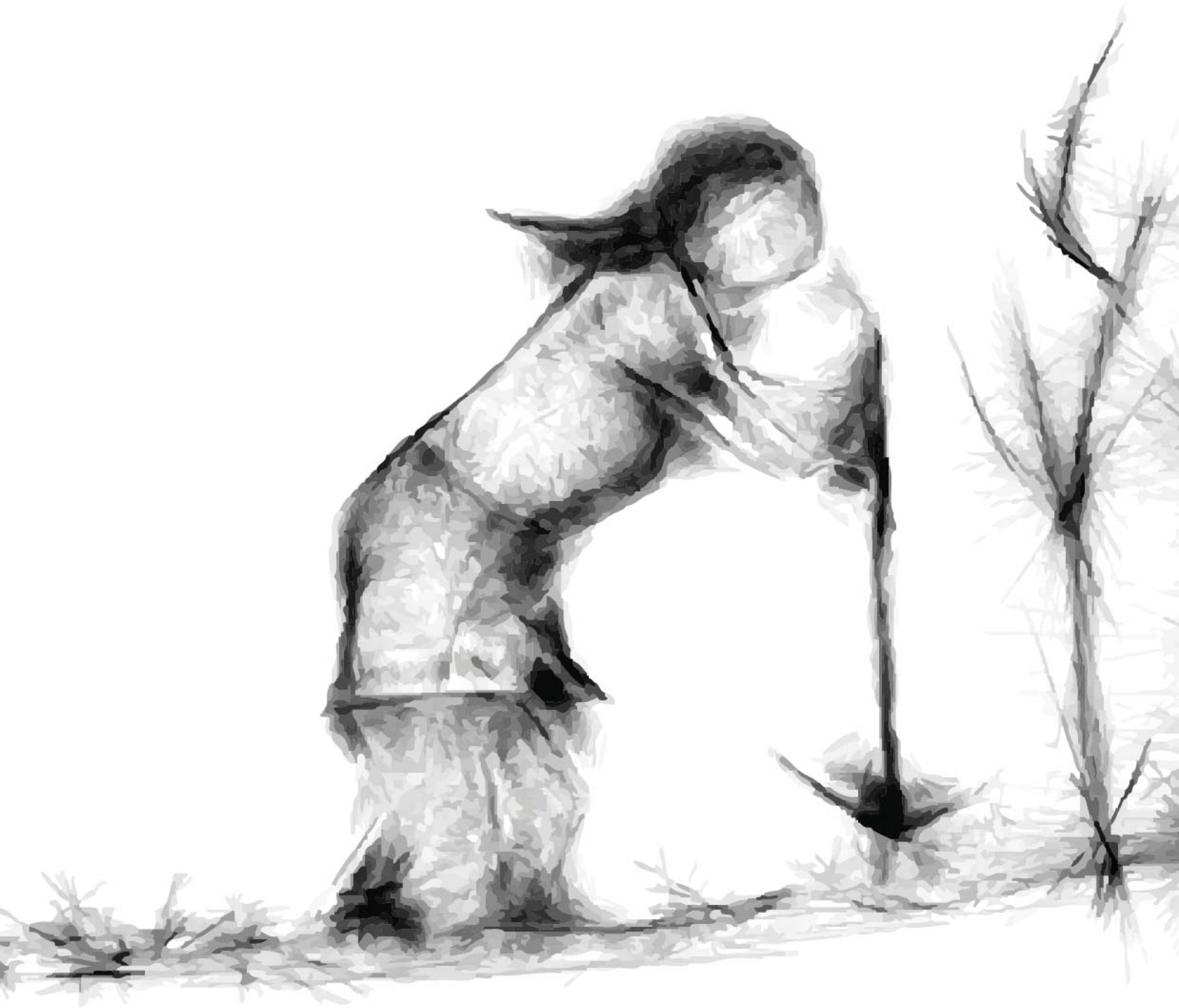


# 7

## RESEARCH REPORT

Voices of women's aspirations over land and land matters: the case of Kibaale District, Uganda



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ILC wishes to thank the IDRC whose support made this Women's Land Rights Initiative research possible.

# Voices of women's aspirations over land and land matters: the case of Kibaale District, Uganda

By the  
Uganda Rural Development and Training Program (URDT)

**March 2011**

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Jacqueline Akello  
Principal Researcher

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## List of acronyms

|        |  |
|--------|--|
| AIDS   | Acquired Immunodeficiency Syndrome                 |
| EMESCO | Emile and Scovia Development                       |
| FGD    | Focus Group Discussion                             |
| HIV    | Human Immunodeficiency Virus                       |
| LC     | Local Council                                      |
| MISR   | Makerere Institute of Social Research              |
| NAADS  | National Agricultural Advisory Services            |
| RDC    | Resident District Commissioner                     |
| SACCO  | Savings and Credit Cooperative<br>Organisation     |
| SIDA   | Sub-county Integrated Development<br>Association   |
| SWOT   | Strengths Weaknesses Opportunities and<br>Threats  |
| UBOS   | Uganda Bureau of Statistics                        |
| URDT   | Uganda Rural Development and Training<br>Programme |

## Executive summary

This is a qualitative study that documents women's aspirations in relation to land in Kibaale district. The study was designed to identify the gaps between those aspirations and the current reality, the actions required for their achievement, and the implications of those actions.

Based on qualitative methods of data collection and analysis, information was gathered from 60 women belonging to the two villages of Nyanacumu and Kanywamiyaga, in the sub-county of Muhorro in Kibaale district. Researchers used appreciative inquiry, participant observation, narratives, focus groups, photos, and video recording. That data was then manually analysed using a data analysis plan, logbooks, and matrices. Researchers synthesised the data collected from both the personal narratives of participants and focus group discussions.

The findings are presented here according to the study's main themes. These are: women's aspirations in relation to land; women's current reality regarding land; bridging the gap between aspirations and current reality; recommended changes and actions required to attain women's aspirations; and progress.

The major finding of this study is that women aspire to own land in order to share in the benefits of its utilisation. While they are motivated to act upon this desire, women meet stiff resistance because of the sensitive nature of land issues in Kibaale district.

The study established that poor institutional governance is a major impediment to the realization of women's aspirations for land. Women face the challenges of low literacy levels, poor land administration, legal inconsistencies, corruption and ignorance of the law, unsanctioned marital unions, and the gender insensitivity of land administration institutions.

The study makes short, medium, and long-term recommendations for improvement.

# Introduction

Colonialism in Uganda resulted in various land agreements, including the 1900 Buganda Agreement, the 1900 Toro Agreement, and the 1901 Ankole Agreement. These agreements created both new modes of cash production in a predominantly non-cash economy, and new land tenure systems (Leasehold, Mailo, and Freehold) that rendered many landless (Mamdani, 1996). Kibaale district, formerly comprising the counties of Bugangaizi and Buyaga, was converted into Mailo land that was then awarded to collaborating chiefs by the colonialists.

Subsequently, the district has been beset with land disputes between landlords and indigenous people. These disputes intensified in the late 1990's due to the discovery of oil deposits in the district. As the interest in the land intensifies, the aim of this research is to integrate the concerns of women in this discourse. Their voices have been noticeably silent. Of the 57 Memoranda presented to the Commission of Inquiry on Bunyoro Land issues, only one was delivered by a woman. As Resident District Commissioner, that woman represented her political office rather than the specific concerns of women.

## Background

Women in Uganda have been most affected by landlessness not only as a result of colonialism, but also because of customary practices that favour men and boys on land matters. Women's access to land, the exercise of decision-making power over its utilization, and their enjoyment of its products are, by and large, dependent on the good will of men.

Land reforms (1962 Constitution; 1975 Land Decree; and 1998 Land Act) have not necessarily solved the land problem for women. Efforts by civil society to challenge the status quo through law reform limiting either outright purchase or inheritance of land have yielded modest results in practical terms (Englert and Daley, 2008; Nabacwa, 2006).

The 1995 Republic of Uganda Constitution empowers all persons to have and own property. As Article 26 states: "Every person has a right to own property either individually or in association with others." However, without attendant acts and regulations, this Article has been unhelpful to women because Ugandan society remains divided about whether or not women have a right to own property independent of their spouses.

Parliamentary law reform processes, too, have attempted to pave the way for co-ownership of household property and land. Section 65 (c) to (d) and Section 65 (2) to (4) converse in detail about the rights of both spouses to matrimonial property giving each liberty to own or co-own property. Section 66 (1) states that "any matrimonial property, as defined by section 65, shall be co-owned in common by spouses." But the controversy about women's rights to land ownership given traditional practices has fuelled endless legal debate that has stalled enactment of these policies into law. What needs to be done is people-centered advocacy since those traditional practices are guided by local customs and beliefs.

