not one of the nine individuals I described in the empirical Chapter Six. She participated in the focus group discussion with other fellow divorced *rika* women whom I describe in this section.

²⁹ The reason for her suspicion is that Anna saw her friend queuing for ARVs at a distant CTC (perhaps fearing to queue at a nearby center), and Louise did not notice that she was seen.

³⁰ I knew of her friend only the night I heard she delivered twins at home without hospital support because she could not attend maternity during her pregnancy. There is a law in Tanzania that when going for maternity, a woman must go with her husband or the partner she got pregnant with. Sadly, the responsible man refused to accompany her to hospital and therefore she carried the pregnancy.

³¹ I have added visual effects on the photo to blur the subjects.

According to Anna, being in a group of members she shared a social identity with was important to help bring her a sense of collective action, as opposed to being in a group where she would feel a sense of insecurity and subordination.

Being with different people? No. I would not feel at peace and free. A small act such as a sneeze, laughter or a joke from others who are not [HIV infected] like me would invoke more of a sense of discomfort, exclusion and insecurity than when this is done by one with a similar status.

(In-depth interview with Anna, September 2018)

Anna explained that the advantage of participating in such a group facilitated securing access to labour, addressing common land access challenges and addressing their economic challenges as a group. The women would usually cultivate the land and divide profits among themselves, which was usually 70,000 shillings³² per acre after two days. *Rika* involved a series of interrelated farming activities, such as preparing a farm for cultivation, cultivation, sewing, weeding and harvesting. Each of these activities was a separate project which would be negotiated for a price ranging between 70,000 and 100,000 shillings. Securing a job depended on the efficiency of the group to accomplish tasks on time and effectively, to the satisfaction of the land owner; otherwise, they would be replaced by another *rika* group. Sometimes when the land owner had no money to pay, they would negotiate labour with land or sharecropping. The land owner would lease one acre of land in exchange for a fully cultivated, planted, weeded and harvested acre of a given crop for one season. Otherwise, there are agreements such as sharecropping — in which the land owner would wish to cultivate maize, and the *rika* women would plant nuts on the same farm. The exchange would be for the *rika* group to take care of the farm in order to grow their preferred crop, while the land owner would harvest maize from that particular piece of land.

VICOBA

Different from *rika*, VICOBA was a group of widows who were now single parents, aged 40 and above. A VICOBA, which is an acronym for Village Community Bank, is a tailored microfinance programme designed to provide credit to low-income individuals and grassroots collectives, especially

³² Almost 31 USD. One USD is equivalent to 2300 Tanzanian shillings.

women who are often excluded from the formal sector. The programme is designed to bring together groups of women of perhaps between 25 and 50, and allows them to combine their savings to create a community-based bank. The concept is based on the African tradition of self-help practised through grassroots forms of networking and sharing resources and experiences (Magali, 2021). Sara Berry (1993) noted how people invest in groups in order to gain access to resources. Berry's analysis stresses the importance of developing economically based ties, in addition to other identity-based relationships, as a means of being included or excluded from certain kinds of benefits.

Rose (42) and Benedicta (68) — both HIV infected, and whose stories I have presented in parts 6.3.4 and 6.3.8 respectively were members of a twelve-woman VICOBA. Different from the *rika*, women in a VICOBA were widows of at least 40 years old. I knew the VICOBA women after my three years of ethnographic fieldwork and my interaction with HIV-infected people in the village. I learnt the existence of their group through Rose, who had told her fellow HIV-infected women that I was helping HIV-infected women to gain access to land, which I was not. But Rose introduced me to Benedicta, who also led me to their group and talked to them. The women formed their group of HIV-infected widows anticipating financial service from the government after overhearing from others in a nearby group. After a long time of waiting in vain, the women decided to collectively form a VICOBA group where they could be putting savings, and from which they could be borrowing. Each of them was supposed to contribute at least 5000 shillings (at least 2 US Dollars) every week as a minimum contribution. Since the group was in its initial stage, they had not yet started borrowing.

What I observed from their meetings which is quite similar to *rika* women is that, being exposed to other women and sharing similar challenges gave them a sense of solidarity and empowerment. At every meeting, each woman got the opportunity to express her individual challenges in the safe social environment of other HIV-infected people. The challenges included life impoverishment and living with feelings of being discriminated against that limited their freedom of social interaction. Group formation not only created a sense of solidarity, it expanded their social interaction, and gained them knowledge on savings and borrowing. The women also gained knowledge on establishing home-based projects and incremental land purchase or housing construction. Collective action which is observed in both *rika* and

VICOBA groups is seen as an effective means of gaining HIV-affected women more bundles of power.

6.4.2 Access through knowledge and education

The case studies show that knowledge about legal rights, such as the right to own land, has a better chance of helping to maintain access than lack of exposure to education. Women and orphans who have attained formal education above primary education have the knowledge and ability to confront men when land is contested. In this study, access to knowledge through formal education and empowerment through groups makes women able to overtly challenge situations where personal rights seem to be trampled. The case of Ashura for example indicates how access to formal education helped her to defend her land rights because she had the ability to overtly challenge customary practices where uncles wanted to take advantage of her natal land. The same is also reflected in the cases of Benedicta (68) who challenged customary practices of land dispossession after the deaths of her husband. The cases I have highlighted contrast those of Rose (40) and Monica (42), who could not retain their access rights through customary land dispossession. Monica, meanwhile, did not attain formal education and had no knowledge of her rights under formal law.

6.4.3 Access to forms of relations of authority

The case studies, especially that of Benedicta, indicated that access to authority can be a means of maintaining access to land. Sikor and Lund (2009) define authority as “an instance of power that is associated with at least a minimum of voluntary compliance, making it likely that command with a specific content will be obeyed by a given group of persons” (p. 8). Goldman et al. (2016) indicated how relations with people in power can also be categorised as access to authority. Some of the cases, such as that of Ashura and Benedicta, show that access through knowledge about legal land rights and exposure to formal education was not sufficient to maintain access. The privilege they had with individuals with authority was sufficient to strongly influence their control of land. Ashura did not win her case in the primary court; her case did not make progress until she talked in person with the judge in the District Court. In the same way, Benedicta gained her land rights through relations with the District Commissioner (DC), who was her deceased husband’s friend. According to Benedicta, the DC had to come to

the village privately, met her in-laws and used his position to threaten them against any interference, threat or harm to Benedicta.

6.4.4 Access to capital

Capital is one of the factors giving people access to land. According to Ribot and Peluso (2003) capital may be wealth in the form of finances and equipment used for investment purposes. Some of the cases, including the VICOBA women, indicate how people mobilise financial capital to gain access to land. I did not personally see any of the women successfully buying land through borrowing, but the case of Rebeca details the challenges faced by her and women like her until they own land. She generated capital from her gongo-selling business. Her access to financial capital enabled her to buy land and build a house incrementally. Rebeca's example demonstrated that her claim to land rights was a means of gaining authority over men in marriage. During my interviews she specified that the land did not contribute much to generate capital, as opposed to her gongo business. My observation of her case shows that land ownership altered her social status. Apart from being named as a woman who married men, she had the ability to control decisions within her household, she controlled financial resources and had the ability to eject any husband from marriage if he showed a character she was not pleased with.

These cases I have highlighted shows the diverse ways to gain access to land — They show for example how certain individuals gain access under customary practice, and use the same to exclude others using various mechanisms. how access is lost cases also the complexity of identifying and labelling certain categories as 'vulnerable to losing land access' based only on their certain identities which other studies have often generalised.

6.5 Conclusion

These cases most fundamentally draw attention to the contested nature of land, and how changing dimensions of social power are central to shaping access in the context of HIV/AIDS. Clearly, it is indicated how HIV and AIDS negatively affects land access through destabilising social relationships leading to ejection or divorce, spousal or parental death, and diminished social status as a result of stigma. All of this can lead to intensified conflicts over land rights and control, while simultaneously

undermining infected individuals' social power within these struggles. The case studies also show the complexity of explaining vulnerability to the powers of exclusion from land, as gender alone does not lead to the conclusion. While women and orphans, or widows and their children, seem to be affected, this is not general to all the cases I have presented. Rather, there are also cases of men who are vulnerable to exclusion, as there are cases of women and orphans who have bundles of powers to navigate ways to regain access. This discussion requires engagement in the wider literature showing how multiple intersections shape the bundles of powers that influence access to land.

7. Analysis and Discussion of Case Studies

7.1 Introduction

In this chapter I synthesise and discuss the empirical case studies I presented in Chapter Six. I basically reconnect these findings with the research questions that I outlined in Chapter One. To recap, I highlighted in the introduction chapter that the main objective of this research is to explore how HIV and AIDS impact access to land for the affected people in Lyamba. I thus wanted — to examine the ways in which HIV infection impacts land access — the contexts in which such impacts unfold, and — how different people are affected and in what ways. I have therefore structured the chapter in the sequence of the research objectives. In Section 7.2 I provide a summary of the empirics. In Section 7.3 I discuss the different ways in which HIV and AIDS affect people's abilities to derive benefits from land. Section 7.4 analyses the contextual factors that underpin gaining or losing access in the context of HIV and AIDS. In Section 7.5 I discuss the intersectional factors that determine access. This is to answer the third research-specific objective to understand categories of people that may be vulnerable to land dispossession in the context of HIV and AIDS. Part 7.6 concludes the chapter.

7.2 A summary of the studied cases

What can be summarised from the previous chapter's case studies are different mechanisms people use to gain access to land. Equally there are also different ways the different people lose access to land. Nearly all nine case studies I introduced at the beginning of the chapter, show how people

gain access to land mainly through social relationships and how that access is contested between different actors within family relationships. In these contestations, power emerges as a weapon that actors try to use to derive benefits in contestations. I also introduced the other diverse mechanisms actors gain access to land beyond their family relationships through collective action, knowledge, relations with authority and through capital.

In the theory chapter I used the term ‘bundles of powers’ to denote particular abilities that individuals employ to derive the contested land-related benefits. These bundles of power also involve preventing others in order to gain the same. As Hall et al. (2012) theorised, the circumstances involve mainly cases where access is maintained by excluding other potential users — especially in circumstances depicting access among actors in social relationships. But, given the rich meaning of the bundles of power concept, what is also interesting is how the affected people, those who seem to have less power, also use their bundles of powers to regain contested access. The discussion that follows tries to unpack this complexity and broaden the discussion on mechanisms of access, and ways in which being infected by HIV and AIDS weakens those abilities to gain access. I expand this discussion in Sections 7.3–7.5.

7.3 Analyzing HIV and AIDS impacts on access to land

In this section I analyse the links drawn from the empirical material between HIV/AIDS and access to land. As I highlighted in the theoretical framework chapter, the cause-effect relationship helps to guide the analysis of the impacts. Therefore, what I will be paying attention to in this analysis are ways in which access is affected, and how HIV and AIDS shapes such outcomes. The empirical material I have presented shows that access to land may be lost through one or a combination of the following factors: forced ejection through ruptures, through legitimisation (stigmatisation) practices and through social influence. I discuss these factors in subsections 7.3.1–7.3.4.

7.3.1 Forced ejection from marriages

Ribot and Peluso (2003), as well as Hall, Hirsch and Li (2012), have discussed how access is lost through the use of force. According to Hall, Hirsch and Li (2012), force implies the use of violence, disputes, arson, intimidation and personal attacks over territory. They see force as the

ubiquitous powers that underpin exclusion from land, and are very effective when one party has the capacity to inflict physical harm on another in the form of a pervasive threat. In this thesis, where people lose access in marriage relationships this is many times through ejection, separation and divorce. These are forms of involuntarily exclusion from access to land which are maintained in unequal social relationships.

