

Gendered dispute resolution and property inheritance rights: the roles of widows and daughters in Maasai customary practices in Tanzania

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Abstract

Property inheritance rights dispute is a socio-cultural gendered problem that has persisted over the years in Tanzania. This study addresses the problem through a peacebuilding perspective using a gendered dispute resolution framework that has not been explored in other previous studies. This study seeks to examine the roles of Maasai widows and daughters in property inheritance rights dispute in Tanzania and what roles they play in the gendered process of the inheritance dispute resolution based on customary rules. The findings have shown that both Maasai widows and daughters, whether married or unmarried, do not have leadership and decision-making roles. However, they are great listeners and observers during the dispute resolution process. Therefore, for theory contribution, this study affirms that dominant Maasai customs and traditions are male-dominated, limiting the participation and contribution of widows and daughters, both married and unmarried, in the inheritance dispute resolution process. Lastly, for policy implication this study suggests that there is a need for government and non-government organizations to help and emphasize more on gender-inclusiveness within Maasai societies, especially at the rural societies.

Keywords: Maasai Widows and Daughters, Gendered Dispute Resolution, Property Inheritance Rights, Roles, and Tanzania

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1. Introduction

Property inheritance rights in Tanzania is the socio-cultural gendered problem that has been addressed over the years. Recently, the problem has gained more attention for its persistence. The problem is relevant to most Tanzanian societies as the country is highly diverse. For instance, Genicot and Hernandez-de-Benito's study confirms that customary patrilineal practices still play a large role in the matter of inheritance in rural Tanzania (Genicot & Hernandez-de-Benito, 2022, p. 2). In these patrilineal societies, property is inherited through the male line and the primogeniture distribution rule gives preference in inheritance to the eldest son (Genicot & Hernandez-de-Benito, 2022, p. 5). Similarly, Urassa's study states that customary rules in Kyela are strong and inheritance flows through the paternal relationship. Furthermore, unequal share of property inheritance has resulted in a gender gap in Tanzania, like any other African societies. Therefore, the gender gap in property inheritance is common under customary rules.

1.1 Women Property Inheritance Rights: The Tanzanian Context

In this section, the researcher illustrates how Tanzanian women especially widows and daughters are hindered with inheritance laws while they seek for their property inheritance rights.

According to Kivaria, property inheritance rights in Tanzania is guided by three main bodies: statutory or legal law, "The Indian Succession Act of 1865", religious laws, specifically Islamic and Hindu law, and customary rules. While legal laws strive to promote equality in inheritance issues, religious and customary rules are blamed for embracing discriminatory practices and inequalities in the name of religion and African customs and traditions (Kivaria, 2020, p. 130). Similarly, Dancer's study reveals that while the legal or formal law is shown to be gender neutral, both customary rule and religious law are discriminatory (Dancer, 2017, p.3).

In addition to that, Tanzanian law provides that the customary rule to which the person belongs should regulate inheritance rights. The problem with this law is that it has the potential to affect women's inheritance rights negatively because, in most Tanzanian societies, the entitlement to inheritance is based on gender and ethnicity. Although international bodies have condemned that inheritance customary rules are discriminatory, the practice of

disinheriting widows by applying the customary rules of inheritance continues in Tanzania. For instance, Kivaria's study reveals that based on the court's proceedings, the widow has no share of the inheritance if the deceased person has relatives from his own clan. Instead, her share is to be cared for by her children just as she cared for them. Despite the existence of the legal law procedure, the court's decision still refers to the customary rule (Kivaria, 2020, p. 130).

In a similar context, Genicot and Hernandez-de-Benito's study states that women's property inheritance rights in Tanzania appear to be limited, fragile, and with little legal protection, despite a gender-neutral statutory law context, due to the persistence of customary rules (Genicot & Hernandez-de-Benito, 2022, p. 4). Therefore, one may deduce that legal laws in Tanzania are still on working progress. According to Article 24(1) of the 1977 Constitution of Tanzania, *"every person is entitled to own property and has a right to the protection of his property held in accordance with the law."* Despite this constitutional guarantee, widows and daughters continue to face challenges within the legal system when seeking their inheritance rights, as evidenced in Kivaria's study.