The purpose of this research is to provide practical solutions to the impasse. The study was undertaken using the case of Buyanga County, Kibaale because it has the highest incidence of land conflicts (30%) in comparison with other counties (Nolan and Asiimwe, 2001), yet there is no gender-disaggregated data on those conflicts.

The objectives of the study were threefold: to engage women in community visioning aimed at establishing their aspirations towards land tenure; to conduct case studies of different women whose land rights are threatened to determine how intervening factors (such as marital status, level of education, endowment and social capital) affect the realization of their land rights; to validate and fine-tune the envisioned aspirations together with the women in Kanyamiyaga and Nyamacumu communities using the experiences from the case studies.

## Justification for the study

By identifying women's aspirations in relation to land, this study will enhance the advocacy discourse on women's land rights in Kibaale and in Uganda, in general. Civil Society advocacy campaigns have highlighted a number of issues relating to women's land rights including spousal co-ownership of land and requirements for spousal consent prior to the selling of land. This study aims to broaden the work on women's land rights to include the interests of all women irrespective of marital status. This study also aims to devise concrete steps to cement these land rights for women.

Most advocacy work on women's land rights has focused on law reform with limited involvement of the people at the grassroots. This study shifts the approach to women's land rights from policy-centered to people-centered advocacy to ensure that those people are the subjects of their own change processes.

By moving away from current advocacy strategies that are reactive and tend to have short-term effects, this study aims to create the foundation for long-term effects through the use of strategic advocacy with a creative orientation.

## Conceptual framework

The URDT's visionary approach to rural development influenced this research. That approach involves a creative process to enable women to visualize and realize their own individual and community aspirations in relation to land. To envision what one truly desires is the motivating force behind change. People create their own circumstances by consciously taking action to realize what matters to them. The emphasis is on consciousness, not awareness. In this study, it is presumed that women have aspirations for land. On the basis of this assumption, women were facilitated to:

- a. Identify their aspirations on land (vision)
- b. Observe their current situation (current reality)
- c. Compare their current reality to the vision (the gap)

- d. Identify what they need to change about their current situation on land issues
- e. Identify what should be done to change the current situation
- f. Identify the key results that must be in place in order for them to progressively attain their aspirations
- g. Identify the resources necessary for the realization of the results (collective and individual)
- h. Commit to the results they wanted to create
- i. Develop accountability charts for those things that need to be done
- j. Take action
- k. Assess progress over several months

## The Visionary Approach

URDT's visionary approach to rural development borrows from Senge's (1990) theory on Learning Organizations and Fritz's (2010) theory on Structural Dynamics, but it is also partly influenced by Martin Luther King's dream that one day the sons of former slaves and the sons of former slave owners would be able to sit down together at the table of brotherhood (*Best English Collection* 2010: 32). Today King's aspiration is an expected societal norm. It came about through determination, collective effort, and hard work.

URDT understands Senge's and Fritz's theories as follows:

---

*Focusing on "reacting to problems" results in a "stuck" cycle in which people prematurely let up on their efforts when the problem begins to improve, whereas focusing on "creating desired outcomes" leads to achieving the intended end result.*

---

In what we call the "visioning process" we, at URDT, lead individuals to the steps that enable them to think strategically about their own development, training them to become "visionaries" and "creators" of their own futures.



The steps of that process are as follows:

1. Picture the kind of results they want (vision)
2. Observe their current situation (current reality)
3. Identify the discrepancies between what they have and what they want (the gap)
4. Develop a “want-to” feeling (structural tension)
5. Begin to understand that what they want can be achieved
6. Formally choose the results they want
7. Commit to taking the necessary steps to achieve the desired result

## The context

### Women’s Land Rights

The constitution of Uganda (Republic of Uganda, 1995) protects the interests of women and their aspirations in a number of its Articles:

- Article 21 provides for equal treatment in all spheres of life under the law regardless of sex
- Article 26(1) protects all persons from deprivation of property
- Article 31(1) entitles women and men to equal rights during and after marriage
- Article 32(1) mandates the state to take affirmative action in favour of groups marginalised on the basis of gender or any other reason created by history, tradition, or custom. It should be noted here that in the Ugandan Parliament, 17.8% of its members are women and they hold 27.2% of government’s ministerial posts, the highest number of women in political positions anywhere in Africa. In local government, affirmative action provides 40% of Local Council positions for women (1-2).
- Article 33(6) prohibits laws, cultures, and traditions which are against the dignity, welfare, or interest of women and undermine their status.

These constitutional provisions have had limited enactment in law. The Land Act provides for spousal consent prior to sale of land, but there are technical and practical limitations to the realization of rights. Furthermore, the legal provision only applies to women in legal marriages and not to those who cohabit or are divorced. Lastly, even given a recognized marital relationship, it is not clear how the spousal consent clause can work where there is no evidence of joint ownership of land.

Civil Society Organizations have concentrated their advocacy efforts on law reform with the core presumption that women’s land rights are dependent on the legal recognition of their relations with men.

In practical terms, customary law prevails. Men are considered to have more rights to inheritance than women. The assumption is that men will automatically take care of the interests of women. At the core of land rights inequalities is a social fabric of deeply embedded religious, cultural, and social beliefs that need examining before change can occur (Tamale, 1999; Nabacwa, 2006; Tripp, 2000). This study attempted to explore alternative ways in which women’s land rights can be realized through visioning processes to challenge accepted values and practices.

### Land tenure in Kibaale District

Kibaale District land tenure is predominantly *Mailo* (measured in square miles) followed by customary and free hold. Of the 4,246 square kilometres that make up Kibaale District (KDDP, 2007), 2,470 square kilometres or 58% of the total land is under *Mailo* land ownership (Fort Portal Land Office). The study by Nolan and Asiimwe (2001) revealed that 65%, 100%, and 90% of the residents of Buyaga, Bugangaizi and Buyanja respectively, lived on *Mailo* land. They also confirmed that the majority of women access land through marriage.

Unlike practices in other areas, the tenure system of *Mailo* is managed using customary tenure systems because of the absentee landlord history of Kibaale. The plurality of these land management systems has condemned the area to slow development.

# 1. Methodologies

## Scope of coverage

The study was carried out in Kibaale District in the villages of Nyanacumu and Kanywamiyaga located in Muhorro Sub-county. These villages were selected for the following reasons:

1. They are densely populated with multi-ethnic settlements offering a fair cultural representation of women.
2. The peri-urban and rural characteristics of the Sub-county were thought to provide representative voices of woman living in rural areas.

## Selection of participants

To obtain qualitative data on women's aspirations, a multi-dimensional approach to sample selection was used. Two clusters were formed on the basis of the two study areas, Nyamacumu and Kanywamiyaga. The researcher proceeded to use a purposive sampling method to select the participants for each of the clusters in order to best represent all interests. Each cluster had 35 participants comprised of more women (30) than men (5). More women were selected to ensure that women's aspirations were documented, while at the same time men's opinions on the subject were not ignored. A non-probability sampling method was used to ensure a representation of the various categories of women including those who were single, married, divorced, or widowed..

There was no systematic bio-data of the population in the two villages. A meeting was held with the local councillors at the village and sub-county level. The councillors recommended that women without political roles propose appropriate candidates for participation in the research. Due to the sensitivity of the subject of land, a Local Council representative, often the vice-Chairperson, was present at each of the meetings to select the research participants.

Below are the criteria the researchers used to select the 70 participants.

1. Shared community resources: water points, health facilities, roads, markets, schools, and leadership
2. Availability: participant had to commit to engage in the process for the duration of the project
3. Marital status: married, divorced or widowed
4. Age: a representative range of young and old was required
5. Volunteer status: participants were required to make a personal decision to engage in the project without expectation

The table below presents the characteristics of the participants.

**Table 1: Characteristics of participants**

| Aspect         | Female | Male | Total |
|----------------|--------|------|-------|
| Age            |        |      |       |
| 15-25          | 10     | 1    | 11    |
| 26-36          | 14     | 2    | 16    |
| 37-47          | 13     | 3    | 16    |
| 47plus         | 15     | 2    | 17    |
| Sub-total      | 52     | 8    | 60    |
| Marital status |        |      |       |
| Married        | 34     | 8    | 42    |
| Divorced       | 9      |      | 9     |
| Single         | 9      |      | 9     |
| Sub-total      | 52     | 8    | 60    |
| Education      |        |      |       |
| Primary        | 29     | 3    | 32    |
| Secondary      | 3      | 2    | 5     |
| None           | 21     | 2    | 23    |
| Sub-total      | 52     | 8    | 60    |

Source: FGD Registration Records (URDT 2009)

It is important to note that while the initial enrolment was 70 participants, the researchers worked consistently with 52 women and 8 men. As indicated above, most of the study participants were between 15 and 47 years of age and married. The highest level of education attained by most participants was primary. Most were subsistence farmers living in semi-permanent housing structures.