The cases of Mariam and Monica indicated their husbands used force to eject them from their matrimonial houses to end marriages. But the cases show that it is not only men who eject their wives from matrimonial homes; women too can eject their husbands, as the case of Rebeca led us to see. What appears to be common in all these cases is that access in terms of ownership rights to land gives actors within marriage relationships such powers. The scenario is very well described by Ribot and Peluso (2003) in relationships between dominant and submissive actors. The same point is also emphasised by Yngrstom (2002), Peters (2002), as well as Whitehead and Tsikata (2004), on differences between actors with primary vis-à-vis secondary rights to land. I see differences in terms of their rights to land within marriages in the same light, that ownership rights to land tend to give actors power within social relationships, including the ability to affect the access of their spouses.

There is, however, a link between how infection and perceptions associated with HIV/AIDS exacerbate instabilities within marriage relationships, and may lead to cases of divorce, separation and ejection. Mariam's case indicated that her HIV infection made her two husbands suspect that she had been unfaithful despite her attempts to conceal her infection. As I already pointed out, it is very clear that HIV affects existing power inequalities between marriage partners. What HIV does is to create instabilities within the already unequal social relationships. While HIV/AIDS may exacerbate instabilities, evidence of HIV infection may further weaken the affected individual's negotiation potential within these social relationships. Thus, I see separation, ejection and divorce as outcomes of instabilities and the use of forced eviction from marriage. Having rights to ownership and control of land gives the owner power over the marriage tenure, and having access rights to use of land exacerbates loss of land.

7.3.2 Ruptures (AIDS-related illness and death)

Christian Lund (2016) uses the term ‘rupture’ to refer to open moments when both opportunities and risks are likely to multiply, and when the scope of outcomes widens. Lund uses the term to observe how authority might be at stake, especially when these moments likely produce new forms of authority. He described ‘colonisation’ as one of the most dramatic and violent ruptures in human history. According to Lund (2016), colonial agents dispossessed colonial subjects, and established new property administrations. I use Lund’s term ‘rupture’ to refer to moments brought by the effects of illness and AIDS-related deaths when access to land may seem ‘temporarily vacant’ and subjected to contestation between actors. Several case studies I have presented, especially where land is contested, are those which involve spousal or parental deaths. This is caused by the fact that in many of these cases men are default household heads, and have customary rights to ownership and control of land. Therefore, the death of a male spouse or a father exposes his matrimonial family to contestation with his natal family, who tend to exercise their control over the deceased’s property according to patrilineal customs.

While social relationships are important sites where access to land is embedded, Ribot and Peluso see social relationships as bundles of powers individuals may have that enable their access. By taking social relationships such as marriages or kinship as means that support an individual’s access, I explore how these moments of rupture caused by AIDS weaken an individual’s abilities to gain access from land. Many cases I have described — including those of Benedicta, Rose, Monica, and Ashura — clearly show cases of either parental or spousal AIDS-related death. Although such deaths may tend to affect entire households, they also have an effect at the individual level. I have indicated how these ruptures result in contestations for land between different actors, and affect individuals’ access to land. Despite the fact that AIDS is not the only cause of adult mortality, these cases show that AIDS was the cause of mortality in the affected households. These cases largely show that when a father or husband dies, his bereaved matrimonial family members may be subjected to contestation with the deceased’s natal family. Most of these cases show that widows are likely to be evicted from their matrimonial house and their children may be taken away.

7.3.3 De-legitimation practices (stigmatisation)

Legitimacy can be viewed as a generalised perception or assumption that the actions of an entity are desirable or proper, or appropriate to some socially constructed system of norms, values, beliefs and definitions (Suchman, 1995). According to Hall, Hirsch and Li (2011) legitimation practices are of importance in supporting different forms of exclusion from land. The authors see legitimation as tied to the authority which tends to validate individuals' claims to their possession of given pieces of land. Given the context of legal plurality that governs land access in this research, the case studies show that people tend to legitimise their claims of land ownership through customary practice, or through the formal/legal/government system. Legitimation and de-legitimation practices are observed in the struggles to gain access, and actors try to draw from different means to affirm their land claims.

As I discussed in the theoretical framework chapter, I see stigmatisation in the same light as a form of de-legitimation practices based on social norms. Stigmatisation, as presented in these cases, is the use of any form of practice that tends to label characteristics, stereotyping, separation or discrimination (see, for example, Link and Phelan, 2001). As Bourdieu (1979) observed, these actions tend to have certain symbolic forms of power that can affect individuals' social status, wellbeing and self-esteem. The cases that I present show that in moments when access is contested people tend to use different 'weapons' as a means to exclude others from contested land, and stigmatisation is one of them. Monica's case, for example, involves an uncle who was supposed to discharge guardianship responsibilities to Monica's younger brother, and refusing to do so on the basis that the claimant was lame. Despite Monica's attempt to convene a clan meeting³³ — the customary authority to grant her the claimed land rights — the uncle exploited her HIV and AIDS infection to weaken her land claims. We can see the uncle's discriminatory practices in the same light as symbolic forms of power whose purpose served his hidden intentions, which according to Monica was to keep the contested land. This claim is reinforced through the case studies of Rose vis-à-vis her sister-in-law, Kabete vis-à-vis his business competitors and Ashura vis-à-vis her uncle.

These cases advance the theoretical understanding on the material effect of stigmatisation in relation to the way it affects access. The cases I have

³³ The customary body of authority which has the power to control and direct the use and ownership of land to its members.

provided show how stigma related with HIV and AIDS is applied in contested access as a means to weaken contesting individuals. The exclusionary effect of stigma relates to the ways in which the labelled attributes are associated with incongruent social practices. Monica's uncle, for example, linked Monica's HIV infection with being actively sick, near death and mentally impaired. This was done to persuade members of her inability to handle the inheritance, just in case the clan members thought of giving her the land claims she wanted. These cases do not point to stigmatisation based on HIV and AIDS alone, they point to many layers of stigmatisation such as gender, homosexuality, witchcraft, prostitution and physical disability. Discrimination which is legitimised based on these cases compounds the existing challenges that face people with HIV and AIDS infection. The discriminatory practices have a dual exclusionary effect, first affecting an individual's bundles of powers through self-stigma.

According to Chada et al. (2014) self-stigma, which is the internalisation of negative social assessment as guilt, shame and lack of self-worth, tends to affect an individual's sense of wellbeing, social status and self-esteem. Secondly, the cases also indicate how customary authorities may tend to legitimise discriminatory practices as ways of assessing an individual's worth with regard to their access claims. Monica's case shows how the uncle successfully attempted to reinvent discriminatory practices against her HIV/AIDS infection as a way to delegitimise her land claims. Other cases, such as those Emmanuel and Rose, also show how stigma was a basis to delegitimise victims of their access claims under customary authority. With these cases in mind, I see the link between the stigmatising effect of HIV and AIDS, and the way it is used to affect access. I must stress here that HIV/AIDS is not the only source of stigma; instead, other categories of stigma may compound the existing stigma attached to HIV and affect access to land.

7.3.4 Social influence (the big man)

Findings reveal how access to land, especially under customs, has been gained by the exercise of social influence and power in family relations, and for that reason exclude others from their potential opportunities to gain access. There is a very close link between social influence and authority, which I explore in this thesis. Sikor and Lund (2009) define authority as 'an instance of power that is associated with at least a minimum of voluntary

compliance, making it likely “that a command with a specific content will be obeyed by a given group of persons” (p. 8). Sikor and Lund discuss authority in relation to the power those legal institutions, such as states or village communities, have with regard to, for example, issuing property rights. Customary practices largely influence access to land for the people in the cases I have described. However, the term ‘customs’ is fluid since ‘big men’ influence those customs. By ‘big men’ I refer to people with social influence within their respective families or clans. In this research, social influence is determined by an individual’s position within the clan or familial hierarchy, the reputation one has in the family and perceptions of wealth gained from material possessions. My experience in the study area indicated how families and clans are categorised according to social positions and hierarchy. These categorisations of individuals are based on the age, gender and status of an individual within a given family or clan. Big men influence decisions and legitimate practices regarding access to land.

In discussing the role of social influence in determining access, I show also its very close link to legitimating practices. What I imply here is the ways in which big men, for instance, may use their position of influence within the social hierarchy to define what is regarded as ‘customary’ and what is not. In many cases where ruptures emerge, social influence plays a bigger role in influencing decisions regarding who should be given guardianship roles, who should inherit orphans and the deceased relative’s land, what should be done to the widow and so forth. Therefore, while social influence plays a fundamental role in influencing customary access to land, it cannot be divorced from other mechanisms that influence access to land in the context of HIV and AIDS. Therefore, social influence has both positive aspects, in the sense that having positive social relations with individuals with social position in families or clan influence may have positive outcomes with regard to land access. But, having negative or conflicting relationships with big men negatively affects an individual’s access to land.

There are ways in which social influence emerges as an influencing mechanism of access in the context of HIV and AIDS. While HIV and AIDS exacerbate ruptures, certain people use their social influence during these rupture moments as a means to grant or deny the legitimacy of land claims. Social influence can also be looked into for the ways in which it suppresses the claims of those individuals who are thought to have lower social position in terms of hierarchy and status. I have indicated how orphans and widows,

for example, may be exposed to loss of access through the influence of big men during moments of rupture. In such moments when access is contested, being infected with HIV and AIDS may further compound the situation of vulnerability for people with a lower social position to loss of land access. This scenario was also discussed by Cotula (2006) in the context of young men and women being disadvantaged in the large-scale land markets of West Africa. Cotula observed how big men tend to reinvent their guardianship powers as that of an owner, selling off common lands for private gain. Some of the cases I present are similar, where people tend to use their social influence within families to dispossess widows or orphans in the context of deaths. Death-related cases — which I illustrated through the narratives of Ashura, Monica, Benedicta and Rose — exacerbate situations in which access is lost.

7.4 Context for the analysis of HIV/AIDS impacts on land

I analysed case studies in Section 7.3 that show various ways in which HIV and AIDS impact access to land for the affected individuals. While the cases I have analysed indicate ways in which HIV and AIDS affect access to land, I find it important to understand the context that underlies those impacts. These cases clearly realise a context characterised by ongoing land contestations, unequal social relationships, and a pluralistic legal system of overlapping formal and informal rules, norms and values that govern land access. These factors overlap and affect access to land in the context of HIV and AIDS. I discuss these factors in subsections 7.4.1–7.4.3.

7.4.1 Land contestations

Most of cases I have indicated demonstrate a wide spectrum of struggles for access to land between members of a family. To recall — Ashura's land contestation with her uncle Ahmad, — Benedicta land conflict with her in-laws; — Monica land conflict with her uncle; — Rose's land contestation with her in-laws, as well as Rebeca's contestation with the men she married. These are not an exhaustive list — they include a number of cases; Emmanuel, Kabete as well as VICOBA and Rika women. What I observe from the case studies also reflects global changes on customary land from its 'embedded' to 'contested' nature, even between similar family relationships. However, many researchers see these land struggles in the context of global

demand of land for agrarian investment (See for example; Bae, 2021; Rosén, 2020; Cotula, 2009; Cotula and Cissé, 2006; Peters, 2004).