Ezer's study reveals that Tanzania's inheritance laws and rules are in urgent need of reform. Both customary rule and Islamic law are regarded as the two predominant systems of intestate succession in Tanzania that limit women's inheritance based on their gender. Under customary rule, a widow is generally denied inheritance altogether as her share is to be cared for by her children, just as she cared for them (Ezer, 2006, p. 601). In the same study, Ezer explicates that daughters inherit the smallest share with attached restrictions. Thus, Tanzania's customary inheritance rules impoverish women and leave their survival at the mercy of men. In addition to that, Ezer claims that the Tanzanian government has urged the abandonment of customs and traditions that hinder development, particularly those that perpetuate discriminatory gender practices in inheritance. Therefore, there is a need to revisit and review the bad customary practice rules (Ezer, 2006, p.603). However, Dancer's study reveals that reform to laws of inheritance and succession, including codified customary rules, remains left out and untouched (Dancer, 2017, p. 1–2).

As for the daughters, Ezer's study shows that customary rule grants daughters the smallest share of inheritance. Tanzania's Law Reform Commission characterized customary rule as embarrassingly discriminatory to children. It sets out a hierarchical scheme based on

gender under which older children receive more than the younger ones, and males receive more than females. Customary rule divides heirs into three degrees, where the first degree obtains the largest share, and the third degree the smallest. Under this scheme, the first degree is for the first son, the second degree is for other sons, and the third degree is for daughters. Thus, daughters inherit less than both their older and younger brothers (Ezer, 2006, p. 612). In addition to allocating daughters' smaller shares, the customary rule attaches limitations to the property they do inherit. A daughter cannot fully inherit clan land. She may use the land, but unlike her brother, she is forbidden to sell it even if she is the only child. Daughters can only inherit completely in the rare cases when there are no men in an entire clan. This is an impossible scenario (Ezer, 2006, p. 612). To summarize, according to the reviewed literature from previous studies, it is evident that Tanzanian widows and daughters suffer from customary rules as they seek their property inheritance rights.

2. Research Objective

This study examines the roles of Maasai widows and daughters in property inheritance rights dispute in Tanzania, using a qualitative ethnographic approach. Specifically, it aims to explore how they are included or excluded in the gendered dispute resolution process under customary rules, using a theoretical framework grounded in gender analysis.

3. Concepts and Conceptual Framework

3.1 Concepts

The study has defined the following concepts used on this research: property inheritance rights, Maasai widows and daughters, dispute resolution, and customary rules

3.1.1 Property Inheritance Rights (PIR)

According to Duncan's study, the Indian Succession Act of 1865 is the primary legal document governing property inheritance rights in Tanzania. The legal document applies to the inheritance of both movable and immovable property. According to him, there are four legal systems that govern property inheritance rights in Tanzania, which are the Indian Succession Act, Hindu law, Islamic law, and customary law (Duncan, 2014, p. 12).

The Tanzania Law of Marriage Act of 1971, explains the concept of property rights as a means to grant women the same rights as men in acquiring, holding, and disposing of

property. Article 24 (1) of the 1977 Tanzanian Constitution states that “every person is entitled to own property and has a right to the protection of his property held in accordance with the law”. Despite this constitutional and statutory guarantee, women continue to face challenges within the legal system when seeking their inheritance rights, as evidenced in Kivaria’s study.

3.1.2 Maasai Widows and Daughters

Tanzania has more than 120 ethnic tribes, including the Maasai. They are found in the northern region of Tanzania and are mainly involved with pastoralist activities. Oxford Advanced Learner’s Dictionary defines a widow as a woman whose husband has died and who has not married again. It also defines a daughter as a person’s female child (Diana and Jennifer, 2020). According to this case study, the two groups are the central focus of the research. The daughters examined are both married and unmarried. This is to give a clear understanding of how both categories face the problem.

3.1.3 Inheritance Dispute Resolution

There is a debate about the difference between conflicts and disputes. On the one hand, Tidwell (1998, as cited in Manning, n.d., p. 2) regards conflicts and disputes as part of the same continuum, with the main differentiating factor being that conflicts tend to be of greater intensity than disputes (Manning, n.d., p. 2). On the other hand, Tillet (1991) highlights the differences between conflicts and disputes by drawing attention to the contrasting sources of tension. He argues that disputes occur when there are competing interests or goals, whereas conflict has its origins in fundamental differences in human values and needs. Therefore, in this study, inheritance dispute resolution is regarded as the process of resolving disagreements between different parties to reach a positive outcome.