## Methods of data collection

### Appreciative inquiry

Appreciative inquiry is a research method that takes the research participants through a process of articulating their aspirations. The process included a five-day workshop in which the participants reflected on issues to do with land rights and their implications at both the individual and group level.

The four-step process is shown below.

**Step one:** The individual participants reflect on their aspirations, record them, and identify what activities are required to attain them. Participants then consider their current situation in relation to their vision in order to identify the gap between the two.

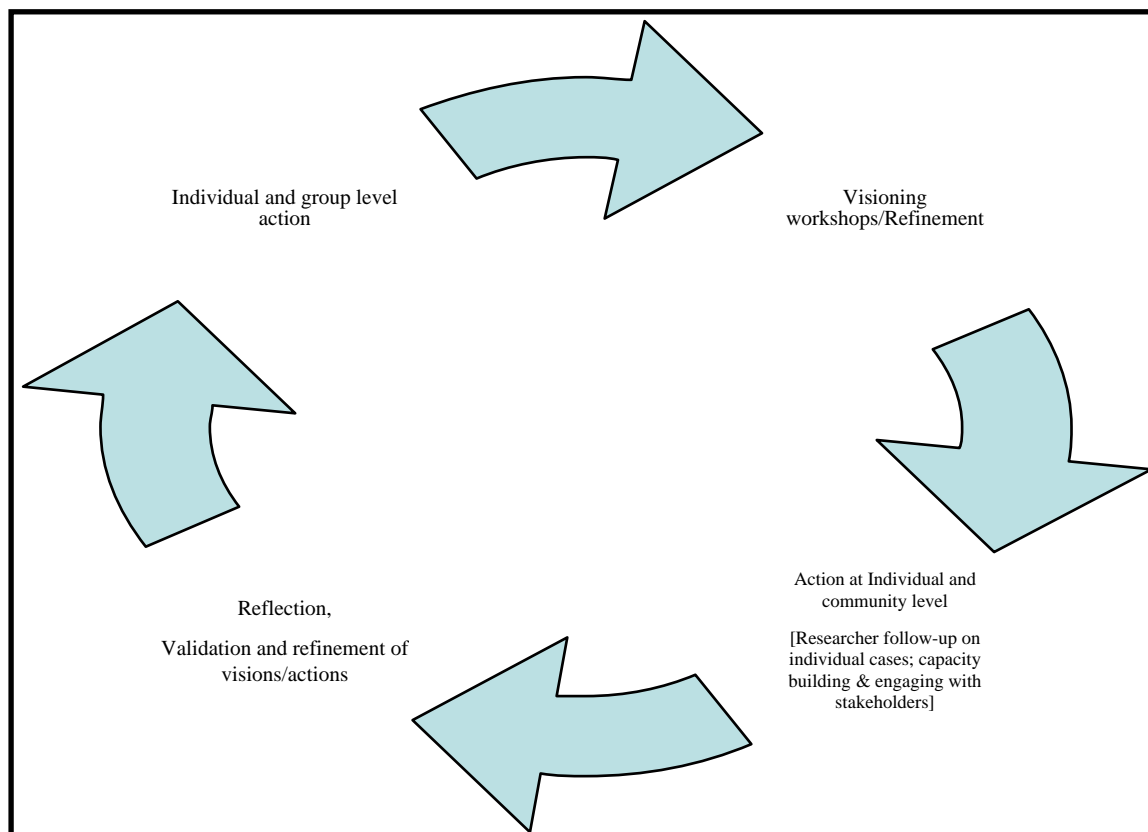
**Step two:** The participants work in groups to discuss the aspirations, pertinent gaps, or current situational analysis. The group dynamic affords women the opportunity to share

experiences, aspirations and challenges, and to engage in thorough discussion of specific subjects such as processes or methods of land acquisition.

**Step three:** The group members agree upon the collective steps that need to be taken to achieve the desired vision. Stakeholders are identified. All aspects agreed upon by group consensus are synthesised and written up as initial findings that need action. Those are brought to the attention of the Chief of Muhorro Sub-county, the Chairperson of Local Council III, and the Chief Administrative Officer of the District. In the meantime, individuals form groups to support them to achieve their aspirations.

**Step four:** Step four is the vision refinement session which needs to occur after some time has passed. In the case of this study, participants met to consolidate their vision one month after the previous meeting.

**Figure 1: Stepwise summary of the research process**



## Participant observations

Participant observation enabled the researchers to verify some information generated from both individual women and groups. The current situation of women on land rights, their vision, and the progress made towards the achievement of it were clarified. It also enabled the researchers to ensure the full participation of all of the research participants in the workshops.

## Narratives

Eight women participated in narratives. They were briefed as to why they needed to tell their story on the methods of land acquisition, including an account of the threats to their rights to land and land matters given current practices based on gender differences.

There were two representatives from each of the following categories: married, youths (under 18 years), widow/divorced, and elderly. Researchers focused on women in marital unions, having realized from individual profiles that many women were co-habiting with men.

The eight narratives were captured on audio recordings, and were then transcribed and studied for consistency. The narratives articulate how intervening factors like marriage, education, and social standing affect the realization of women's land rights.

## Focus group discussions

Focus group discussions were used to gather information that was unattainable from individual study participants. Group

discussions encouraged a sense of belonging and fostered confidence among women that allowed them to share their experiences. With no male presence or dominance, the voices of women were heard. The focus groups also assisted in the triangulation of the study findings.

## Photography and video recording

Photographs and videos were used to document the processes of the research, follow-up action, and discussions. Recordings were transcribed and used as reference materials in report writing. A thirteen-minute video production articulating women voices on land and land matters was produced.

## Data analysis

Participatory action research involved participant analysis of emerging issues. Specific decisions were made with the participants and respective stakeholders were contacted for follow-up action. Eighty people participated in a validation exercise in Nyamacumu village.

Tools used in the study included: individual profiles, visioning guide, narratives, focus group guide, stakeholder action mapping tools, and the development of a data analysis plan.

The issues raised by groups and individuals were recorded in the logbook and coded to determine frequency. A matrix was developed and each of the issues was investigated by objective means using the above-mentioned tools and methods of analysis.

**Table 2: Focus group participants**

| Type of group, No. | Married Wmn 1 | Youth 1 | Elderly | Div/Widowed Wmn | Total |
|--------------------|---------------|---------|---------|-----------------|-------|
| Nyamacumu          | 8             | -       | 6       | -               | 14    |
| Kanywamiyaga       |               | 7       |         | 8               | 15    |
| Total              | 8             | 7       | 6       | 8               | 29    |

Source: FGD Registration Records (URDT 2009)

## **Problems encountered in the study**

The study had a number of problems including: limited voices of girls, inconsistent follow-up of men's voices, bias of the research participants, inconsistency in the formation of groups and loss of some of the visioning data.

Girl voices were limited due to the geographical scope of the study which was not expanded to increase their representation.

There was inconsistent follow-up on men's voices. The woman-focused nature of the study resulted in the marginalization of men's voices. Although men participated in their various groups, their voices have not been consistently recorded in this study.

One of the limitations to purposive sampling is that some of the research participants may be biased, as was the case in this study. Inferences drawn about population parameters were faulty and resulted in a sample that did not adequately represent all groups. The voices of married women were dominant. This bias resulted from the fact that the village contact person was married and tended to draw from her own social bracket. Contact persons also tended to select their friends and relatives because of perceived potential financial benefits from participation in the research.

There was some inconsistency in the formation of group discussions during the visioning workshops due to imbalance of representation of all types of women. However, this bias was minimised by the use of individual narratives and focus group discussions to ensure fair representation of different women's voices.

## 2. Research findings

Women's aspirations in relation to land can be divided into two categories: individual and community.

### Individual women's aspirations

As individuals, women aspire to own land, to inherit land and property, to achieve equity in land allocation and to build a permanent structure on the land.

#### Ownership of land

All but one of the sixty women in the study wanted to own land and to possess a certificate of ownership.

