

## **LAW AND HUMAN RIGHTS**

**Birgit Englert and Elizabeth Daley, eds. *Women's Land Rights and Privatization in Eastern Africa*.** Eastern Africa Series. 2008. James Currey, Fountain Publishers, EAEP, and E&D Vision Publishing. 180 pp. Maps. Bibliography. Index. \$37.95. Cloth.

In *Women's Land Rights and Privatization in Eastern Africa*, ten authors explore the interactions among privatization, gender relations, and women's land rights in Eastern Africa. As the editors say in the introduction, "land is the main resource from which millions of people in rural Africa derive their livelihoods[, and women] do the majority of work, producing between 60 and 80% of all food grown. . . . [But] most women . . . do not hold secure rights to the land[, and] . . . a woman's right to access and control land is still tied to her status as a daughter, sister, mother or wife" (1). How does one comprehend such a situation, in which women do most of the work in agricultural smallholder production but do not hold secure rights to the land they farm? The book analyzes case studies from Kenya, Rwanda, Tanzania, and Uganda to reveal that women's tenure insecurity is further eroded by challenges of increasing privatization, HIV/AIDS, conflicts and postconflict situations, internal processes of cultural change, broader processes of commoditization, economic development, and urbanization.

Celestine Nyamu-Musembi discusses the broader policy context within which the debate on women's land rights is situated through her elaborate critique of the writings of Hernando De Soto (*The Mystery of Capital*, Basic Books, 2000), who argued that "the poor in Africa have remained poor because they have not registered land, which is their only asset." Nyamu-Musembi examines the case of Kenya, in which land privatization has occurred over the course of seven decades, to question why rural poverty still exists. Judy Adoko and Simone Levine focus on the 1998 Uganda Land Act to demonstrate that the failure of implementation renders good policies useless. The Act recognizes customary land tenure, but broader processes of commoditization and economic and rural-urban shifts have challenged women's land rights; in Apac district, for example, the government also supports a competing policy aimed at promoting the individualization of land tenure for agricultural development and modernization. Elizabeth Daley draws on data from Mafindi district in Tanzania to illustrate how a woman's age, marital status, education, knowledge, money and confidence, and health determine how far she can pursue her land rights. Samwel Ong'wen Okuro discusses how the spread of HIV/AIDS and the death of husbands render widows and orphans helpless in the hands of in-laws and corruption in land transaction practices. The challenge of lack of information and confidence is further illustrated by the case from Rwanda, where, as An Ansoms and Nathalie Holvoet report, many girls and women are ignorant of the rights guaranteed to them by the new inheritance law and

their continued access to land under customary tenure remains embedded in gendered social relations.

The editors end the book on a high note, however, stating that in this changing environment women are not powerless. Rather, they are creative actors who find innovative means to claim and ensure their rights to land, although further lobbying and advocacy on the part of women's rights activists and gender-progressive NGOs are needed to encourage on-going reform. Above all, women need to participate actively in the policy arena in order to engage with and influence the formulation and implementation of land tenure reforms.

The authors have introduced critical issues to the on-going debate on women's land rights and the development of rural Africa. The only short-coming of the book is that in some case studies the authors have failed to safeguard the anonymity of interviewees by providing too many details about a given community and the full names of local leaders and local organizations. But *Women's Land Rights and Privatization in Eastern Africa* is an important study of the intertwined relationships among privatization, gender relations, and women's land rights in Eastern Africa.

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