3.1.4 Customary Rules

Duncan defines customary rules as rules that are recognized by the communities and may be either written or unwritten (Duncan, 2014, p. 13). The researcher defines the term as rules that govern a certain ethnic group or tribe, and they involve customs, values, beliefs, and traditions. In most cases, customary rules are unwritten.

3.2 Conceptual Framework

3.2.1 Gender Perspective in Conflict Resolution Framework

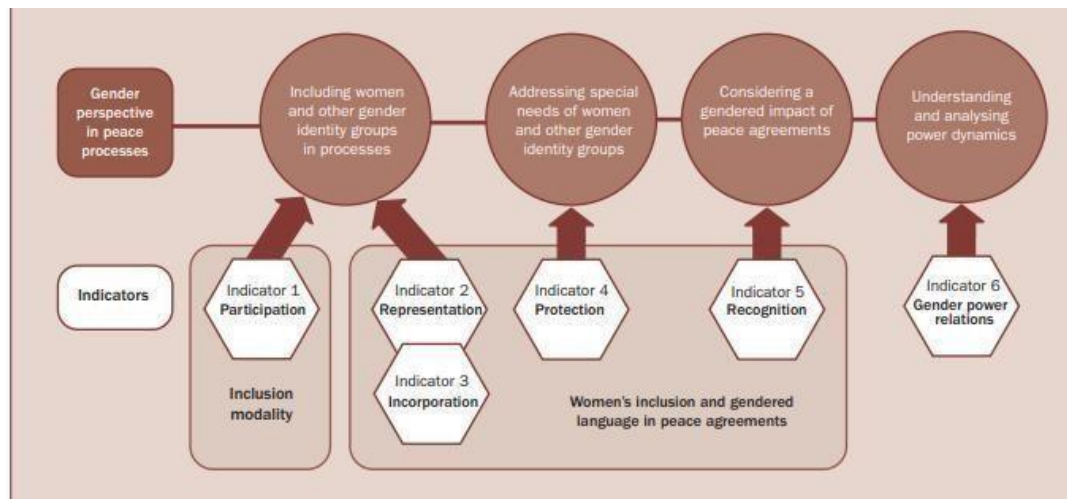


Figure 1 Gender Perspective in Conflict Resolution Framework

Source: Cobar et al. (2018, p. 10).

The chosen framework for this study is adopted from Cobar et al's framework for assessing gender perspective in the peace process. The framework has examined the problem of intra-state conflicts between governments and non-state armed groups from two case studies: Colombia and Mindanao, respectively. The framework is used to study the negotiation process for conflict resolution in Mindanao and Columbia and has attracted global interest due to its use of gender language in peace agreements and fostering extensive women's inclusiveness (Cobar et al., 2018, p. 1).

The study designed a straightforward framework that aimed to assess four dimensions of a gender perspective with the intent to address conflict resolution through an analysis of two case studies. This framework attempted to translate Bell's four dimensions of a gender perspective into practical terms, such as gender inclusiveness, analyzing special needs and demands, gender impact, and power dynamics of women and other gender identities in the peace process. Breaking down the four dimensions into gender language, the following six indicators were raised: participation, protection, incorporation, representation, power dynamics, and recognition (Cobar et al., 2018, p. 8).

First is women inclusiveness. In this first dimension, there are three indicators which are participation, representation, and incorporation. According to Cobar et al (2018),

participation evaluates how women and other gender identity groups have been included in a peace process. **Representation** assesses how the participation of women and other gender identity groups in decision-making bodies has been addressed in the content of the final peace agreements. **Incorporation** assesses how women and other gender identity groups' inclusion in the bureaucracy and peacebuilding bodies has been addressed in the content of the final peace agreements.

The second dimension is gender needs and demands. The United Nations Security Council Resolution (UNSCR) 1325 states that women and men often have different experiences of disputes and different positions. Therefore, it is important to address different needs and demands. From Cobar et al (2018)'s framework, **protection** is an indicator under the second dimension that addresses women's and gender minorities' special needs by focusing on equality.

The third dimension is the gendered impact, which includes one indicator, which is recognition. According to Cobar et al (2018), **recognition** is used to assess the gendered impact of a peace agreement, or more specifically, how laws and policies reflect gender-centered language. For instance, Ezer's study showed that customary rule divides heirs into three degrees. The first two degrees are for the sons, and the third is for the daughter. Therefore, the daughters inherit less than their brothers (Ezer, 2006, p. 612). Through this example, it is clearly shown that there is no gender neutrality.