A seventeen-year-old youth expressed her vision as follows:

---

*Working hard, get money, buy land and acquire a land title for that land and stop being a "kabana"- tenant owner. Also my mother's aspiration is acquiring a land title. We shared these visions with other family members and they supported it because they know that any time the landlord can sell off that land.*

---

These women believe that land titles will reduce their vulnerability. Janet, who had separated from her husband, articulates that vulnerability:

---

*I wed in the faith of Unity after the man had introduced himself officially at home in 1995 in village called Ahashafu. I started operating a shop owned by my husband. After two years of doing business, we made profits and bought land in Kisasa village. My husband built a semi-permanent house there and I started living in Kisasa. So I started practising agriculture; growing crops, keeping livestock and chicken. From the sale of the produce, we got money and started building a permanent house on that land, but before we finished it we got some misunderstanding and in 2000 we separated. So I came back home in Kanywamiyaga. By that time I had five children. I left with nothing.*

---

#### Right to inherit land and other property

Of the 39 participants in the focus group discussions, five women (two divorced, two youth, and one elderly) had inherited land from their parents. The general practice is that men and boys inherit land while women and girls access land through male relatives. This practice greatly limits their decision-making powers on land production and use. Salome's narrative below makes inheritance practices clear:

---

*My name is S. B. I got married in 1962 in a cultural ceremony. We stayed here and God blessed us with 3 children, one boy and two girls. I have twenty-one grand children. My husband was verbally allocated land by his grandfather. He indicated this in his will, but did not give us a land title or written agreement on the allocation. At that time, writing was not common; everything was done by word of mouth. When my husband's grandfather died, we stayed here on the land that was allocated to my husband. My husband died abruptly in 2004. He did not leave a will. My son became the heir to my husband. There are no disagreements over any land issues. The land belongs to me and my first son. My first daughter stays in town. She only comes here to dig, but if she wishes she can build her house and if she needs land, I can give her. My other daughter is married but in case she leaves her marriage, she can also come and is free to use the land my son and I share here. It is about one and half acre.*

---

Notably, this case study indicates that provisions of the Succession Act are not put into practice. Those few women who do inherit land also face a number of threats from their male and female relatives, as in the case of Peace, a divorcee:

---

*Although my father left me a kibanja according to his will, my step mother wanted to take it saying that once a woman is married, she cannot come back to claim land from her parents. I have been struggling to have my share for seven years.*

---

There are cases in which the leaders fight for women's land inheritance rights, as illustrated by Salome:

---

*Actually, my mother died leaving me one acre of land and everything was documented. My brother wanted to grab it from me, but was stopped by the Local Council chairman who emphasised that it was for me.*

---

## Equity in land allocation

Land allocation is a common practice in Kibaale district. Most often land is allocated to the men and boys, as Faridah from Nyamacumu notes:

---

*My eldest child is a 21 year old girl. She returned home after a failed cohabitation. She has one child. Our family has 2 acres of land, but it is not enough. My father gave half an acre to our brother when he was 19 years old. He is free to use this land, build a house and start a family. Youth, especially girls, have access to land, but the boys have access and control over land allocated to them.*

**(Faridah, 17 years old)**

---

## Build a permanent structure on the land

Although most people reside in semi-permanent structures, all 60 participants indicated the desire to build permanent structures on the land they hold. However, this aspiration may be attributed to uncertainties around land ownership. There were a few scattered permanent buildings in the two villages. The typical household is made of mud and wattle, with a mud floor, minimal ventilation, and a tin roof. Houses have three rooms, lack decent bathrooms and toilets, and are without electricity. The following are representative of some of the aspirations of women:

---

*As an individual I want to have land that is titled in my names. I want land acquired with my husband properly titled. We aspire to build a permanent house for our family that has a provision for kitchen, toilet and bathroom.*

**(Married woman)**

---

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*I aspire to have a permanent building that includes a kitchen, bathroom, provision for drying dishes, a toilet, a beautiful compound and other facilities.*

**(Youth)**

---

---

*My vision is to build a large permanent house that has a boy's quarter, where I can put my guests and relatives*

**(Youth)**

---

## Community level aspirations

Given that most of the land is Mailo or customary with limited individual ownership, getting titled was frequently mentioned as a community level aspiration.<sup>1</sup> As a second priority, women aspired to permanent housing. See the table below for details.

---

<sup>1</sup> Each group was composed of a minimum of four and a maximum of ten people.



**Table 3: Community aspirations by marital status and age**

| Aspiration   | Divorced     |           | Marital Unions |           | Widows       |           | Youth        |           | Total groups |
|--|--------------|-----------|----------------|-----------|--------------|-----------|--------------|-----------|--------------|
|  | Kanywamiyaga | Nyamacumu | Kanywamiyaga   | Nyamacumu | Kanywamiyaga | Nyamacumu | Kanywamiyaga | Nyamacumu |              |
| Get own titled land  | 1            | 1         | 2              | 1         | 1            | 1         | 1            | 1         | 9            |
| Develop a physical plan for a permanent house                      |              |           | 1              |           |              |           |              |           | 1            |
| Build permanent house  | 1            | 1         | 1              | 1         |              |           | 1            |           | 5            |
| Collective savings to process land title                           | 1            |           | 1              | 1         |              |           |              |           | 3            |
| Have mixed farming projects for income                             | 1            | 1         | 2              | 1         | 1            | 1         | 1            | 1         | 10           |
| Have a share of husband's land                                     | 1            | 1         |                |           |              |           |              |           | 2            |
| Farming in groups to generate enough income                        | 1            | 1         | 1              | 1         |              |           |              |           | 4            |
| Use proceeds from land to buy means of transport (motorcycle, car) |              |           |                |           |              |           | 1            | 1         | 2            |

Source: FGD Notes (URDT 2009)

It is important to note that women also aspire to utilize land for security of tenure and income:

- For those who are divorced or in marital unions, collective savings could fund legal processing of land titles and ownership. Village level savings and credit would facilitate larger capital accumulation for investment in other projects such as mixed farming, the construction of permanent housing, and the education of children.
- Married women expressed their view that collective farming would give them access to larger pieces of land.
- Mixed farming using modern techniques would generate more income to acquire security and control of land.

- Sharing land with one's husband was mentioned in only two groups, indicating that women felt confident to acquire their own land, independent of their spouse.

## Women's current reality on land

### Means of land acquisition

In group discussions involving 39 participants, it was apparent that women acquire land through marital union, children, purchase, inheritance and allocation.

**Table 4: Means of land acquisition by women of various categories**

| Means of Acquisition  | Married | Widow/Divorced | Elderly | Youth | Total |
|-----------------------|---------|----------------|---------|-------|-------|
| Marital union         | 7       | 6              | 8       | 2     | 23    |
| Have children         | 7       | 4              | 8       |       | 19    |
| Bought                | 7       | 3              | 7       |       | 17    |
| Customary allocation  | 6       | 5              | 6       |       | 17    |
| Inheritance           |         | 5              | 7       | 2     | 14    |
| Allocation by parents | 5       | 4              |         | 4     | 13    |
| Borrow or rent        | 4       | 2              |         | 2     | 8     |

Source: FGD Notes (URDT 2009)

### Land acquisition by rights of marriage

In the villages of Nyamacumu and Kanywamiyaga, when a woman lives with a man and they have children, they are deemed to be in a marital union. Various types of marriages are recognised in these two communities:

- a. **Customary marriage:** The most common type of marriage where two families exchange gifts based on cultural guidelines, called 'omukaga.' Polygamy is a legally acceptable practice in customary marriage.
- b. **Christian marriage:** Monogamous by law; two people are married in a church.
- c. **Faith of Unity:** Couples are issued with certificates of marriage and belong to an association called Faith of Unity. This relatively new sect promotes polygamy.

Because types of marriage were not defined early on in the study, researchers recognized that many unmarried women were nevertheless co-habiting.

Of the 39 members of the brainstorming groups, 23 saw marriage as the means to land acquisition. Nineteen respondents indicated that bearing children, particularly sons, was also a means to acquire land.

**Customary allocation of land:** Such land comes from deliberate allocation or direct inheritance from parents/relatives or the clan. The allocation of land by the father is not considered customary, for it is dependent on the good relationship between the father and his daughters. When a piece of land is allocated to a daughter, she has the right to develop it, even when she is married. Although not a common practice, women who control land can allocate it to others during their lifetime or through their wills.