The cases I have presented do not indicate global land grabbing. The similarity the case studies in this research share with what is happening elsewhere in Africa is a change of 'collective' to individual ownership of land. Cotula (2006) has observed for example how clan land is commodified in the wake of land grabs to benefit certain powerful individuals within clan and family relationships. What is observed in the cases of land contestation I have presented also indicate the tendency for certain powerful individuals to take individual control and benefit from land claimed to belong to the families of clans. The cases indicate for example land which is claimed to belong to the clan or families for the benefit of all being sold and the financial gains from transaction benefiting one individual. When other subordinate members of the family contest their actions, a number of 'weapons' can be deployed to win a contestation. The case of Monica I presented shows vividly how the uncle for example who claimed to be a trustee to the land his deceased brother owned, selling part of that land for his personal gain. When Monica decided to challenge him to the clan, threats and stigmatization against her HIV infection was deployed as a possible means to win a contestation. This scenario is also indicated in several other cases including the contestation between Rose and her sister-in-law. The land struggles observed in the case studies affect certain weaker members of family relationships; in many cases, HIV and AIDS exacerbate the conditions that lead to instability and insecurity. I further elaborate these inequalities and insecurities in the following subsection.

7.4.2 Land inequalities

I have elaborated in the preceding section about the contested nature of land in the context of HIV and AIDS. The question of what we define as equality and what that equality constitutes is important in the understanding the dimension of HIV and AIDS, and how its effects penetrate in the context of unequal ground between actors. Land is the primary object to gauge the equality and dispositions of different actors. In deriving benefits to land, evidence from the case studies demonstrates that people attach diverse meanings to land. Gender appears to be one important category that shapes differences and values that men and women ascribe to their access to land. The cases indicate that both men and women derive benefits from land in

distinct ways. For most men, control and ownership of land reinforces their customary position of authority and decision making as household heads, and they also bear the responsibility of providing their families amenities such as shelter, food and income.

Although some of the cases — such as those of Rebeca, Ashura and Benedicta – highlight their land claims, this has been a result of marriage insecurity. Several cases indicate that women rely on their subject positions as wives, mothers or sisters to their male counterparts (see also Yngstrom, 2002). Quotes from Mariam and Kibibi substantiate this claim:

When you are married you have the guarantee of at least having a house to live with your children, a farm to cultivate and respect as a decent woman in the village, even when married to a poor husband.

(In-depth interview with Mariam, November 2017)

A similar statement was echoed by Kibibi (68)³⁴, who was ejected from her marriage by her husband on the basis of witchcraft allegations. Consequently, her husband married another wife and didn't give Kibibi any matrimonial land benefits, as I had anticipated she would claim through the formal laws. When I asked Kibibi why she did not claim the matrimonial land rights she replied, “What [are those rights] for? I have them [deriving the same land benefits] from my son”.

Reactions from some of the women — such as Ashura, Rebeca, Monica, Rose and Benedicta – clearly show insecurities in land access caused by instabilities in social relationships which some of these women rely on. As indicated from the case studies, instabilities are caused by inequalities between men and women in terms of making household decisions. Due to their position of ownership and control of land, men in many households are dominant over women. Their ownership and control of land gives them the ability to decide on the use and benefits produced from land. They also have the ability to determine the tenure of relationships, including having the power to eject their wives from marriage. The case studies (except that of Rebeca) show men having the power to eject their wives from marriage due to their claim of authority as household heads. Rebeca's event of ejecting a husband from a house suggests that ownership and control of land gives power to either men or women.

³⁴ Not included in the nine case study descriptions.

The context of inequalities within social relationships makes people with social influence and the power to affect land access of subordinate actors in the context of HIV and AIDS affectedness. This might be done during times of contestation by using stigma against their HIV infection to suppress their social status, or by taking advantage of ruptures and instabilities caused by HIV and AIDS, to affect access. The evidence presented in most of the cases suggests that within unequal social relationships, stigma and negative perceptions attached to HIV/AIDS really reduce social position, and with it the power to undermine bundles of power to derive benefits. All the cases I have presented show that subordinate actors infected by HIV and AIDS are prone to the effects of exclusion within social relationships. This is due to the ways in which dominant people use their power to influence the flow of benefits within social relationships. As I stated in the literature section, there are many ways in which subordination is linked with secondary land claims regarded as weaker and insecure (Ossome, 2014; Peters, 2004; Yngstrom, 2002).

The evidence shows several cases where actors with secondary rights to land are affected in circumstances of contestation that lead to instabilities in social relationships, leading into divorce, separation or ejection. Securing land claims in these relationships depends on the strength of one's tenure rights to land. Dominant actors seem to retain their access while subordinate actors easily succumb to loss of land in such circumstances. While inequality is a condition that determines ways in which HIV/AIDS affects access, the findings show the complexity of specifically pointing out inequalities based on identities such as gender, land ownership or conditions of HIV and AIDS infection. I emphasise this point in Section 7.5 on intersectionality approach.

7.4.3 Legal plurality underpinning land access

I discussed in the literature section how access to customary land in Lyamba is regulated by a plurality of both customary and formal/legal systems in Tanzania. The empirical material has shown the complexity, coexistence and variability of these different institutions' power and legitimacy. The reason I bring attention to the context of legal plurality is to point out how paradoxical and complex the system is, especially in matters pertaining to conflict arbitration. On the one hand, the empirical material I have presented, such as the case of Ashura, shows how the pluralistic legal system allows room for people to manoeuvre within either system in ways that enable them

to grant her access. Ashura used the formal system of court to gain access to her father's inheritance when she felt it was stolen by her uncle. Formal laws clearly give directives to courts to ensure that property distribution in the case of death was done in accordance with the contesting parties' customs (see, for example, Law of Marriage Act No. 5 of 1971, Land Act No. 5 of 1999, The Succession Act Cap. 28 R.E 2002 and the Law of the Child Act No. 21 of 2009).

The argument I advance here is that the legal pluralistic context plays both enabling and constraining roles. Ashura's case shows how the pluralistic legal nature enabled her to manoeuvre both systems by manipulating the customary system, using her maternal instead of her paternal clan to draft a letter which she presented to the court to be granted guardianship rights. While this granted her the right to guardianship it was not deemed proper by her paternal clan. On the other hand, people tend to use similar manoeuvres by manipulating customs to gain access to their land claims. I have highlighted several cases, such as Monica's, wherein the uncle used discrimination and his influence as means to convince the clan members that it was wrong to award Monica's brother rights over the inheritance given his disability, and equally grant those rights to Monica for being a woman and also infected with HIV. While these practices and tricks are done in the context of a 'pluralistic legal system', they raise doubts with regard to the predictability and certainty of justice seeking for the land claims of the weaker actors.

7.5 Intersectionality approach on impacts of HIV/AIDS

The question about who the 'weaker actors' are reconnects with the third specific objective, which I raised in the introduction chapter. Drawing from previous studies on HIV/AIDS, women, widows and their children are often cited as a category of people whose access to land is mostly affected (Drimie 2002, 2003; Aliber et al. 2004; Aliber and Walker 2006; Okuro 2007). My empirical material also supports the claim, but further shows the complexity in specifically fixing categories as vulnerable to land access in the context of HIV/AIDS. informed by intersectionality approach which I analysed in the theoretical framework chapter, I expand the complexity of this claim which I analyse in part 7.5.1. In part 7.5.2 I show how people who might be termed

as ‘vulnerable groups’ use their bundles of powers to secure land access through other means that validate their personal worth.

7.5.1 The complexity of analysing vulnerability categories

I have shown from the case studies issues that underpin insecurity of land access in households affected by HIV and AIDS. The analysis largely shows that women and children are susceptible to loss of access to land through practices which are very evident in the diverse contexts that I have identified. HIV and AIDS expose the vulnerability of women and children to widowhood, ejection from matrimonial land or becoming orphans through parental deaths. As a result, women and children are disproportionately vulnerable to loss of land access in the context of HIV and AIDS. This is an observation that has also been documented by several writers on HIV/AIDS that I have already cited (See for example Drimie 2002, 2003; Aliber et al. 2004; Aliber and Walker 2006; Okuro 2007). On general level however, it is very true that orphans, women especially the divorced and widows or orphans are most commonly vulnerable to loss of access to land in comparison to most of men which I have documented in these cases. However, it is not sufficiently enough to fix vulnerability categories to these groups on the basis of gender and age or social status. Vulnerability is not a given truth — it needs to be investigated from case to case. What I observe from the case studies posits that there are no specific fixed categories, and therefore it is not enough to conclude on vulnerabilities of women and children on the basis of their gender, age, education or marital and social status alone. By treating women and children as the main ‘vulnerable’ categories lead us to possibly forgo the opportunity to explore vulnerability in other gender categories, such as some categories of men or elderly.

Cases of Kabete and Emmanuel who are men for example, indicates how vulnerability to loss of land access also affects HIV-infected men with use rights to land, who also have multiple layers of stigma such as homosexuality and HIV infection. Secondly, fixed vulnerable category also limits our scope to analyse the bundles of power which individuals within the already identified categories have, which they can deploy to regain access. What I show here is that, intersectional power is constantly changing and being renegotiated. In other words, rather than labelling people according to their categories, we should think about how these multiple dimensions interact, and how they influence the exercise of power as a process. I discuss in the

next subsection various strategies which the HIV-affected widows, divorced women and orphans use to regain access to land.

7.5.2 Bundles of power to regaining access

In this part I explore a range of mechanisms some of the HIV- and AIDS-affected people exercise outside their family-related social relationships to regain access to land. They involve vast mechanisms, including shared identity, access through knowledge, capital and relations of authority. The two groups I presented in the previous chapter involve young divorced women who formed *rika*, and the VICOBA which involved HIV/AIDS-affected widows. The groups seemed to give the women bundles of power to regain the lost access to land. The concept of collective action is based on the African tradition of self-help practised through grassroots forms of networking and sharing resources and experiences (Magali, 2021). Sara Berry (1993) noted how people invest in groups in order to gain access to resources. Berry's analysis stresses the importance of developing economically based ties, in addition to other identity-based relationships, as a means of being included or excluded from certain kinds of benefits. What was interesting from the *rika* and VICOBA groups is their uniqueness in terms of age, level of education, social status and their HIV/AIDS-infected individuals. I wondered how those individuals collectively mobilized themselves based on those similar identities. Ribot and Peluso (2003) have identified these under access through shared social identity. They see the effectiveness of collective action in circumstances when members feel a sense of social exclusion; therefore, addressing their challenges through collective action is a way of regaining bundles of power. As Ribot and Peluso also observed, social identity (collective action) is effective in circumstances where people feel a sense of exclusion and marginalisation. Goldman et al. (2016) also observed how social identity empowered women to claim rights to land without necessarily having formal or legal titles.

I see the identity of these *rika* and VICOBA groups in the same light as Ribot and Peluso, that collective action (which is observed in both *rika* and VICOBA groups) is an effective means of gaining HIV-affected women more bundles of power. In all cases, being in groups is seen as a means by which the affected women could regain social status and esteem which might have been lost through feelings of being different. In this research, collective action was the means of empowering women (widows and divorced women)

who were affected by marginalisation. These social groups were also the foci where the affected women could gain other bundles of power through knowledge sharing, such as building capacity on access to legal services on rights, savings and borrowing, access to labour and small projects planning.

Equally, there are also other cases that indicate bundles of power gained through access to formal education and relations of authority. This case presents a contrast between actors with access to formal and education and those with not. Cases of Benedicta a retired primary school teacher and Ashura who had access to formal education shows contrast with others such as Monica, Rose, Mariam and others that had no access to formal education. In this study, access to knowledge through formal education and empowerment through groups makes women able to overtly challenge situations where personal rights seem to be trampled than lack of exposure to education. The cases of Ashura and Benedicta for example, show their ability to challenge customary practices that denied their legal rights to land. The cases also clearly indicated that access to formal education also connects with their abilities to connect with people with authority. Sikor and Lund (2009) define authority as “an instance of power that is associated with at least a minimum of voluntary compliance, making it likely that command with a specific content will be obeyed by a given group of persons” (p. 8). Goldman et al. (2016) indicated how relations with people in power can also be categorised as access to authority. On the contrary, lack of formal education and knowledge on legal land rights as highlighted in the cases of Rose and Monica, shows lack of bundles of powers to challenge customary practices which denied their rights to land under formal law.