The fourth dimension of the framework, **understanding and analyzing power dynamics**, critically engages with the structural underpinnings of social relations, including how power is distributed and maintained across gendered lines. Within this dimension, **Indicator 6: Gender Power Relations** serves as a key analytic tool for interrogating the hierarchical and often unequal relationships between men, women, and gender-diverse individuals. This indicator inherently captures the core tenets of **patriarchy theory**, as it addresses how patriarchal norms, values, and institutions perpetuate male dominance and female subordination. It also enables a nuanced examination of how power is exercised in property inheritance dispute resolution contexts. Furthermore, the framework implicitly incorporates **intersectional analysis** by recognizing that gender power relations are not experienced in isolation but are compounded by other axes of identity such as class, race, ethnicity, and age. Thus, the framework facilitates a more comprehensive understanding of

structural gender inequalities, normative power hierarchies, and the socio-legal mechanisms that sustain them.

4. Research Methodology

According to Kitchin and Tate, methodology refers to a coherent set of rules and procedures that can be used to investigate a phenomenon or situation within the framework (Kitchin & Tate, 2013, p. 6). This is an ethnography qualitative research. The study has used a case study design because it has only focused on studying one selected area, local people, and culture in-depth and in detail. The study area of the chosen research is Olasiti village, located at Minjingu in Babati district. The village is found in the Manyara region in northern Tanzania. Both primary and secondary sources of data have been used. The use of narration and in-depth interview has been employed in primary data, and the use of document review for the secondary source. For example, the researcher obtained data from the government official report on household residences at Olasiti village in Minjingu. This is to distinguish how many households are for widows who are the target sample size of this study. The sample size of this study was 11 Maasai widows and 10 Maasai daughters: 7 married and 3 unmarried, 5 Maasai leaders, 1 Elderly man, and 4 Family members. All of the research participants were above 20 years old. The sampling techniques used are purposive, convenience, and snowball sampling techniques. Data has been analyzed through narrative analysis.

5. Findings and Discussion

This study draws on qualitative data collected from a specific case context, members of the Maasai community in northern Tanzania, with a particular focus on widows and daughters (both married and unmarried) residing in the Manyara Region. The research examines their roles within gendered dispute resolution processes governed by customary inheritance rules, using an ethnographic approach informed by gender analysis.

Due to this focused scope, the findings offer case-specific insights drawn from a single cultural group within a defined geographic area. Given that Tanzania comprises over 120 ethnic groups and more than 20 administrative regions, the roles and experiences documented in this study should not be considered representative of other tribes, regions, or the country as a whole. This research aims to develop a contextually grounded and in-depth understanding

of how Maasai widows and daughters are positioned within customary mechanisms for resolving inheritance disputes. While the findings may provide valuable insights for comparable socio-cultural or peacebuilding settings, they are not intended to be statistically generalizable.

5.1.1 Participation

Based on this indicator, this study inquired two questions from each group of research participants- the Maasai widows and daughters, respectively. The two questions are: (1) Did you fully participate in the decision-making process? and (2) How did you participate?

According to the obtained data from the field work, both Maasai widows and daughters, married and unmarried, responded that they participate during “*Olpolosati day*”. This is the fortieth day meeting held after the deceased person (husband or father) has been buried according to Maasai customary rules. This day is attended by all family members, the neighbors, Maasai leaders, and elderly men. It is involved with most Maasai customary rules and practices, such as choosing the deceased person’s heir, appointing the family guardian, and dividing the deceased person’s inheritance. The family guardian is selected from the late husband’s lineage. According to Maasai customary rules, it is also important to highlight that the widow and her children should choose whomever they are willing to. Any third party should not influence their decision.

However, based on the research findings, not all Maasai widows and daughters had full rights to choose whomever they want as their family guardian. For example, Simayo, a Maasai widow who was left with five children: one son and four daughters, asserted that the Maasai leaders and elderly men appointed the family guardian on her behalf. Another example is Naomi’s case. After her husband’s death, she was left with five children: one daughter and four sons. She clarified that: “I did accept the one they chose for me; our customary rules are male-dominated. It’s better to remain quiet rather than to speak, as it is assumed disrespectful within our communities” (N. Mollel, personal communication, January 17, 2024).