Secondary school dropout, Oliver of Kanywaniyaga, provides testimony about customary allocation of land:

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*I come from a family of four children and I am 18 years old, the eldest. I live in Kanywamiyaga village, Nyamiti parish and Muhooro sub-county. I stay with my parents. I carry out some agriculture activities where I grow tomatoes and also carry out some petty business that involves selling of ground nuts, beans and rice. The money I get from the work I do I use it to meet personal belongings like clothes and others. The land I use was allocated to me verbally by my parents. I was not given any written document. This land is equivalent to a plot ( about ¼ an acre) and it is at the road side. Although I have no document, I can as well construct my house on that plot. I have the right to access and use my parents' land if I want to grow any crop of my choice. I believe that if I happen to get married my plot will still remain mine; this is what my parents assured me. Also, my other sister was allocated land, but the young ones are not yet given because my parents allocate to us land when we are 15 years. It is not a common practice around for parents to give their daughters land.*

---

**Buying land:** Women buy land independently or with their husbands. The most common practice is that the women work on land allocated to their husbands through customary arrangements. Proceeds from the sale of the women's produce on the land are used to buy new pieces of land to increase the family acreage. Most often, the documentation of the purchase is in the husband's name. Most women did not know the actual size of land acquired because procurement of the land occurred in the absence of women and through the husband. A participant in the Focus Group of married women, said:

---

*We worked together [with the husband] in the gardens, traded in local brew and used the proceeds and bought a plot of land and the agreements in the man's names. My names didn't appear alongside his names in the agreement of purchase of land because it was the practice of the time. I did not even witness the purchase. Other people's names appear on the sale's agreement as witnesses.*

---

**Borrow or rent for agricultural production:** Focus group discussions revealed that people borrow land from other people for cultivation when they have small plots of land or too many dependents. The mode of payment is calculated as a percentage agreed upon with the landowner. When the harvest is poor, they have food insecurity because they are required to meet these payments.

Elderly women are sometimes given land by their own adult children who are educated or economically endowed.

Men often settle on unused public or private land, but are in danger of eviction. This type of arbitrary self-allocation of land contributes to the often politicized or tribalized land conflicts in Kibaale. There was evidence from the groups that women become accomplices in these disputes when they choose to settle with a man who has acquired land in this manner.

### **Opportunities and threats to women's land rights**

Using the appreciative inquiry method, the researchers analyzed the current reality on land, as evident in the table below.

**Table 5: SWOT analysis of context in relation to women’s aspirations**

| STRENGTHS   | WEAKNESSES  |
|---|---|
| <p>All men and women have access to land</p> <p>They also have existing groups of Functional Adult Literacy, credit and savings (few of the participants are members of these groups)</p> <p>Strong social system embedded in the clan and family land allocation system</p> <p>There is good will to learn legal and other attendant matters on land</p> <p>Recognition of the systemic relations on land, social, economic and political development of the general community</p> | <p>Low participation in governance processes and decision-making at the community level by women</p> <p>Low education levels amongst the women and men in both communities</p> <p>No reference by local leaders to statutory laws when handling land related conflicts</p> <p>Voluntary nature of the political positions at Local Council One and Two lead to unsystematic, subjective interventions and poor communication flow on land matters</p> |
| OPPORTUNITIES   | THREATS   |
| <p>Existence of technical and political structures on land matters</p> <p>Existence of private actors in the district such as Non-Government Organizations and Micro-Financial Institutions</p> <p>The existence of written laws is an opportunity</p> <p>The existence of civil society actors that can create awareness and provide opportunities for advocacy amongst the women</p>  | <p>Corruption of local leaders</p> <p>Climate change</p> <p>Polygamy and cohabitation linked to ignorance of the law</p> <p>Weak cultural Institutions and clan mechanisms</p> <p>Undocumented cultural codes of conduct or regulations</p>   |

Source: FGD Notes (URDT 2009)

## Comparison of women’s aspirations in relation to land and their current reality

From appreciative inquiry and the FDG’s, the following gaps between women’s aspirations in relation to land and reality were identified.

### Drifting goals syndrome

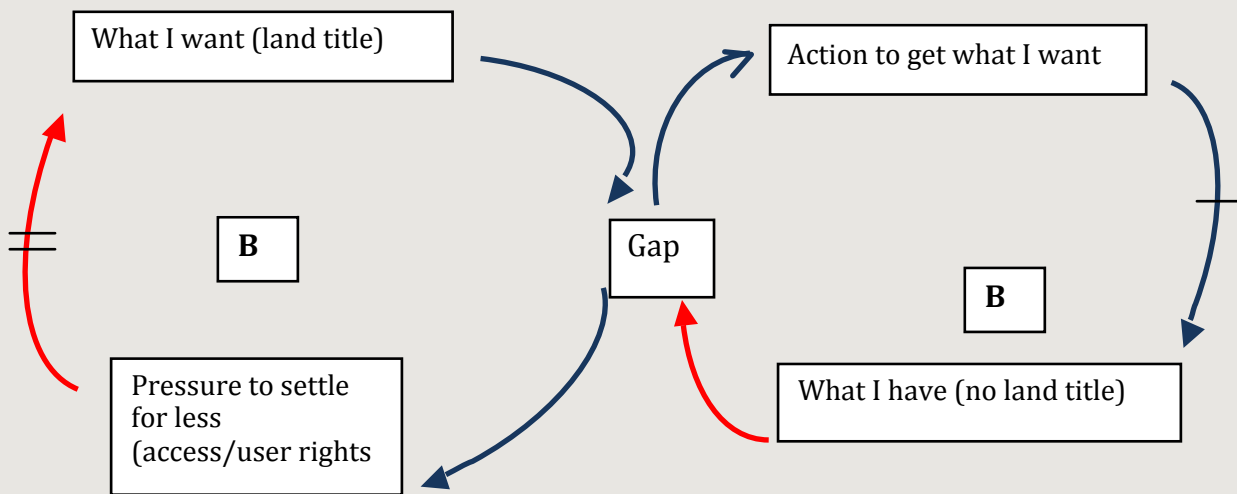
Women are victims of what is commonly known as the ‘Drifting Goals’ archetype. Typically, this archetype occurs when there is a gap between desired performance, the goal, and current reality. It can be resolved by either taking corrective action to work toward goal attainment or by lowering the goal. Possible results can be a continual lowering of the goal without participant awareness.

While women aspire to land they suppress those desires when not met and settle for less believing that what they have is good enough. Frequently, they will accept access to land rather than ownership with security and full rights.

Cultural beliefs, practices and other pressures that deny women equal opportunities to education and inheritance rights reinforce this psychology. Women believe that marriage grants them automatic ownership in ‘union’ property, and that there is, therefore, no need for girls to have land at their maternal home.

In the causal diagram below, we explain these phenomena.

**Figure 2: Drifting goals causal loop**



In this figure, **what I want** interacts with **what I have** to create a **gap**. This **gap** influences, i.e. adds to, my **action to get what I want**. As I take **action to get what I want**, it adds to **what I have**. And as **what I have** gets closer to **what I want**, it subtracts from the **gap** making it smaller and smaller.

In the **Balancing Loop**, as **what I have** gets closer and closer to **what I want**, the **gap** gets smaller and provides less of an impetus for **action to get what I want**. It seems that the closer I get to **what I want** the more time it looks like it is going to take to get there. This reality is usually quite frustrating.

B1 is a standard balancing loop. There are many beliefs (what we tell ourselves to be true) that increase the gap. Some of the things women have told themselves include, but are not limited to:

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*I don't deserve what I want, I can't have what I want, it takes too long, it's too hard, it's not really worth the effort, I'm not worthy etc.*

---

We are most definitely our own worst enemies.

At the same time that the **gap** adds to my **action to get what I want** it also adds to a **pressure to settle for less**.

This **pressure to settle for less** then subtracts from **what I want**, essentially inducing me to want less, or at least be willing to settle for less. This tendency produces another **Balancing Loop (B2)**.