Likewise, access to capital gives bundles of power to gain access to land. The case of Rebeca details how having money, gives individuals abilities to buy land, construct a house and gain social status. Rebeca’s case is similar to other cases of most of women in terms of their level of education and social status. However, the contrast her case presents than most of the cases of women in the study area, who rely on social relationships — was her ability to draw away men from her house to end their relationship. In many cases of other women such as Monica, Mariam and Rose, it is usually men who eject women from their houses to end their marriage. Rebeca’s case suggests that access to financial capital which gave her rights to the ownership of land. The case reinforces what Agarwal (1994; 2003) as well as Goldman et al. (2016) had also observed in relation to women’s access to

capital as a means of gaining bundles of power. Goldman et al., (2016) indicated that access to capital can be a source of empowerment for vulnerable women to “(1) gain access to (and sometimes ‘control’ over) land and (2) gain empowerment within communities. A case of Rebeca also indicates the social status of being ‘a male woman’ or ‘a woman who marries men’ indicating her ability to earn and share the social status which most of men in her village enjoyed. Rebeca’s case asserts the claim from the literature suggesting that insecurity to land tenure (as capital) facing women is attributed to their lack of legal rights to land. Thus, access to property rights holds the key to empowering vulnerable poor people (Musembi, 2007), as well as, in this case, the HIV/AIDS affected.

These cases I have highlighted show the complexity of identifying and labelling certain categories as ‘vulnerable to losing land access’ based only on their certain identities which other studies have often generalised (See for example Aliber et al., 2004; Chapoto et al., 2011; Chapoto et al., 2006; Drimie, 2002, 2003; Eilor & Mugisha, 2003; Manji, 1996; Mbaya, 2002; Okuro, 2007). The study has shown that these categories of single or divorced women, or widows and children are affected mainly because their land access claims are subsumed within that of their husbands, brothers or parents. Their reliance for access to land within unequal social relationships renders them in a weaker position in circumstances of instability and contestation. However, this reason does not justify to term them as generally vulnerable to losing land access in the context of their HIV affectedness. The fixing of ‘vulnerability’ to these categories on the basis of gender or age ignores the chances to bundles of powers that these people have, that enable them to regain the lost access in a number of different ways.

Equally, not all widows’, divorced women’s and orphans’ experience and deal with the challenges in the same way. I have shown how collective action for some HIV-affected widows and divorced women serves to validate their lost social status and well-being. In that way, they are able to organise themselves within their respective social groups to regain access to land through shared knowledge on legal land rights, entrepreneurship and through access to labour opportunities. As Nightingale (2011), Hajdu et al., (2013) and Forsyth et al. (2022) argue, vulnerability is not a fixed, but rather a dynamic process. In this study, vulnerability to impacts of HIV and AIDS on land access is a product of ongoing processes of contestation for access within social

relationships. These contestations create inequalities between those who gain, control and maintain access to land vis-à-vis those who do not.

7.6 Conclusion

Throughout this chapter I have discussed the context in which access to land is affected by HIV and AIDS. I have shown that these effects are manifested in the context characterised by ongoing land contestations, unequal social relationships, and a pluralistic legal system of overlapping formal and informal rules, norms and values that govern land access. I have thus revealed a variety of ways in which HIV/AIDS negatively affects land access: destabilising social relationships, spousal or parental deaths, and diminished social status. While women and children are often the most at risk of loss, men with weaker land claims can lose access as well. However, the study also documents instances where vulnerable people can fit back into secure land access through collective mobilisation, knowledge on legal land rights, relations with authority figures. While loss of land can further exacerbate experiences of marginalisation, successful attempts to secure land access can serve to validate personal worth and protect social esteem. The next chapter concludes the research.

8. Conclusion, Contributions and Broader Research Implications

8.1 Introduction

I have thus far analysed how people in Lyamba ward are affected, and gain access to land in the context of HIV and AIDS. To recap, this research aimed to 1. Explore the different mechanisms and processes that may both enable or undermine HIV-affected people's ability to gain access to land 2. Explore the contextual factors underpinning the impacts of HIV and AIDS on land access and 3. To analyse the categories of people who are more vulnerable to land exclusion in the context of HIV and AIDS Therefore, I use this final chapter to synthesise the findings, draw conclusions and provide broader implications of the study. The chapter begins with a summary of conclusions of the study in subsection 8.2 followed by the main contribution of the study in Section 8.3, and finally the broader research implications in Section 8.4.

8.2 A summary of main conclusions

Within the framework of the three research questions, this study concludes that, within existing inequalities in social relationships like kinships and marriages where access to land is embedded, HIV/AIDS affects access to land in various ways, including spousal or parental deaths, instabilities in social relationships that may culminate into forced ejections and through stigmatisation associated with HIV whose intention is to lead to loss of self-worthiness, social status and esteem during land contestations. These impacts emanate in the contexts of inequalities within social relationships, legal pluralisms and in ongoing struggles to gain, maintain and control access to

land. These processes and intersectional differences ultimately influence people's ability to access land. Ultimately, access depends not only on bundles of power — including their existing social status, assets, and opportunities — but also on the ways that people exploit overlapping property claims within a legal pluralist system of land administration and on opportunities to mobilize collective action. More elaboration is in subsections 8.2.1–8.2.3, arranged according to the specific research objectives.

8.2.1 How HIV and AIDS Impact Access to Land

The study summarises the diverse ways in which HIV/AIDS and perceptions that are associated with it can affect access to land. The theory of access which I drew from Ribot and Peluso (2003, 2020) has helped to expand the scope of understanding the link between HIV/AIDS and access to land. I have dwelt primarily on a range of social relationships within which the study found access to be deeply embedded. Taking an ethnographic approach, I highlight how actors draw from their membership in various social relationships that help them secure their livelihoods. Thus, I show in this study that HIV and AIDS affect access to land through spousal or parental deaths, instabilities in social relationships that culminate in forced divorces and stigmatisation associated with HIV when access to land is contested. By recognising the contributions by Goffman (1963) on stigma, and the research works of Link and Phelan (2001), I show the material effects of stigmatisation as a weapon in contested access. I show how the use of stigmatisation is symbolically attached to social influence and forms of authority to gain control of land. I show that in these contestations bundles of powers to access land are affected through loss of self-worthiness, social status and esteem. Equally, negative perceptions on HIV among married couples may lead to instabilities that lead into forced divorce of actors with weaker land claims. Finally, rupture moments that exacerbate issues of spousal or parental deaths lead to contested access between families. These effects are manufactured in the ongoing struggles to gain, maintain and control access to land. This contested process is reproduced by sustaining inequality in different ways, and HIV/AIDS is one of those means that shape access.

8.2.2 The context of land contestation, inequality and the pluralistic legal and practices

The context in which HIV/AIDS affects access to land is characterised by a pluralistic legal system of overlapping formal and informal rules, norms and values that govern land access. It is also the context of ongoing land contestations among familiar relationships, which is also caused by inequalities of power and rights to land between individuals in those social relationships. This context shows how HIV and AIDS both expose and reinforce inequalities and contestations within social relationships due to their effects. I have shown, for example, how negative perceptions and stigma associated with HIV infection may exacerbate instabilities among actors within social relationships. Instabilities in social relationships expose power inequalities between actors, leading to forced separation or divorces of subordinate actors. Land contestations are a result of destabilised social relationships caused by deaths or divorces. At the same time contestations also expose different bundles of power which people employ to gain access. During contestations, people take advantage of the pluralistic legal system to use different strategies and tricks, including the illicit actions to derive benefits. The research has revealed how stigma and discrimination against HIV-infected people are carried out in a nuanced way to affect access. Thus, the context of the pluralistic legal system underpinning access to land, land contestation and inequalities within social relationships unveil the diverse ways in which HIV and AIDS affect access to land.

8.2.3 Whose land access is affected by HIV/AIDS?

Lastly, the study also confirms findings from the previous studies showing that those who are vulnerable to loss of access are mainly women – especially divorced women, widows, their children and orphans (Aliber et al., 2004; Chapoto et al., 2011; Chapoto et al., 2006; Drimie, 2002, 2003; Eilor & Mugisha, 2003; Manji, 1996; Mbaya, 2002; Okuro, 2007). In this study, these people are generally affected mainly because their land access claims are subsumed within relationships with their male counterparts such as husbands, brothers or parents. Their reliance for access to land on these unequal social relationships place them in a weaker position in circumstances of instability and contestation. Although widows', divorced women and orphans' access is affected by HIV, not all experience and deal with the challenges in the same way. Likewise, vulnerability to land access in the

context of HIV and AIDS extends beyond women and children; it also impacts men, including those with use rights to land in social relationships, immigrants, and individuals facing multiple forms of stigma, such as HIV infection and homosexuality.

Therefore, informed by scholarship on intersectionality (Forsyth et al., 2022; Hajdu et al., 2013; Nightingale, 2011) and the diversity of the empirical cases, the study extends knowledge on how HIV/AIDS variably affects access to land differently. The authors argue that vulnerability is not a fixed, but rather a dynamic process. Although on average, women, including widows, divorced women, their children and orphans experience higher levels of vulnerability than men, it is essential not to rigidly associate vulnerability with specific categories like gender, age, or social backgrounds. Fixing ‘vulnerability’ to these categories ignores both chances to analyse potentials in the already identified vulnerable categories and weaknesses in the other categories such as men that are often thought to be ‘less or not vulnerable’ at all. In this study, vulnerability to impacts of HIV and AIDS on land access is a product of ongoing processes of contestation for access within social relationships. Individuals are positioned differently in relation to their bundles of power, and how they deal with the challenges they experience. The study documents instances where the affected people can fit back into secure land access through collective mobilisation, knowledge on legal land rights and relations with authority figures. The study further shows that while loss of land can exacerbate experiences of marginalisation, successful attempts to secure rights to land access can serve to validate personal worth and protect social esteem.

8.3 Contributions of the research

The main contributions I make in this research is the advancement of both methodological and the theoretical understanding of how and through processes in which access to land is affected in the context of, and beyond the effects of HIV and AIDS. Thus, my engagement with a theory of access has helped me to draw a closer link between HIV/AIDS and how it affects access to land. The contributions are (1) the dynamic process and mechanisms that underpin access to land (2) The immaterial aspects of land access and (3) on vulnerability of land access. I elaborate them in subsections 8.3.1–8.3.3.

8.3.1 The Dynamic Processes and Mechanisms of Land Access

Ribot and Peluso argue that bundles of power are rooted in social relationships and that bundles of power influence access of actors in those relationships. My engagement with the theory of access indicated how social relationships are nodes within which access is embedded. What I advance in this research, is to show the mechanisms and dynamic processes that can radically reshape one's bundles of power in the context of HIV and AIDS. I show how negative perceptions, stigmatisation on HIV/AIDS, and rupture moments that are direct effects of HIV and AIDS create instabilities in social relationships. These instabilities, in turn, reshape bundles of power within unequal social relationships. Interestingly here is that HIV/AIDS can affect anyone — not just people who are already poor — even the people considered to be powerful in the village, have a better chance of losing property when that access is contested. This research further shows that we need to understand the circumstances and how they may exacerbate existing vulnerabilities, or create new winners and losers.