Furthermore, there was an exception of one Maasai widow, “Elizabeth,” who explained how she participated. Elizabeth said that, despite the threats of her in-laws, she did not agree to remain silent. She said: “It’s either I speak or remain quiet in fear and lose my inheritance” (E. Lomnyaki, personal communication, January 10, 2024). Elizabeth detailed that the Maasai leaders “*Laigwanani*” and elderly men called upon her during the “*Olpolosati*”

to choose a family guardian from his late husband's lineage. She affirmed that this was a fair and just decision of the Maasai customary rule practice carried out regarding property inheritance rights among the Maasai societies in Tanzania. Therefore, from her narration, the researcher observed that the widow played a decision-making role in choosing a family guardian.

As for the daughters, all of them agreed that they do participate during the "*Olpolosati*". The researcher's direct observation is that they do participate physically but have no decision-making power during these meetings. Because none of the daughters, both married and unmarried, could state how they participate in this meeting apart from being present and seen during the process. For example, some stated that the decision-making role is for the male figure. One of the research participants Happy, said that her brother made decisions on her behalf. Meanwhile, other four daughters from different families stated that, during the "*Olpolosati*", it was only their mothers who could speak, and their presence was just to listen.

5.1.2 Representation

Based on this indicator, the researcher inquired two questions from each group of research participants- the Maasai widows and daughters, respectively. The two questions are: (1) How are your views and thoughts represented at the customary rule meetings? and (2) Is it through a round table discussion?

From the findings, almost all Maasai widows stated that their views are represented by their male relatives during the "*Olpolosati*" day. On the one hand, Nganashe and her co-wife, both Maasai widows from one family, stated that their views were represented by their sons. "... our sons represented our views during the meetings" (N. Mollel, personal communication, December 11, 2023). On the other hand, one Maasai widow stated that she did not have any representation. An example of Namnyaki, who confirmed that despite the property inheritance rights dispute in her family, she decided to remain silent. In addition to that, she did not make any effort to find a male figure or ask her sons to represent her views during the meeting. When asked why she did not make any effort, Namnyaki replied that she was in fear and was threatened by her brother-in-law.

As for the daughters, both married and unmarried, they stated that they have no representation concerning their views and thoughts. For instance, Enoti and her three sisters

all said, “We are part of the meeting but no one will ask for our views and thoughts” (E. Lekitoni, personal communication, January 5, 2024). Furthermore, Narisyo affirmed that this is not a common practice for daughters to be engaged and share their own views and thoughts among Maasai customary rules regarding property inheritance rights dispute and resolution. In addition to their explanation, they emphasized that, whether married or unmarried, in Maasai customary rules, a daughter has no room for direct representation of views and thoughts.

In response to the question of whether they sat at the discussion table or not, both Maasai widows and daughters replied that the nature of their seating is different from the round table discussion. For example, during the “*Olpolosati*” meeting, men are seen in the front seats while women take the back seats. Most Maasai widows and daughters affirmed that they are comfortable with their seating style. In addition to that, they argued that there is nothing wrong with their seating style. In fact, they appealed that they are still part of the meeting and can hear whatever is discussed. From their remark, they said men and women cannot take close seats it's disrespectful according to Maasai customs and traditions.

5.1.3 Incorporation

The researcher inquired two questions from each group of research participants- the Maasai widows and daughters, respectively. The two questions are: (1) Are you involved or engaged in customary rule meetings? and (2) How are you involved?

The findings reveal that most Maasai widows are physically involved and engaged in customary rule meetings. However, they do not have seats on the Maasai customary board or dispute resolution panel. They all stated that overall, women have no customary leadership seats in regard to dispute resolution. They only report their challenges to the chosen family guardian, and the issue will be resolved. Most detailed that, however, the process takes time because of bureaucracy. Concerning their physical involvement, most elaborated that they are involved through being allowed to choose a family guardian. This is the most common feature elaborated by almost all Maasai widows.

In a few circumstances, a few Maasai widows provided more detail on how they were involved through raising their voices. An example is the story of Elizabeth, the “brave widow”. During the meeting, the Maasai leaders require the widows to share any challenges encountered since the day they lost their husbands. Elizabeth said that she made it clear

during the “*Olpolosati*” that she is not willing to relocate to another region, as asked by her in-laws. She affirmed that the Maasai leaders and elderly men considered her view and allowed her to remain in the village. Meanwhile, other Maasai widows stated that their involvement was only a physical presence during the meeting.