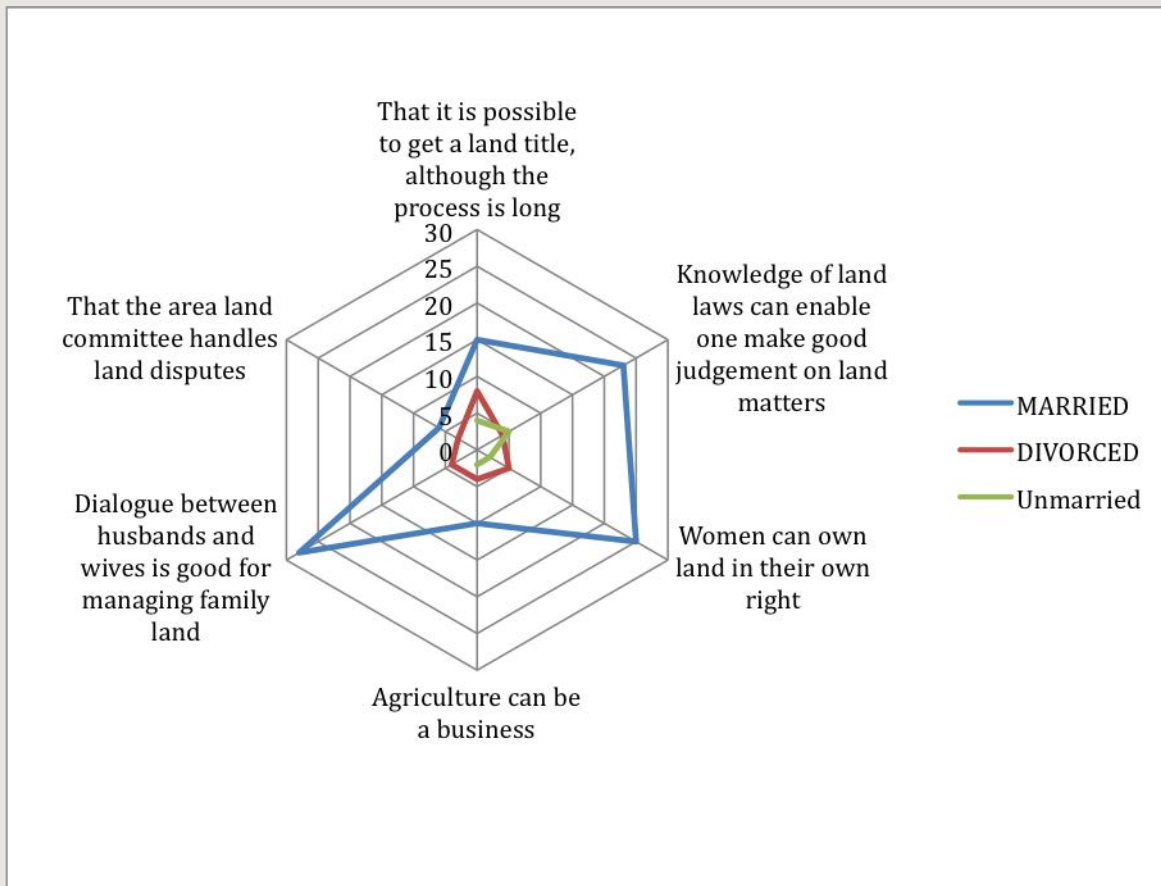
Since my **actions to get what I want** generally take time to produce results, (more time than my patience will usually tolerate), it is far easier and faster to get rid of the **gap** by settling for less and reducing **what I want**. The parallel lines on the connectors represent a time delay in the interaction.

### Ignorance of the basic legal provisions on land rights for women

In the spider web diagram below, insights from 32 female participants indicate that ignorance of the law has been a great barrier to women realizing their aspirations. The Land

Committees have the duty to ensure that the rights of vulnerable groups are protected, but their capacity to do so is limited by lack of resources for development. For instance, the Local Council One Chairpersons were not conversant with the content of the law to enable them to protect the rights of vulnerable groups.

**Figure 3: Insights from the different participants on land rights**



Source: Visioning Exercise Notes (URDT 2009)

Despite the guarantees for women's rights in relation to land in the Ugandan constitution and in the Land Act (1998), the majority of rural women are not aware of their legal rights. There is a difference between legal recognition of a claim and its social recognition. A woman may have the legal right to inherit property, but those rights are meaningless if the claim is not recognized as socially legitimate, or if the law is not enforced. Sometimes it is assumed that legal ownership carries with it the right of control. In fact, legal ownership may be accompanied by restrictions on disposal. In the

community of Kanywamiyaga, a married woman may need the consent of her husband or brother if she is to sell the land she legally owns. Because of the common practice that denies women control of land, women use the cover of their brothers when buying land. In such circumstances, the brother is documented as the legal owner. Hence, if she wants to perform any transaction, she must seek his consent.

## Low literacy levels

Rural women lack the relevant literacy levels that would propel them to take corrective action and demand their constitutional rights. About 92% of the women in this study had no or very little primary level education and this hindered their effective participation. An illiterate or semi-literate woman will find challenges in interpretation of land sales agreements and transactions, and in understanding contractual obligations.

Campaigns targeting women using point-oriented Information, Education and Communication (IEC) materials are ineffectual in addressing their functional literacy. Of the initial 70 participants, only 5 of the participants had some secondary level education, 3 of whom were women. Only 18 of the 70 participants listened to the URDT land rights office's weekly programmes. Women were also not reading the printed materials articulating women's rights on land in the local language because of their conviction that land issues were men's concerns. Lack of education and traditional cultural beliefs and practices were a source of pressure for women to lower their aspirations; hence, they chose to maintain the status quo.

## Limited use of the land administration institutions

In the rural areas, especially on boundaries, land ownership and transmission involves occupation trespass, fraudulent transactions, and succession wrangles. Although there are legal and administrative structures at district levels, they are hardly used. All participants believed that the Local Council One chairpersons were responsible for handling land problems. The Local Council members are often invited to participate as witnesses in clan meetings particularly where property or land inheritance is concerned. In the clan system, they determine who inherits the land and other property of the deceased man. There were no incidents of inheritance decisions occurring when a woman dies, for all her property belongs to the man.

The head of the clan has control over who gets what. Often the clan system presumes that widows and girl children will acquire land access and rights through the male children or uncles. Thus, in land disputes, the clan system usually decides

in favour of men. Although there are alternative decision-making institutions, they are hardly used and participants seemed unaware of their existence.

In Kibaale, as mentioned earlier, 58% of the land is freehold *Mailo*. Most of the landlords are absent and those who are currently on the land lack evidence of ownership. Those residing on and using this land pass it on from one generation to the other with minimal or no legal evidence. The Ministry of Lands and the Area Land Office confirmed that residents have not applied for a lease or a certificate of occupancy. They further said that there is a lack of clarity on the effective implementation of the legal provisions for application for a certificate of occupancy.

## Corruption

Absentee Landlordism is compounded by corruption at all levels of land administration and management, including in the courts. It is common knowledge that court officials connive to cause the disappearance of files. Rosemary summed up the level of corruption in the Local Councils when she noted that:

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*The Local Councils in most cases not bothered to respond to resolving cases unless one has accepted to pay a bribe. They ask money from both sides and end up not helping you. Or else help the side that has given them more money.*

---

In other words, corruption leads to biased judgements and mis-management of land cases.

## Non-synchronization of the laws to support rights of women and the vulnerable

Many land-related laws are in need of review and updating in order to harmonise them with the provisions for women in the Constitution and Land Act. The principal laws which are in need of revision are the Survey Act that dates from the 1920's and requires detailed and high standard cadastral surveys unnecessarily complicated for the surveying of customary holdings; the Registration of Titles Act (1964) that is currently based on the Torrens system of registration, setting out lengthy and difficult procedures for the acquisition of certificates of titles; the Land Acquisition Act that is

currently inconsistent with constitutional requirements for compensation for land acquired by government and could cause difficulties in acquiring land for redistribution to tenants; the Mortgage Decree (1997) that currently makes the provision of loans from the Land Fund a long and difficult process and forbids the use of certificates of customary ownership and customary occupancy as security for credit; and the Town and Country Planning Act (1964; revised 2009) that needs harmonisation with the current arrangements of local government.

### **Unsanctioned unions**

Uganda legally recognizes only four types of marriage. These include: Hindu, Christian, Muslim, and Customary. The Christian marriages are monogamous while the others are potentially polygamous. Often, couples combine Christian and customary marriages. The most prevalent form of marriage practice involves a man's customary marriage to one woman and cohabitation with one or two others. In this study, 30% of married women were members of a cult called 'Faith of Unity' that promotes polygamy and issues marriage certificates that are not legally binding. In addition, cohabitation without any form of recognized marriage is popular. Divorced and married women expressed their fear of unsanctioned marital unions in the FDG. Usually land is procured in the names of the male partner who then allocates it to women at will. Polygamous relationships lead to land fragmentation and reinforce subsistence production. They also increase risks for poverty and food insecurity at the household level.

### **Irresponsiveness of land administration institutions to gender**

Institutions mandated to resolve land conflicts are run by people who are insensitive to gender issues and the implications of their decisions. The law itself does not give adequate support for gendered responsiveness and Local Council chairpersons often rely on their knowledge of customary law when making judgments in land disputes. In this research, the Local Council chairpersons had copies of the Land Act Simplified, by Uganda Land Alliance that had been issued to them three years prior to this action research.

However, they did not use it or make reference to it when mediating land-related matters.