8.3.2 The immaterial aspects of access

The second contribution the research makes on the theory of access is on immaterial aspects of access. What is very striking from Ribot and Peluso work is a focus on material aspects of access. The authors do not say that the immaterial aspects of access do not matter, however they do not explore it. A theory of access for example (Ribot and Peluso, 2003) focuses on ways in which people derive benefits from 'things' — the term things which they defined as 'material objects such as resources, persons, institutions, and symbols' (p.153). Looking on "the ability to benefit from things", we are forced to recognize that benefits can not only be material — they can also be immaterial, and that both the material and immaterial benefits are interconnected. Land which is the resource of access analysis provides both material and immaterial aspects. I have shown how land provides material benefits such as shelter, crops and income. This study also shows the immaterial aspects of access to which include feeling of 'being a man' or 'being a woman' in family which gives an individual a sense of social status in a family, self-worth, and a sense of self-esteem. By controlling land, I show how men tend to control household benefits from their respective households. In this study, I show that outcomes of stigmatisation are meant to alienate the HIV affected people's self-worthiness, status/esteem and well-

being when access is contested. By doing so, they affect their bundles of powers which are necessary for deriving benefits. By exploring the immaterial aspects of access, the study contributes to the theory of access showing that it is not only the material aspects of access that matter, equally the immaterial aspects also constitute the bundles of power to derive benefits.

8.3.3 Vulnerability on land access

A final issue this research points out is on how much vulnerability is tied to land access. While different kinds of bundles of power form an intersectional approach, this research work shows that land is one of the critical arenas in which power is often contested. Access to land is strictly not about land itself as a resource which provides shelter, crops or financial gains – it is also about access to power which men and women contest for. I have shown how loss of access to land further diminishes one's power. While many cases of women indicated that they had weaker land claims compared to men, others such as Rebeca indicates different situation. This was also shown in the ways she had power over men 'she married' contrary to many cases where men in some of households dominate their wives and control household decisions. The research shows that gaining of access to ownership and control of land can increase one's power in other social, economic and political, areas of life. Therefore, vulnerability remains centrally about land, and land is a key arena where it is produced and or contested and ameliorated.

8.4 Broader implication of the study

This research makes three important recommendations to policy makers given the ongoing reforms in the land sector, to organizations and actors involved in empowering gendered disadvantaged people in societies and to scholarship on vulnerability-related studies.

8.4.1 The ongoing land policy reforms in Tanzania

I identified in Chapter One and Two about the policy reforms in the land sector in Tanzania which aim to enhance equality to land rights for both men and women as it is a constitutional requirement. The key area that these reforms should pay attention to, is how customary practice which undermine the rights to land for certain gendered groups are given constitutional recognition. While the constitution allows for a pluralistic legal system to

govern access to land in rural areas, men and women do not have equal rights and opportunities to access land under customary system and practices. I have documented several cases in this research where rights to land for women and children which are subsumed under social relationships are affected by HIV and AIDS under customary practice. The Land Policy (1995) under subsections 4.2.5 and 4.2.6 recognises that women have inferior position under customary practices with regard to their land claims relative to men and specifically calls for women's exclusive rights to land "not only through purchase but also through allocations" (p.12). However, knowing that men and women do not have equal access to land under customary practice, the policy under part (i) of the same subsection 4.2.6 states that, "inheritance of clan land will continue to be governed by custom and tradition through state" (p.12). This claim is also restated in Section 114 (2a) of the Law of Marriage Act, 1971 which orders courts take consideration of customary practice of conflicting parties in the distribution of the matrimonial assets. The law states "in exercising the powers the court shall have regard to the customs of the community to which the parties belong".

As I have already highlighted, these statements from law and policies which both acknowledge that men and women do not have equal access under customary practices yet acknowledge the same customs as means of administering land are contradicting. I have documented how people reinvent customs using different tactics including the illicit actions to gain access to land in the ongoing context of land contestations. Thus, making it difficult for people who are constrained by both customary practices and other layers of marginalisation such as HIV/AIDS to gain access to land. I documented in the cases of Ashura and Monica how patrilocal kinships take advantage of customs to manipulate the rights of widows and orphans during cases of death. This contradiction has also been observed by other very recent researches such Urassa (2022) and Moyo, (2017) who also have documented challenges that women encounter to access legal services due to pervasiveness of customs that govern their access to land.

Therefore, this study recommends the ongoing reforms to amend these sections in policies and laws that contradict the rights of the marginal groups and access to land through the legal system. The study also observes that women representation in the land tribunals at local level is a requirement by Law (ref. Section 53 (2) of the Village Land Act, 1999). The law recommends composition of nine persons, of whom not less than three

persons be women in the decision-making organs regarding land ownership and addressing land disputes at village and ward levels. However, the experience on the ground (such as Lyamba) indicates no representation of women in land decision organs. Lack of their representation might suggest the undermining of women and orphans land rights in Lyamba ward. The study therefore, recommends enforcement of this section of law by ensuring the observance of the law with regard to women's representation at village levels. Above all, there should be means by higher-order district land committees to monitor decisions that are made by land tribunals at the ward level not to undermine women's and children's rights.

8.4.2 Future research on HIV and AIDS related studies

Reflexivity in vulnerability-related research

Speaking of the affected people, the findings of this study also reflect how researchers report on issues about land access and vulnerability. I have indicated the tendency for past studies on HIV- and AIDS-related vulnerability to generalise women especially widows and the divorced, and likewise children and orphans as a category of people who are vulnerable to loss of land. Findings from this research do not dispute this important finding since on general levels, these are groups that affected in comparison with others such as men. However, there is a danger of fixing vulnerability categories to these groups. The danger is that by fixing vulnerability to these categories we tend not to see 'agency' in these groups; that is that is the potentials or abilities of individuals within these groups to act when confronted by circumstances that challenge their wellbeing. I have indicated in this research several ways that these labelled vulnerable categories act when confronted by circumstances that affect their access. Secondly, labelling women and children as the vulnerable to loss of land also foregoes the opportunity to understand vulnerability in men who are thought to be resilient. I have indicated also cases of men who are vulnerable to loss of land as well in the context of HIV and AIDS.

Research on intersectionality shows that the continuity of labelling certain gender groups as vulnerable distorts the understanding of bundles of power. As Nightingale (2011), Forsyth et al. (2022) and other writers on intersectional categories indicate, that vulnerability and power are dynamic. They are not fixed to gender categories such as women, children, widows,

divorced women or orphans. This understanding helps us appreciate the changing dimensions of social power, and how people tend to use their bundles of powers when confronted with circumstances that affect their access. In this case, therefore, I recommend reflexivity when doing research on related subjects. As Jackson puts it,

[...] .reflexivity in research demands [our] continuous engagement with our own positionality as researchers and how this affects the research process and outcomes, since we all have intellectual (as well as emotional, social political and economic) investments of one sort or another that potentially intrude on the analytical interpretations we make.

(Jackson, 2003:454)

Therefore, while I appreciate that on average, women especially widows and the divorced as well as their children and other groups such as orphans are vulnerable to loss of land in comparison with men, this does not necessarily mean that their vulnerability is not fixed. Not all individuals belonging to these labelled categories are vulnerable to loss of land as it might generally be thought about. Secondly, some of individuals within these identified vulnerability categories have bundles of power to react in order to regain access and thirdly, there are some individuals in other groups such as men who are also vulnerable to loss of land but research has not yet explored their vulnerability. This research calls to reflexivity in analysing vulnerability and avoid fixing identities since vulnerability and power are contextual.

Choice of the methodological approaches

An important value of this study is the ethnographical approach that has been used. The approach provides insights that would otherwise be difficult to obtain using any other approaches such as questionnaires. Issues such as people's social positioning in the village, HIV and AIDS infection as well as their relations of land access which this study has explored, are knotted in complex personal and family relations that cannot be untied using standardized methodological approaches such as surveys. My experience in the field has shown that people would like to maintain their social status and position in the society they live. By availing their HIV status, they would subject themselves to shame and moral misjudgement. Likewise, people would not be willing to avail issues of land conflicts involving family members to a stranger, to avoid further misunderstandings. These issues are difficult to capture through other methodologies such as surveys. When using

surveys or interview guides than ethnography, it becomes difficult to experience the contextual reality of events and facts. As Rosen (2020) puts it, there is a difference between what people say (meaning), what people do (practice) and what people imagine (emotions).

“It is not that living in a place and watching its daily life ebb and flow somehow enables you to capture its totality or essence; it is rather that the bits of life that you do see, you see in context. It is in short, the practice of being there in continued proximity to the study reality” (Rosen, 2020:75) and the unfolding context (author’s addition).

Ethnography helped me to engage in people’s daily activities, observe the slower accumulation of evidence and unexpected arise of key insights (Roncolli, 2009) and dive deep into the case study subjects. This was the time people could no longer see me as a researcher, rather one of them whom they could share their emotions, sickness and pain. Thus, this research recommends future research on complex topics that touch people’s lives such as HIV/AIDS and land relations to consider the use of ethnographical enquiry.

8.4.3 The government authorities on empowerment through collective mobilization

The experience of HIV/AIDS-land affected individuals in Lyamba ward shows that individuals who are affected by marginalisation in their given communities can secure access to land when they collectively act. The collective initiatives of HIV-affected widows and divorced women through rika and VICOBA groups to secure access, is a typical case where people use their bundles of power when constrained by circumstances. These cases indicated that this form of collective mobilisation was an effective initiative of women to regain both material and immaterial forms of access. Immaterial forms of access which I have contributed knowledge, are self-esteem, sense of wellbeing and status as ‘normal being’. This form of self-recognition and empowerment also enabled them to collectively organise themselves gain multiple forms of benefits, including access to land. But the limiting factors for these groups were their inadequate access to legal expertise and knowledge on legal issues pertaining to land access, entrepreneurship skills and low financial resources. While the ongoing land reforms over-emphasise access to legal land rights, there is a need for the government, and other stakeholders to identify these locally mobilised groups and find ways to

empower them. This could be through building their financial, entrepreneurship skills and access to legal services. Empowering these groups can be one way that helps to change social attitudes on HIV and AIDS infection and therefore helping to address their economic, social and psychological challenges.

References

- Abubakar, A., Shallwani, S., Wanjala, S. W., Mwangala, P. N. & Nyongesa, M. K. (2018). Community dialogues as a strategy for identifying and addressing child protection needs in Shinyanga, Tanzania. In: *Developmental Science and Sustainable Development Goals for Children and Youth* (pp. 187–206). Cham: Springer.
- Agarwal, B. (1994). *A field of one's own: Gender and land rights in South Asia*. Cambridge: Cambridge University Press.
- Agarwal, B. (2003). Gender and land rights revisited: Exploring new prospects via the state, family and market. *Journal of Agrarian Change*, 3(1–2), pp. 184–224.
- Aggleton, P., Parker, R. G. & Maluwa, M. (2003). *Stigma, discrimination and HIV/AIDS in Latin America and the Caribbean*.
- Aliber, M. & Walker, C. (2006). The impact of HIV/AIDS on land rights: Perspectives from Kenya. *World development*, 34(4), pp. 704–727.
- Aliber, M., Walker, C., Macheru, M., Kamau, P., Omondi, C. & Kanyinga, K. (2004). *The impact of HIV/AIDS on land rights: case studies from Kenya*. Cape Town: HSRC Publishers.
- Ansell, N., Robson, E., Hajdu, F., van Blerk, L. & Chipeta, L. (2009). The new variant famine hypothesis: moving beyond the household in exploring links between AIDS and food insecurity in southern Africa. *Progress in Development Studies*, 9(3), pp. 187–207.
- Asenso-Okyere, K., Aragon, C., Thangata, P. & Mekonnen, D. A. (2010). HIV and AIDS and farm labor productivity: A review of recent evidence in Africa. *Journal of Development and Agricultural Economics*, 2(12), pp. 406–415.
- August, K. J., Rook, K. S., Franks, M. M. & Parris Stephens, M. A. (2013). Spouses' involvement in their partners' diabetes management: Associations with spouse stress and perceived marital quality. *Journal of Family Psychology*, 27(5): 712.
- Bae, Y.-J. (2021). Analyzing the Changes of the Meaning of Customary Land in the Context of Land Grabbing in Malawi. *Land*, 10(8): 836. <https://www.mdpi.com/2073-445X/10/8/836>
- Bell, A. & Parchomovsky, G. (2004a). A theory of property. *Cornell Law Review*, 90: 531.
- Bell, A. & Parchomovsky, G. (2004b). What property is. *Cornell Law Review*, 90.