As for the daughters, both married and unmarried, they said that they were involved physically through being present during the “*Olpolosati*”. All daughters, both married and unmarried, clarified that they are not part of the Maasai customary boards or dispute resolution panels. However, others went further and said they were involved in preparing the “*Olpolosati*” day, such as arranging the chairs and cleaning the environment, while cooking is left out for men on this day.

5.1.4 Protection

Based on this indicator, three questions were inquired from each group of research participants- the Maasai widows and daughters, Maasai leaders, elderly men, and family members respectively. The three questions are: (1) The first interview question was directed to the Maasai widows and daughters: How do the Maasai customary rule decisions affect your needs and demands? (2) The second interview question was directed to the Maasai leaders, elderly men, and family members: During or before carrying out customary decisions, do you consider widows’ and daughters’ needs and demands? and (3) The third interview question was for the Maasai leaders and elderly men: How does the Maasai customary rules ensure to protect widows and daughters from all kinds of discrimination while seeking for their property inheritance rights?

From the findings, most Maasai widows affirmed that when property inheritance right is delayed, it affects their needs and demands. They elaborated that their children are affected because they do not get a proper education. For example, Mollel's family of five wives revealed that they had not received their full property rights for more than a decade. They now depended on cattle, but this was not enough. They said, “our needs and demands are affected because of our own family members’ greediness” (Mollel, personal communication, December 11, 2023). Their daughters proclaimed that, “economic hardship is the major challenge when our mothers fail to have their share of inheritance rights” (Mollel, personal communication, December 15, 2023).

Therefore, from the findings, the researcher observed that daughters' needs and demands are greatly affected if their mothers are not able to inherit. Furthermore, all the Maasai leaders, "*Laigwanani*," asserted that they do consider widows' and daughters' needs and demands before and during carrying out customary rule decisions in regard to property inheritance rights. The Maasai leaders "*Laigwanani*" emphasized that:

We do know that especially Maasai widows are left with a huge family responsibility after their husband's death. They have to care for their children and provide for them. At the larger extent, these widows have no source of income. Therefore, Maasai widows inherit from their husband's wealth such as livestock and land so as to help them in providing for the family. This is what Maasai customary rule demands (Laigwanani, personal communication, January 25, 2024).

In addition to that, Mollel (one among the Maasai elderly men) explicated that widows have every right to inherit from their husband's wealth because they do not have inheritance from their father's house. He emphasized that Maasai customary rules in regard to property inheritance rights allow widows to fully inherit from their husband's wealth. He said, "It is our customary rule practice that widows have inheritance but daughters do not have, as it is to be obtained from their husbands" (M. Stoni, personal communication, January 25, 2024).

As for the family members, most replied that they do consider widows' and daughters' needs and demands. For instance, Ernest said that after the loss of his father, he made sure to represent his mother at the "*Olpolosati*" meeting so that her inheritance was not delayed, or else their whole family would be in trouble. In addition to that, the Maasai leaders "*Laigwanani*" and elderly men claimed that it is their duty to make sure that the Maasai widows and daughters are protected from all forms of injustice, either from within the family or outside the community. Loishiye, one of the Maasai leaders, detailed that Maasai customary rules are clear and consistent throughout all Maasai societies. He said, "Maasai customary rules require them (*Laigwanani*) during the "*Olpolosati*" day to make sure that a widow is given and shown her property inheritance rights. Because this is her full right and not a compromise" (L. Lilayoin, personal communication, January 25, 2024).

5.1.5 Recognition

Three questions were inquired from this indicator from each group of research participants: the Maasai leaders, elderly men, and family members only. The three questions are: (1) Do the Maasai customary rules recognize Maasai widows and daughters' equal rights of inheritance? (2) As a Maasai leader and elderly man, do you recognize Maasai widows' and daughters' needs and demands? and (3) As a family member, do you recognize Maasai widows' and daughters' needs and demands?

According to the obtained data from the field work, both the Maasai leader and elderly men agreed that Maasai customary rules recognize Maasai widows' equal rights of inheritance, but not for both married and unmarried daughters. For example, Loishiye, the Maasai leader "*Laigwanani*," proclaimed that there is equality in property inheritance rights between spouses. He added that if a husband dies, the Maasai customary rule recognizes the wife to have inheritance and vice versa.

