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The efficacy of spousal consent clauses in securing property rights of urban women: a comparative study of the land laws of Uganda and Tanzania

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This dissertation is a comparative study of the effectiveness of the spousal consent clauses under the Land Acts of Uganda and Tanzania. It starts with an analysis of the laws and policies which regulate the property rights of urban women. It further focuses on their realisation of secure tenure through the spousal veto. Finally, it investigates the institutional implementation of the clauses in Kampala and Dar es Salaam. The problem of study is that despite the repeated amendment of the Land Acts, both countries still lack comprehensive laws for the adequate protection of women's land rights. Thus, the main hypothesis is that the spousal consent clauses are neither gender sensitive, nor coherent enough to tackle the socio-economic realities in Uganda and Tanzania. Using focus group discussions, interviews, and observations, the voices of some women, bankers, lawyers and land registrars gathered, have proved the hypotheses true. In principle, the land laws of the countries are largely similar. They differ in application because each country has a peculiar land tenure system and ideological history. The findings show that the land laws and policies have been largely market driven, and hurriedly amended in piecemeal with nominal public participation. Moreover, because women are by custom or religion, inferior to men, many of them waive their right to spousal veto. This setback is aggravated by the corruption, inefficiency and male biased attitudes among the courts and land registries which are responsible for implementing the law. There is therefore a need to strategically conduct an intensive needs assessment on the land rights of urban women, which in turn should guide the comprehensive harmonization and further amendment of all the land laws. It is also imperative to embark on capacity building to improve the institutional enforcement of the spousal veto with accountability and efficiency.