- Berkes, F. (1989). *Common Property Resources. Ecology and Community-Based Sustainable Development*. London: Belhaven Press.
- Berry, S. (1993). *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*. Madison: University of Wisconsin Press. <https://www.amazon.com/No-Condition-Permanent-Dynamics-Sub-Saharan/dp/0299139344>
- Berry, S. (2002). Debating the land question in Africa. *Comparative Studies in Society and History*, 44(4), pp. 638–668.
- Bhangaonkar, S., Chu, S. L. & Quek, F. (2016). *Thinking in Stories: Narrative-based Design for Higher-Level Thinking*. <https://doi.org/10.1145/2851581.2892531>
- Bibby, J., Everest, G. & Abbs, I. (2020). Will COVID-19 be a watershed moment for health inequalities. *The Health Foundation*, 7.
- Biddulph, R. (2018). The 1999 Tanzania land acts as a community lands approach: A review of research into their implementation. *Land Use Policy*, 79, pp. 48–56.
- Bouchard, C. (2020). 'The rich get richer and the poor get poorer': exploring the impact of the Covid-19 crisis on the widening inequality gap in the UK. *Fraser of Allander Economic Commentary*, 44(3).
- Bourdieu, P. (1979). Symbolic power. *Critique of anthropology*, 4(13–14), pp. 77–85.
- Boyce, C. & Neale, P. (2006). *Conducting in-depth interviews: A guide for designing and conducting in-depth interviews for evaluation input*.
- Brandström, P. (2021). *Mhola–The Utopia of Peace: An Ethnographic Exploration of the Sungusungu Movement in Tanzania*. Diss. Acta Universitatis Upsaliensis.
- Brandström, P., Hultin, J. & Lindström, J. (1979). *Aspects of agro-pastoralism in East Africa*. Nordiska Afrikainstitutet.
- Brannick, T. & Coghlan, D. (2007). In defense of being 'native': The case for insider academic research. *Organizational research methods*, 10(1), pp. 59–74.
- Briggs, J. & Mwamfupe, D. (2000). Peri-urban development in an era of structural adjustment in Africa: the city of Dar es Salaam, Tanzania. *Urban studies*, 37(4), pp. 797–809.
- Chada, R. R., Pulla, V., Mamidi, B. B. & Azman, A. (2014). Fighting HIV/AIDS and Resilience Perspectives. *International Journal of Social Work and Human Services Practice*, 2(3), pp. 89–95.
- Challacombe, S. J. (2020). Global inequalities in HIV infection. *Oral diseases*, 26, pp. 16–21.

- Chapoto, A., Jayne, T. & Mason, N. M. (2011). Widows' land security in the era of HIV/AIDS: Panel survey evidence from Zambia. *Economic Development and Cultural Change*, 59(3), pp. 511–547.
- Chapoto, A., Jayne, T. S. & Mason, N. M. (2006). *Security of widows' access to land in the era of HIV/AIDS: Panel survey evidence from Zambia*.
- Chauveau, J.-P. (2006). *Changes in Land Access and Governance in West Africa: Markets, Social Mediations and Public Policies: Results of the CLAIMS Research Projects*. IIED.
- Cheater, S. (2020). Health inequalities–Covid-19 will widen the gap. *International Journal of Health Promotion and Education*, 58(4), pp. 223–225.
- Cleaver, F. (2004). The social embeddedness of agency and decision-making. In: Hickey, S. & Mohan, G. (Eds.) *Participation: From tyranny to transformation: Exploring new approaches to participation in development*. Zed Books, pp. 271–277.
- Coffey, A., Atkinson, P., Delamont, S., Lofland, J. & Lofland, L. (2004). The handbook of ethnography. *Anthropologica*, 46(2), p. 298.
- Cotula, L. (2009). *Land grab or development opportunity? Agricultural investment and international land deals in Africa*. IIED.
- Cotula, L. (2012). Securing land rights in Africa: Trends in national and international law. *Fair land governance: How to legalise land rights for rural development*, pp. 57–84.
- Cotula, L. & Cissé, S. (2006). Changes in 'customary' resource tenure systems in the inner Niger delta, Mali. *The Journal of Legal Pluralism and Unofficial Law*, 38(52), pp. 1–29.
- Csordas, T. J. (2019). *Specter, Phantom, Demon*. *Ethos*, 47(4), pp. 519–529.
- Dancer, H. (2015). *Women, land and justice in Tanzania* (Vol. 24). Suffolk: Boydell & Brewer Ltd.
- Dancer, H. (2017). An equal right to inherit? Women's land rights, customary law and constitutional reform in Tanzania. *Social & Legal Studies*, 26(3), pp. 291–310.
- De Vaus, D. (2008). Comparative and cross-national designs. In: *The SAGE handbook of social research methods*, pp. 249–264.
- Deane, K., Wamoyi, J., Mguni, S. & Chagalucha, J. (2021). HIV testing attitudes and practices amongst 'wealthy men': qualitative evidence from Tanzania. *Culture, Health & Sexuality*, pp. 1–15.
- Denscombe, M. (2007). UK health policy and 'underage' smokers: The case for smoking cessation services. *Health policy*, 80(1), pp. 69–76.
- Dilshad, R. M. & Latif, M. I. (2013). Focus group interview as a tool for qualitative research: An analysis. *Pakistan Journal of Social Sciences* (PJSS), 33(1).

- Dolma, S. (2010). The central role of the unit of analysis concept in research design. *İstanbul Üniversitesi İşletme Fakültesi Dergisi*, 39(1), pp. 169–174.
- Drimie, S. (2002). *The impact of HIV/AIDS on rural households and land issues in Southern and Eastern Africa*. A Background Paper prepared for the Food and Agricultural Organization, Sub-Regional Office for Southern and Eastern Africa. Pretoria, South Africa: Human Sciences Research Council.
- Drimie, S. (2003). HIV/AIDS and land: Case studies from Kenya, Lesotho and South Africa. *Development Southern Africa*, 20(5), pp. 647–658.
- Edgar, N. S. (2020). *Ujamaa Policies and Women Gender Issues of Land Tenure in Tanzania*. Diss. City University of New York.
- Eilor, E. & Mugisha, M. (2003). *The Effects of the HIV/AIDS Pandemic on Women's Land Rights: Selected Case Studies from Rukungiri and Kampala Districts in Uganda*. Uganda: Eastern African Sub-Regional Support Initiative for the Advancement of Women.
- Fife, B. L. & Wright, E. R. (2000). The dimensionality of stigma: A comparison of its impact on the self of persons with HIV/AIDS and cancer. *Journal of Health and Social Behavior*, 41(1), pp. 50–67.
- Fimbo, G. M. (2004). *Land law reforms in Tanzania*. Dar es Salaam: Dar es Salaam University Press.
- Flyvbjerg, B. (2006). Five misunderstandings about case-study research. *Qualitative inquiry*, 12(2), pp. 219–245.
- Forsyth, T., McDermott, C. L. & Dhakal, R. (2022). What is equitable about equitable resilience? Dynamic risks and subjectivities in Nepal. *World Development*, 159: 106020.
- Geertz, C. (2008). Thick description: Toward an interpretive theory of culture. In: *The cultural geography reader*. London: Routledge, pp. 41–51.
- Gilbert, A. (2012). De Soto's The Mystery of Capital: reflections on the book's public impact. *International development planning review*, 34(3), V.
- Girum, T., Wasie, A. & Worku, A. (2018). Trend of HIV/AIDS for the last 26 years and predicting achievement of the 90–90–90 HIV prevention targets by 2020 in Ethiopia: a time series analysis. *BMC infectious diseases*, 18(1): 320. <https://doi.org/10.1186/s12879-018-3214-6>
- Goffman, E. (2009). *Stigma: Notes on the management of spoiled identity*. New York: Simon and Schuster.
- Goffman, E. (2018). Stigma and social identity. In: *Deviance & liberty*. London: Routledge, pp. 24–31.

- Goldman, M. J., Davis, A. & Little, J. (2016). Controlling land, they call their own: access and women's empowerment in Northern Tanzania. *The Journal of Peasant Studies*, 43(4), PP. 777–797.
- Gopaldas, A. & Fischer, E. (2012). Beyond gender: Intersectionality, culture, and consumer behaviour. In: Otnes, C.C. & Tuncay Zayer, L. (Eds) *Gender, culture, and consumer behaviour*. New York: Routledge, pp. 394–408.
- Guirkinger, C. & Platteau, J.-P. (2014). The effect of land scarcity on farm structure: empirical evidence from Mali. *Economic Development and Cultural Change*, 62(2), pp. 195–238.
- Hajdu, F., Ansell, N., Robson, E. & Van Blerk, L. (2013). Rural young people's opportunities for employment and entrepreneurship in globalized southern Africa: the limitations of targeting policies. *International Development Planning Review*, 35(2), pp. 155–175.
- Hall, D. (2013). Land grabs, land control, and Southeast Asian crop booms. In: Peluso, N & Lund, C. (Eds) *New Frontiers of Land Control*. London: Routledge, pp. 177–198.
- Hall, D., Hirsch, P. & Li, T. (2012). Powers of Exclusion: Land Dilemmas in Southeast Asia. *The Journal of Asian Studies*, 71(2), pp. 581–583. <https://doi.org/DOI: 10.2307/23263473>
- Hall, M. T., Smith, M. A., Simms, K. T., Barnabas, R. V., Canfell, K. & Murray, J. M. (2020). The past, present and future impact of HIV prevention and control on HPV and cervical disease in Tanzania: a modelling study. *PLoS One*, 15(5): e0231388.
- Hickey, S. (2004). *Participation: from tyranny to transformation: exploring new approaches to participation in development*. London: Zed Books.
- Hobsbawm, E. & Ranger, T. (2012). *The invention of tradition*. Cambridge: Cambridge University Press.
- Hussein, H. (2017). *Factors Affecting Girls' Academic Performance in Public Primary Schools in Kishapu District in Shinyanga Tanzania*. Diss. St. Augustine University of Tanzania.
- Jackson, C. (2003). Gender analysis of land: beyond land rights for women? *Journal of Agrarian Change*, 3(4), pp. 453–480.
- Jackson, M. (2012). *Lifeworlds: Essays in existential anthropology*. Chicago: The University of Chicago Press.
- James, R. W. & Fimbo, G. M. (1973). *Customary land law of Tanzania; a source book*.
- Kaijage, F. J. (1993). AIDS control and the burden of history in north-western Tanzania. *Population and Environment*, 14(3), pp. 279–300.