The clan system also has its challenges and there are no minimum standard requirements set for protecting the rights of widows and female children. Not surprisingly, four of the six widows involved in the study expressed concerns about land grabbing by their sons. Some widows were also forced to remain on the land where their house sits, with no land to cultivate for their subsistence. When these women report their cases to court, the magistrates often refer them back to the clan system.

Gender issues are not necessarily heeded in these clan systems. The fears expressed by various categories of women, as shown in the figure below, indicate a continuous practice of keeping women insecure about land. Their fears include lack of will making, separation or divorce when land is written in the names of the male spouse, and internal land grabbing by male relatives and brothers. One woman said of the legislators:

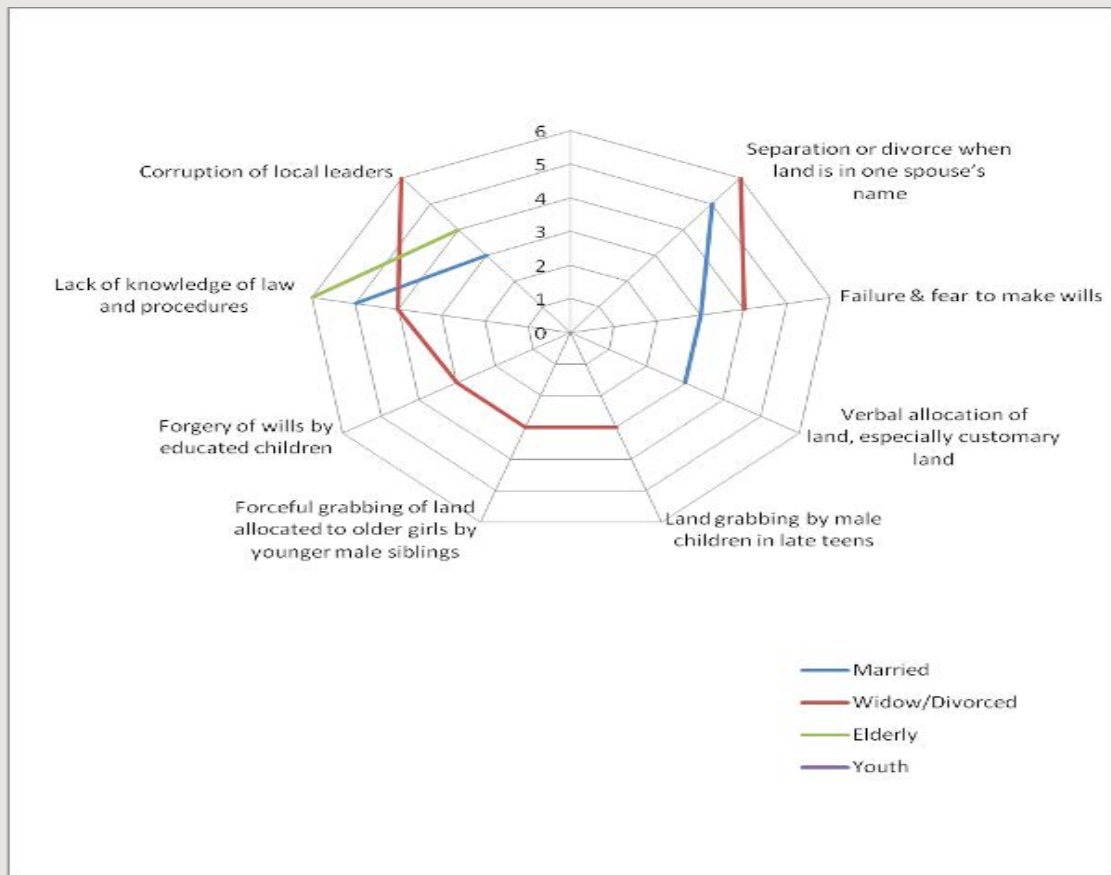
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*They use us to get to parliament and then only remember us when they need our votes after five years. Who do they talk for in parliament?*

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**Figure 4: Women's perceptions of causes of tenure insecurity**



Source: Visioning Exercise Notes (URDT 2009)

## Bridging the gap between aspirations and current reality

### Demystification of myths surrounding women's access and ownership rights

Myths vary between cultures and social settings, but create a persistent structure of beliefs and practices. These could be eliminated by providing a simple Myths and Facts sheet on women's rights and ownership of land. There needs to be continuous dialogue on women's land rights at various levels of society and women need to be given the space and opportunity to express their aspirations. While problems should be acknowledged, women's aspirations should be at the forefront of agendas for change.

### Increasing literacy levels among women

There needs to be enforced implementation of government education programmes such as Universal Primary and Secondary education. A continuous advocacy campaign is needed to promote completion of the education cycle by all females who enroll in school. Improvement in supervision and strengthened school governance programmes will ensure that children in government-aided schools will receive quality education. If women can learn to read and write, they will be able to interpret and effectively use IEC materials. They will be able to understand agreements so that they do not mistakenly sign documents in the capacity of witnesses believing that they are signing as co-owners. With functional literacy, women can refer to relevant legal documents as and when they need to use them. As a result,

they will cease to be blind followers, but will become, instead, engaged partners in land management and land transaction processes. Available evidence shows that educated women are increasingly buying their own property.

Functional adult literacy programmes need strengthening under the Ministry of Gender, Labour and Social Development. The Functional Literacy programmes have minimal budgets in local governments and there are no instructors. A comprehensive programme for training FAL instructors with refresher courses for instructors is needed. Freedom to design the programme to fit emerging community needs, such as the integration of land rights and women's rights components, is crucial for sustaining the advocacy efforts and creating mass awareness. The Ministry must not only increase budgetary allocation, but must also ensure that the trainers have adequate preparation and gender sensitivity training.

### **Raising awareness on women's land rights and other land matters**

The Government of Uganda and other partners must unite to strive for mass awareness of the legal provisions for women. Simplified extracts of provisions, land titling processes, and certifications should be made accessible to both literate and illiterate sections of the society in all of the major languages of the country. This awareness raising should also involve training and orientation of Local Administrators on gender issues. Rural women should be directly involved in advocacy related causes to avoid further marginalization.

### **Harmonization of laws and fighting corruption**

The laws that protect rights of women to land should be harmonized. These include the Land Act, Succession Act, Registration of Titles Act, Mortgage Act, Condominium Act, Land Acquisition Act, and Town and Country Planning Act. In addition, government should step up its efforts to fight corruption, as women are particularly vulnerable in the case of land disputes.

## **The actions: means of attaining women's aspirations in relation to land**

Women identified means to attain their aspirations in relation to land that included group-based farming, access to financial farming, and mixed enterprises. These are discussed in detail below.

1. **Group-based farming:** Most married women explained that if they worked in groups they would be in a better position to maximize labour and cultivate larger pieces of land. The average land accessed by women in the villages is 2.5 acres, while those with access to 10 acres or more found they could not cultivate it efficiently due to a shortage of labour. All of the women expressed the need to have skills in modern farming practices.
2. **Access to financial services:** Through collective savings, women identified that they could attain funds to process land titles and all other requirements that evidence total control and ownership of land. Village level savings and credit would facilitate larger capital accumulation for investment in other projects such as mixed farming, permanent house construction, and education of their children. Women expressed the need to have both micro-finance and banking services nearer.
3. **Mixed enterprises:** Women felt that mixed enterprises using modern techniques would generate income, security, and control over land and would minimize the risk of natural disasters. Some women suggested adding value to current agricultural products to attract higher monetary returns through the milling of maize for flour or for animal feeds.

# The progress: results of women actions

Women took action to reverse the drifting goals syndrome, including stakeholder mapping and engagement, capacity strengthening, identification of landlords, income-generating projects, investment in agriculture and high value products, and home improvement.

## Stakeholder mapping and engagement

The researchers facilitated the process of stakeholder mapping with the participants, helping them to identify primary stakeholders. The table below lists the various stakeholders that the participants identified from the village (Local Council One) to the national level together with their knowledge, skills, resources, and actions needed to assist women to realize their land goals. Participants highlighted the role of government institutions as key duty bearers. As shown in the table below, enhancing women’s capacity on the use of the land law emerged as a critical action by the stakeholders (See Appendix 2).

## Strengthening the capacity of stakeholders

The women identified their gaps and proposed solutions. URDT, in collaboration with Shares BO Weevil Company and the village contact person, organized capacity building for the women. Results are shown in the chart below.

The capacity enhancement has had positive effects on these women assisting them to realize their aspirations on land. As one participant says:

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*Before URDT came to teach us about land rights, I didn't know anything about what the law says about my rights as a women, how a land title looks like<sup>2</sup> as well as its benefit.*

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2 Initial perception of the land title is that it looked like a placard because of the local use of the word Ekyapa for a title and billboard.