As for the daughters married or not, they are not part of the inheritance. Loishiye highlighted that according to Maasai customary rules, daughters have their inheritance from their husbands. Nevertheless, Mollel, an elderly man argued that there are exceptions for a Maasai daughter to inherit. If she meets the exception, her right to inherit properties will be recognized. The following are the exceptions for both married and unmarried daughters to inherit.

1) A daughter could inherit only if the father said before death that all his children, regardless the gender, should have equal inheritance rights. There must be a third person as a witness on this statement to justify during the "*Olpolosati day*".

2) If the daughter is not married or divorced and returns home. There is always a reserved land left for daughters in the family. Therefore, if not married or divorced the reserved land is given to her as inheritance. But she cannot sell this land or bequeath it.

3) A daughter could have inheritance if the father shared his properties before death.

4) Daughters can have inheritance if they are born alone with no sons in the family. This expectation is rare in most rural Maasai societies.

In response to if they recognize Maasai widows' and daughters' needs and demands, all Maasai leaders, elderly men, and family members agreed that they recognize

Maasai widows' and daughters' needs and demands. For this reason, they make sure that the widows do fully inherit property rights to care for their children. For the daughters, all Maasai leaders, elderly men, and family members stated that their needs are to be fulfilled by their mother's and if married, their needs and demands are to be fulfilled by their husbands.

5.1.6 Power Relations

From this indicator, the researcher inquired two questions from each group of research participants- the Maasai leaders and elderly men, respectively. The two questions are: (1) Does the Maasai customary board involve both gender? and (2) What constitutes the Maasai customary board?

The findings reveal that all Maasai leaders, "*Laigwanani*" and elderly men, agreed that the Maasai customary rule board does not involve all types of gender, both male and female. This is because the nature of Maasai customs and traditions have defined the roles of a man and woman in the society. In response to the question, what are the key components that constitute the Maasai customary board? Both the Maasai leader and the elderly men confirmed that the board is comprised of men only. All the Maasai leaders, "*Laigwanani*" in the Maasai tribe, are men and not women. They further explained that, for instance, Maasai leaders are divided into three categories. The first category is the Head of Maasai leaders known as "*Laigwanani Mkuu*". He is the head of all Maasai leaders and is recognized by both the Maasai societies in Tanzania and the Government of Tanzania. The second category is the regional, district, ward, or village "*Laigwanani*". The third category is the clan leader known as "*Laigwanani wa Boma*". All of them have a common feature. Their work and dedication are towards engaging in community work and are all recognized by both the Maasai communities and the Government of Tanzania. Their leadership duration is of seven years.

6. Conclusion and Policy Implication

To conclude, this study has analyzed the roles of Maasai widows and daughters in resolving property inheritance rights disputes based on the gender framework of conflict resolution created by Cobar et al (2018). The findings have shown that both Maasai widows and daughters, whether married or unmarried, do not directly participate in the decision-making process. Most of them are physical attendees, listeners, and observers. Furthermore,

there is less direct representation for the Maasai widows and no direct representation for both married and unmarried Maasai daughters at the round table discussion. Mostly, their views and thoughts are being represented by their family members “male figure”. In addition to that, both Maasai widows and daughters, married and unmarried, are seen in the back seats while men take the front seats. Both Maasai widows and daughters, whether married or unmarried, do not have leadership and decision-making roles in dispute resolution meetings; instead, they are involved and engaged through preparing meetings, arranging chairs, cleaning the environment, and preparing food and drinks during the dispute resolution meetings.

For policy implication, the researcher suggests that there is a need for government and non-government organizations to help and emphasize more on gender- inclusiveness in resolving societal problems, such as property inheritance rights dispute within Maasai societies, especially at the rural societies. The findings have shown that Maasai dominant culture and patriarchy limit both Maasai widows and daughters, married and unmarried, from leadership and decision-making roles, hence they are not part of the resolution process.

7. Preface

This present study is closely related to my life experience. I am a Tanzanian Maasai native who has lost a father on May 10, 2020 and had to pass through the dominant patriarchal customary rules to secure property inheritance rights as a daughter. It is for this reason that I was motivated to conduct this study with the guidance of my supervisor, Dr. Le Ngoc Bich Ly.

8. Acknowledgements

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