- Kerrigan, D., Donastorg, Y., Barrington, C., Perez, M., Gomez, H., Mbwambo, J., Likindikoki, S., Mantsios, A., Beckham, S. W. & Leddy, A. (2020). Assessing and addressing social determinants of HIV among female sex workers in the Dominican Republic and Tanzania through community empowerment-based responses. *Current HIV/AIDS Reports*, 17(2), pp. 88–96.
- Kessy, F. L., Mayumana, I., & Msongwe, Y. (2010). *Widowhood and vulnerability to HIV and AIDS-related shocks: exploring resilience avenues*. REPOA.
- Komu, F. (2003). *Customary Land Tenure System in Tanzania*. 4th AFRES Conference
- Link, B. G. & Phelan, J. C. (2001a). Conceptualizing stigma. *Annual review of Sociology*, 27(1), pp. 363–385.
- Link, B. G., Struening, E. L., Neese-Todd, S., Asmussen, S. & Phelan, J. C. (2001). Stigma as a barrier to recovery: The consequences of stigma for the self-esteem of people with mental illnesses. *Psychiatric Services*, 52(12), pp. 1621–1626.
- Lipton, M. (2009). *Land reform in developing countries: Property rights and property wrongs*. London: Routledge.
- Lukes, S. (1986). *Power* (Vol. 2). New York: NYU Press.
- Lund, C. (2016). Rule and Rupture: State Formation through the Production of Property and Citizenship. *Development and change*, 47(6), pp. 1199–1228. <https://doi.org/https://doi.org/10.1111/dech.12274>
- Mabumba, E. D., Mugenyi, P., Batwala, V., Mulogo, E., Mirembe, J., Khan, F. & Liljestrand, J. (2007). Widow inheritance and HIV/AIDS in rural Uganda. *Tropical doctor*, 37(4), pp. 229–231.
- Magali, J. (2021). The role of village community banks (VICOBA) microcredits in promoting sustainable micro and small-scale industrialization in Kilimanjaro region, Tanzania. *Business Education Journal*, 10(1).
- Manji, A. (2000). ‘Her name is Kamundage’: Rethinking women and property among the Haya of Tanzania. *Africa*, 70(3), pp. 482–500.
- Manji, A. S. (1996). The Case for Women’s Rights to Land in Tanzania: Some Observations in the Context of AIDS. *Utafiti Journal*, 3(2), pp. 11–38.
- Mbaya, S. (2002). *HIV/AIDS and its impact on land issues*. In Malawi. Background Paper for FAO/SARPN workshop on HIV/AIDS and Land Tenure
- McAuslan, P. (2013). *Land Law Reform in Eastern Africa: Traditional or Transformative? A critical review of 50 years of land law reform in Eastern Africa 1961–2011*. London: Routledge.

- McPherson, M. A. & Nieswiadomy, M. L. (2000). African elephants: The effect of property rights and political stability. *Contemporary Economic Policy*, 18(1), pp. 14–26.
- Mgalla, Z., Schapink, D. & Boerma, J. T. (1998). Protecting school girls against sexual exploitation: A guardian programme in Mwanza, Tanzania. *Reproductive Health Matters*, 6(12), pp. 19–30.
- Miles, M. B. & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*. Thousand Oaks: Sage.
- Mlambo, A. S. (2019). Racism in colonial Zimbabwe. In: *The Palgrave Handbook of Ethnicity*. Palgrave Macmillan, 1–17.
- Moyo, K. (2017). *Women's Access to Land in Tanzania: The Case of the Makete District*. Stockholm: Kungliga Tekniska Högskolan.
- Murphy, L. L., Harvey, P. & Silvestre, E. (2005). How do we know what we know about the impact of AIDS on food and livelihood insecurity? A review of empirical research from rural sub-Saharan Africa. *Human Organization*, 64(3), pp. 265–275.
- Musembi, C. N. (2007). De Soto and land relations in rural Africa: breathing life into dead theories about property rights. *Third World Quarterly*, 28(8), pp. 1457–1478.
- Myers, G. & Macnaghten, P. (1999). Can focus groups be analysed as talk. In: Barbour, R. & Kitzinger, J. (Eds) *Developing focus group research: Politics, theory and practice*. Sage Books, pp. 173–185.
- Myers, R. & Hansen, C. P. (2020). Revisiting a theory of access: a review. *Society & Natural Resources*, 33(2), pp. 146–166.
- Nabaitu, J., Bachengana, C. & Seeley, J. (2004). Marital instability in a rural population in south-west Uganda: implications for the spread of HIV-1 infection. *Africa*, 64(2), pp. 243–251.
- Nepali, G. (2018). Socio-Cultural Identity of Dalits in Karnali. *Tribhuvan University Journal*, 32(2), pp. 215–228.
- Neuendorf, K. A. (2021). Unit of analysis and observation. In: Morin, J.-F., Olsson, C. & Özlem Atikcan, E. (Eds) *Research Methods in the Social Sciences: an AZ of Key Concepts*. Oxford University Press, #70.
- Nightingale, A. J. (2011). Bounding difference: Intersectionality and the material production of gender, caste, class and environment in Nepal. *Geoforum*, 42(2), pp. 153–162.
- Njau, B., Watt, M., Ostermann, J., Manongi, R. & Sikkema, K. (2012). Perceived acceptability of home-based couples' voluntary HIV counselling and testing in Northern Tanzania. *AIDS care*, 24(4), pp. 413–419.

- Nsanya, M. K., Atchison, C. J., Bottomley, C., Doyle, A. M. & Kapiga, S. H. (2019). Modern contraceptive use among sexually active women aged 15–19 years in North-Western Tanzania: results from the Adolescent 360 (A360) baseline survey. *BMJ open*, 9(8): e030485.
- Okuro, S. O. W. (2007). ‘Spoiling Property’: HIV/AIDS and Land Rights in Kombewa, Kenya. *African Sociological Review/Revue Africaine de Sociologie*, 11(2), pp. 108–123.
- Oluoch, E. A. & Nyongesa, W. J. (2013). Perception of the rural Luo community on widow inheritance and HIV/AIDS in Kenya: towards developing risk communication messages. *International Journal of Business and Social Science*, 4(1).
- Ossome, L. (2014). Can the law secure women's rights to land in Africa? Revisiting tensions between culture and land commercialization. *Feminist economics*, 20(1), pp. 155–177.
- Otto, O. (2013). *Trust, Identity and Beer: Institutional Arrangements for Agricultural Labour in Isunga village in Kiryandongo, Uganda*. Diss. Uppsala: Swedish University of Agricultural Sciences].
- Pain, A. & Pema, D. (2004). The matrilineal inheritance of land in Bhutan. *Contemporary South Asia*, 13(4), pp. 421–435.
- Pankow, A., Christian, M., Smith, N., Sheward, D. & Murrell, B. (2020). *Estimating the timing of HIV infection from unmutated sequences*. bioRxiv.
- Patton, M. Q. (2002). Two decades of developments in qualitative inquiry: A personal, experiential perspective. *Qualitative social work*, 1(3), pp. 261–283.
- Pedersen, H. (2010). Tanzania’s Land Law Reform; The implementation Challenge. *DIIS Working Paper*, Copenhagen, Denmark
- Peluso, N. L. & Ribot, J. (2020). Postscript: A theory of access revisited. *Society & Natural Resources*, 33(2), pp. 300–306.
- Peters, P. E. (2004). Inequality and social conflict over land in Africa. *Journal of Agrarian Change*, 4(3), pp. 269–314.
- Phelan, J. C. & Link, B. G. (2015). Is racism a fundamental cause of inequalities in health? *Annual review of Sociology*, 41, pp. 311–330.
- Phelan, J. C., Link, B. G. & Dovidio, J. F. (2008). Stigma and prejudice: one animal or two? *Social Science & Medicine*, 67(3), pp. 358–367.
- Quan, J. (2006). Natural Resources Institute University of Greenwich. Land access in the 21st century: Issues, trends, linkages and policy options. *FAO LSP WP*, 24.
- Rapley, T. J. (2001). The art (fullness) of open-ended interviewing: some considerations on analysing interviews. *Qualitative research*, 1(3), pp. 303–323.

- Ribot, J. C. & Peluso, N. L. (2003). A theory of access. *Rural sociology*, 68(2), pp. 153–181.
- Rosén, L. (2020). *At the limits of state governance: territory, property and state making in Lenje Chiefdom, rural Zambia*. Diss. Uppsala: Swedish University of Agricultural Sciences.
- Saidin, K. (2016). Insider researchers: Challenges & opportunities. *Proceedings of the ICECRS*, 1(1), v1i1. 563-v561i561. 563.
- Schaffnit, S. B., Urassa, M., Wamoyi, J., Dardoumpa, M. & Lawson, D. W. (2021). ‘I have never seen something like that’: Discrepancies between lived experiences and the global health concept of child marriage in northern Tanzania. *PloS one*, 16(4): e0249200.
- Schlager, E. & Ostrom, E. (1992). Property-rights regimes and natural resources: a conceptual analysis. *Land Economics*, 68(3), pp. 249–262.
- Scott-Jones, D. & Clark, M. L. (1986). The school experiences of black girls: The interaction of gender, race, and socioeconomic status. *The Phi Delta Kappan*, 67(7), pp. 520–526.
- Seeley, J. (2015). *HIV and East Africa: Thirty years in the shadow of an epidemic*. London: Routledge.
- Seeley, J. & Ekoru, K. (2010). Mitigating the impact of the epidemic on the households and families of older people in rural Uganda: lessons for social protection. *African Population Studies*, 24(1–2).
- Seguya, J. (2021). *Physical child abuse, depression and self-esteem among adolescents*. Diss. Makerere University.
- Shivji, I. G. (1995). *Problems of Land Tenure in Tanzania: A Review and Appraisal of the Report of the Presidential Commission of Inquiry into Land Matters, 1992*. Institute of Social Studies.
- Shivji, I. G. (1998). Contradictory perspectives on rights and justice in the context of land tenure reform in Tanzania. *Tanzania Zamani*, 4(1), pp. 57–96.
- Shivji, I. G. (1999). *The Land Acts 1999: A Cause for Celebration or a Celebration of a Cause?* Keynote Address to the Workshop on Land held at Morogoro 19–20 February 1999.
- Sikor, T. & Lund, C. (2009). Access and property: a question of power and authority. *Development and Change*, 40(1), pp. 1–22.
- Suchman, M. C. (1995). Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review*, 20(3), pp. 571–610.
- Sundet, G. (2005). *The 1999 Land Act and Village Land Act: A technical analysis of the practical implications of the Acts*. Working paper.

- Taylor, B., Bukonya, D., van Asten, P., Agol, D., Pain, A. & Seeley, J. (2011). The impact of HIV on agricultural livelihoods in Southern Uganda and the challenges of attribution. *Tropical Medicine & International Health*, 16(3), pp. 324–333.
- Toulmin, C. & Quan, J. (2000). *Evolving land rights, policy and tenure in Africa*. DFID/IIED/NRI.
- Tripp, A. M. (2001). Women and democracy: The new political activism in Africa. *Journal of Democracy*, 12(3), pp. 141–155.
- Tyler, I. (2018). Resituating Erving Goffman: From stigma power to black power. *The Sociological Review*, 66(4), pp. 744–765.
- Urassa, J. (2022). *Changing Customary Land Tenure Regimes in Tanzania: The case of women's land rights in matrilineal and patrilineal communities*. KTH Royal Institute of Technology.
- Wang, Y., Kiwuwa-Muyingo, S. & Kadengye, D. T. (2021). Understating the barriers to achievement of the UNAIDS 90–90–90 goal in Tanzania using a population-based HIV impact assessment survey 2016–2017. *AIDS Care*, pp. 1–8.
- Whitehead, A. & Tsikata, D. (2003). Policy discourses on women's land rights in Sub-Saharan Africa: The implications of the re–turn to the Customary. *Journal of Agrarian Change*, 3(1–2), pp. 67–112.
- Wobst, P. (2001). *Structural adjustment and intersectoral shifts in Tanzania: a computable general equilibrium analysis* (Vol. 117). International Food Policy Research Institute (IFPRI).
- Wood, E., Hogg, R. S., Yip, B., Harrigan, P. R., O'Shaughnessy, M. V. & Montaner, J. S. (2003). Effect of medication adherence on survival of HIV-infected adults who start highly active antiretroviral therapy when the CD4+ cell count is 0.200 to 0.350× 10⁹ cells/L. *Annals of internal medicine*, 139(10), pp. 810–816.
- Yin, R., Rothstein, D., Qi, J. & Liu, S. (2009). Methodology for an Integrative Assessment of China's Ecological Restoration Programs. In: Yin, R. (Ed.) *An Integrated Assessment of China's Ecological Restoration Programs*. London: Springer, pp. 39–54.
- Yngstrom, I. (2002). Women, wives and land rights in Africa: Situating gender beyond the household in the debate over land policy and changing tenure systems. *Oxford Development Studies*, 30(1), pp. 21–40.
- Zuckerman, G. (2021). *A Shot to Save the World: The Inside Story of the Life-Or-Death Race for a Covid-19 Vaccine*. New York: Penguin.

Popular science summary

Access to land is important for many people in rural areas in Tanzania providing not just a space for farming and residence, but also contributing to social standing in society. However, if someone has HIV/AIDS, their ability to benefit from land can be compromised. It is indicated that long time sickness or AIDS-related death compels family members to sell the land to pay for medical expenses or funeral. In traditional societies where inheritance follows the male line, men used to marry widows in order to protect a deceased brother's land, and children. Nevertheless, HIV/AIDS has changed these customs, primarily due to concerns about infection. This means widows can lose access to marital land. While the ways in which HIV affects land access are diverse, the correlation between acquiring HIV and losing or gaining land access remains unclear. My exploration delves into understanding how HIV affects land access, the factors shaping these impacts, and vulnerabilities within the HIV-affected population. Through intensive ethnographic research in Lyambamgongo Ward, Bukombe District in Tanzania, I highlight the influence of social relationships as avenues within which people get access to land. The study involves 17 HIV-affected people using participant observation, interviews and focus group discussions.

The study shows how HIV/AIDS destabilizes relationships through perceptions of infidelity which are linked with HIV infection. Such perceptions can strain relationships within marriage leading into separation or even divorce. Stereotypes about HIV can diminish a person's social status and self-esteem influencing land access. Additionally, as access to land is intertwined with social relationships, the death of a father, or a husband can impact land access for children or wives respectively. Thus, the research shows that within unequal social relationships, HIV/AIDS potentially affects

access to land for people with weaker land claims. It also demonstrates that these impacts occur in contexts marked by land conflicts, social relationships inequalities, and overlapping formal and customary land rules. Contested land access situations unveil nuanced mechanisms, such as stigmatization, employed as weapons in disputes. On the other hand, the overlap between formal laws and customary land inheritance practices affects land access for people with secondary and weaker land claims. Notably, women and children relying on unequal social relationships for land access emerge as particularly vulnerable to land loss in circumstances of instability, and land conflicts. However, the study challenges preconceived notions about vulnerability by illustrating instances where men with secondary land claims also face various forms of stigmatization and land loss. Women and children sometimes assert their land access through collective mobilisation, legal knowledge and relationships with authorities. This study therefore challenges the rigid classification of vulnerability based on gender, age or social backgrounds, emphasizing the need to recognise potentials within already identified vulnerable categories and acknowledge weakness in other supposedly less vulnerable categories.

Populärvetenskaplig sammanfattning

Tillgång till mark är viktigt för många människor på landsbygden i Tanzania, inte bara för jordbruk och boende utan även för deras sociala ställning i samhället. Men om någon drabbas av hiv/aids kan deras förmåga att dra nytta av mark äventyras. Om någon till exempel är sjuk under en längre tid, eller dör, kan hans familj tvingas sälja marken för att betala för sjukvård eller begravning. I traditionella samhällen där arv följer den manliga linjen brukar män gifta sig med änkor för att skydda en avlidens brors mark och familj. Men hiv/aids har förändrat dessa seder, främst på grund av oro för infektion. Detta innebär att änkor kan förlora sin tillgång till mark. Även om hiv påverkar marktillgång på olika vis är sambandet mellan att få hiv och förlora marktillgång oklart. Min forskning syftar till att förstå hur hiv påverkar marktillgång, att identifiera nyckelfaktorer som påverkar sådana effekter, samt förstå sårbarheter inom olika hiv-smittade grupper. Genom djupgående etnografisk forskning i Lyambamgongo Ward, Bukombe-distriktet i Tanzania, lyfter jag fram hur sociala relationer påverkar hiv-smittade människors tillgång till mark. Studien bygger på intervjuer, deltagande observation och fokusgruppdiskussioner med 17 hiv-drabbade personer.

Studien visar hur hiv/aids kan destabilisera relationer genom uppfattningar om otrohet som är kopplade till hiv-infektion. Sådana stereotypa uppfattningar kan belasta äktenskapsrelationer och leda till separation eller skilsmässa. Sådana uppfattningar om hiv kan minska en persons sociala status och hans självkänsla och påverka marktillgång. Dessutom, eftersom tillgång till mark hör ihop med sociala relationer, kan en fars eller makes död påverka marktillgången för barn och fruar. Således visar min forskning att inom ojämlika sociala relationer påverkar hiv/aids tillgången på mark för personer med svagare markanspråk. Den visar också att dessa effekter uppstår i sammanhang präglade av markkonflikter, ojämlikheter i sociala relationer

samt överlappande formell och sedvanlig marklagstiftning. I en kontext av motstridiga markintressen kan stigmatisering kopplad till hiv användas som vapen i tvister. Studien visar också att överlappningen mellan formella och sedvanliga marklagar påverkar marktillgången för personer med svagare eller sekundära markanspråk. Anmärkningsvärt är att kvinnor och barn som lever inom ojämlika sociala relationer framstår som särskilt sårbara för markförlust i kontexter av instabilitet och markkonflikter. Studien utmanar dock förutfattade meningar om sårbarhet, genom att lyfta fram fall där män med sekundära markanspråk också utsätts för olika former av stigmatisering och upplever markförlust. Dessutom hävdar kvinnor och barn ibland framgångsrikt sina markrättigheter genom kollektiv mobilisering, juridisk kunskap eller relationer med myndighetspersoner. Studien utmanar därför en stereotyp klassificering av sårbarhet baserad på kön, ålder eller social bakgrund, och betonar behovet av att förstå potentialen inom utsatta kategorier människor och se svagheter inom grupper som vanligtvis kategoriseras som mindre utsatta.

Appendix 1: List of Key informants and their role in this research

No	List of key informants		Role in research and information provided
1	District officials	District Executive Director (DED)	Got permission to conduct research in the district, specifically in the selected villages Got an understanding of land distribution and land-related uses in the district
		District Land and Natural Resources Officer (DLNRO)	It is here I got information about the villages in which I was to collect data
		District Medical Officer (DMO)	Information on the HIV/AIDS situation and statistics in the district
	Ward officials	Ward Executive Officer (WEO-Lyamba)	Granted permission to conduct fieldwork in the ward and the four villages Provided demographic information, land access and how it was administered in the ward Introduced to the ward land committee (HIV/AIDS committee had not been formed yet)
		Ward Land Committee	Information on land disputes, land administration and gendered land relations
Village officials	Village Executive Officers (VEOs-Lyamba, Ifunde, Kagwe and Ishololo)	They introduced me to the individuals and households I mainly dealt with during the course of fieldwork	
2	Village elders (above 60years)		Information on the history of the villages, pre- and during HIV/AIDS era, and land relations
3	Groups	Kikundi cha Akina mama wajane Lyamba (Lyamba widows' group) Informally designed labour groups (<i>rika</i>)	I got information regarding widows, their land-related challenges (after the death of their husbands) and HIV/AIDS-related challenges for some those infected
4	Red Cross	Leticia	She was my main research assistant throughout the fieldwork in Lyamba Introduced me to some of the HIV/AIDS-infected persons within the ward who agreed participate in the research

Source: Fieldwork, November 2018.

Appendix 2: HIV and AIDS affected respondents

SN	Name	Gender	Age	Marital status	Education	HIV status
1	Neema	F	38 ³⁵	Widow	Primary	Affected
2	Rose	F	41	Widow	Primary	+
3	Kibibi	F	78	Divorced, widowed	Below primary	Affected
4	Monica	F	43	Divorced, widowed	Below primary	+
5	Ashura	F	21	Single	College	Affected
6	Emmanuel	M	53	Widower	Primary	+ and gay
7	Job	M	67	Married	College	-
8	Benedicta	F	64	Widow	College	+
9	Charles	M	53	Married	Below primary	+
10	Laura	F	48	Married	Below primary	+
11	Rebeca	F	52	Complicated	Below primary	Affected
12	Mariam	F	41	Divorced four times	Below primary	+
13	Gabi	M	21	Single	Form four	Affected
14	Bahati ³⁶	M	36	Divorcee	Below primary	+
15	Kabete ³⁷	M	48	Married	Teacher-primary	+
16	Louise	F	28	Divorced	Primary	+
17	Anna	F	24	Single parent	Primary	+

³⁵ Age estimates from the person who informed me about Neema.

³⁶ The people in rows highlighted grey have passed away.

³⁷ Migrated from the village.

Appendix 3: Focus group participants, and discussion themes

SN	Focus group	Persons	Meetings	Themes
1	Men above 60 years old who have knowledge on the history of the village and trends of calamities, including HIV/AIDS	Kususya (84) Jegu (65) Maisha (62) Gamba (68) Bugatu (61)	3	History of the village and land access and land relations History of HIV/AIDS infection in the region and the village; perceptions, trends, infection rates, etc. Clan, clan meetings and roles of clan members
2	Young divorced/separated (HIV affected) women as a divergent group distinct from elders (<i>Rika group</i>)	Anna (24) Baha (25) Mwalu (28) Martha (28) Agatha (32)	3	Gender relations and roles between men and women within a family Marriage instabilities, divorce rights HIV/AIDS infection and perceptions
3	Widows (affected and not affected) – VICOBA group	Benedicta (63) Kibibi (66) Rose (42) Bi-Fullo (62) Gabriella (64)	4	Gender relations and roles between men and women within a family Property/land rights in events of husband's death HIV/AIDS infection and perceptions on those that are affected

ACTA UNIVERSITATIS AGRICULTURAE SUECIAE

DOCTORAL THESIS No. 2024:13

This research explores the impact of HIV/AIDS on land access through intensive ethnographic research in Lyamba ward in Tanzania. Grounded in theory that frames land access as a matter of social power, the study documents ways that HIV/AIDS affects people's social status and personal relationships and thus their ability to access land. The study builds knowledge of the processes and contextual factors that shape HIV impacts and reveals instances where affected people fight back to secure land access.

Stanslaus Peter Butungo obtained his Master's Degree in Urban Planning and Management (MSc. UPM) from Ardhi University in 2013. He also obtained his Bachelor's degree in Urban and Regional Planning at the University of Dar es Salaam, Tanzania in 2008.

Acta Universitatis Agriculturae Sueciae presents doctoral theses from the Swedish University of Agricultural Sciences (SLU).

SLU generates knowledge for the sustainable use of biological natural resources. Research, education, extension, as well as environmental monitoring and assessment are used to achieve this goal.

ISSN 1652-6880

ISBN (print version) 978-91-8046-290-7

ISBN (electronic version) 978-91-8046-291-4