**Table 6: Capacity needs and actions taken**

| KNOWLEDGE AND SKILL GAPS                               | STAKEHOLDER                                   | Capacity Built |
|--|---|----------------|
| Knowledge of land law and procedures                   | LCI, LC111, Land Board, common person         | Yes            |
| Agro-business skills                                   | Women and men in village                      | Yes            |
| Conflict management skills                             | Women and men, LC1, religious leaders         | No             |
| Agricultural extension services; modern agro practices | Women and men, NAADS                          | No             |
| Animal rearing for business                            | Women and men                                 |                |
| Knowledge of weather and climate change                | Women and men                                 | Yes            |
| Strategic plan development for home development skills | Women, men, LC1                               | No             |
| Market survey  | NAADS Consultants, members in groups          | No             |
| Group management skills                                | Women savings and credit groups               | Yes            |
| Ethics of credit management                            | Women savings and credit groups               | No             |
| Entrepreneurship skills                                | Savings and credit groups, individual farmers | Yes            |
| Good leadership at all levels                          | LC I to IV                                    |                |

Source: FGD Notes (URDT 2009)

### Identification of landlord in Nyamacumu village

Having studied the procedures of land title acquisitions, the women of Nyamacumu village managed to trace the Mailo landlord owner where they are currently bona fide occupants. They discovered that the Mailo landowner in whose names the certificate was issued died bequeathing it to his son. The son had not transferred the title to his own name because of lack of funds. The women intend to find the means to start the application for certificates of occupancy on the land where they are now 'Bibanja holders.' They further summoned the Local Council One chairperson to convene a meeting to discuss land issues with the intent to create further awareness. However, the Local Council chairperson did not call the meeting, sighting sensitivity of the matter in the area.

### Income-generating projects

Charismatic leadership emerged amongst women from Nyamacumu and Kanywamiyaga villages. They mobilised each other to join revolving credit and savings projects so as to strengthen or start individual income-generating projects to help them realize their aspirations for land. In Kanywamiyaga the group formed as a result of this research had its membership grow from 24 in February 2009 to 58 in February 2010 with a loan portfolio of \$932. Access to credit has enabled women to begin to realize their aspirations in relation to land as shown by Grace in the narrative below.

---

*My husband has three wives and each woman was allocated land for use. When we attended the visioning workshops, we realised that women had many challenges and we could rely on ourselves to get ourselves out of the situation we are in. For me I had a vision of a good house with Mabaati/ tin roof and good cemented floor. I also want a good kitchen, a Kibanja where I have many pigs, chicken and goats. I also want a title for the land in my name or at least together with my husband. We decided as women to form a credit and savings group. We started thirty members in February 2009 but today we are 45. We have also included men, so we work together on this project. The Local Council One chairman and his vice are part of the group. The chairperson, secretary and treasurer of the group are all women. We started by saving two thousand shillings each totalling to sixty thousand shillings (\$30). Today we have one million eight hundred thousand shillings (\$932) circulating among members. I used the money we were given as allowance during the training to buy two piglets because they mature faster. I plan to buy cattle, chicken and invest in growing red chilli with the money I shall get from the savings group. We meet on the fifth of every month as a group.*

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Through their access to the revolving fund, seventeen of the thirty women visited had invested in the procurement of animals because they are presumed to have higher returns than crops. Two women invested in perennial crops, planting eucalyptus in their plots (*Bibanja*). These were some of the strategies women devised for sources of alternative income. By taking action, they were already influencing decision-making at the household level in the form of what to plant, when to plant, how the proceeds would be utilized and by whom. In the excerpt below, Allen, (30 years old), had this to say:

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*After the visioning workshops with URDT, I realised that women, too, had responsibility and rights over land. I taught and discussed with my husband everything we learnt in the workshop. I discussed the importance of having titled land. I shared my vision with him and we agreed to have our kibanja titled. We planted maize and ground beans. The proceeds of \$ 220 were used to buy a cow. In the following season, we planted the same and bought a second cow. Our aim is to diversify income sources in order to start the process of acquiring the land title of the land we have bought together. We now live in a mud and wattle house. We have a vision to have a permanent house. We shall sell the agricultural produce; start making bricks for the permanent house for the family.*

---

Women working on a vision that is clearly articulated did not need the facilitators to start initiatives; rather, they were compelled to take their own action and to sustain that action for future achievements. They mobilised their immediate relatives to share the vision and to participate in actions to achieve it.

### **Home improvement projects**

In an effort to ensure that they improve their housing conditions, women started sanitation projects, such as toilet construction and the set up of rubbish pits; they also procured bricks to construct permanent buildings on the *Bibanja* that they occupy and formed credit savings groups. Two women burnt bricks for house construction as opposed to using mud.

### **Co-ownership and consent clause enforcement**

Seventeen participants made their neighbours aware of the co-ownership and consent clause. Meduis and her spouse bought their first *Kibanja* and the sale agreement was in the names of both as buyers. This revolution in the village in matters of land acquisition and disposal was made possible because Meduis attended the various participatory action research activities on the project. This joint purchase of land gained from proceeds of work on land is a sure means of enforcing the consent clause espoused in the Land Act 2008.

## Boundary mapping

Seventeen spouses had voluntary boundary mapping of their land to minimise land-related disputes with their neighbours.

Voluntarily, women are taking the ideas and similar processes to other parishes beyond their own sub-county. Peace shared similar processes in Kagadi Town Council because of the knowledge and courage she gained from the land rights workshops. In her own words:

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*I took the same idea to Mambugu Fellowship Church and Christians welcomed the idea. All Christians are working hard to have land titles including starting income generating projects, forming savings and credit groups as well as brick-making teams.*

---

### 3. Analysis of findings and their implications

The study has shown that the nature of unions may positively or negatively affect women's land rights. Sanctioned marital unions provide opportunities for women to access land, but do not guarantee ownership. Customary practices that presume land is not the domain of women, women's illiteracy, and membership in unsanctioned marital unions exclude women from constructive engagement with land matters including documentation of purchase of land with their spouses.

Married women are vulnerable with regards to land rights because their right of access depends on the continuity of their relationship. Thus, when relations sour or when the husband dies, the study has shown that women lose their land rights or start new relations of access through the son irrespective of their resource contribution in the acquisition of that land.

There are instances of land ownership by women, but because of lack of evidence in cases of inheritance their ownership is subject to challenge. Secondly, there are situations in which women buy land, but due to fear of social castigation they relinquish their rights by putting ownership in the names of their brothers.

In terms of women's aspirations on land, it is evident that women want to have security of tenure and they see the route to this aspiration through possession of titled land. Women do not necessarily view co-owning with their husbands as the route to their security of tenure. Instead, they seek acquisition of financial resources that can facilitate their land control and ownership. This attitude may be partly

explained by the fact that men are polygamists who freely subdivide the land to take care of the interests of the 'new woman or wife.'

Whether at the village or national level, the key stakeholders in terms of land are men. Thus, unless men appreciate the need for women to own land, women's aspirations may remain a dream. This fact is especially true given that most women are in marital unions in which they do not make independent decisions.

The impediments to women's land rights are quite complex ranging from women's illiteracy, legal inconsistencies, poor legal administration, women's ignorance of the law, corruption, unsanctioned marital unions, and gender-insensitive institutions. All of these factors point to the emerging argument that poor institutional governance is a major hindrance to the realization of women's security of land tenure. While law reform is needed, improvement in gender-sensitive governance that calls for action is critical at both village and national levels (Tamale, 1999; Nabacwa, 2006).

Women are not only victims, but also agents in maintaining their insecurity of tenure on land when they either support or ignore men's gender-insensitive management of land affairs, especially at household level. However, the study has also shown that women, especially widows, can take necessary steps to safeguard their security of tenure on land.

## Conclusions

The study set out to document women's experiences in relation to land. It had three specific objectives:

1. To engage women in community visioning aimed at establishing their aspirations towards land tenure.
2. To conduct case studies of different women whose land rights are threatened with the view of examining how the intervening factors (such as marital status, level of education, endowment, and social capital) affect the realization of their land rights.
3. To validate and fine-tune the envisioned aspirations together with the women in Kanywamiyaga and Nyamacumu communities through the use of experiences from the case studies.

On the basis of these objectives, the conclusions to this study are:

- Women's aspirations in relation to land are not different from men's aspirations. However, the attainments of these aspirations vary greatly due to a number of factors including inadequate capacity (limited knowledge, social and economic capital, and access to other resources) and determination to pursue and realize these aspirations.
- Although joint ownership of marital land was desirable for many women, individual land ownership outside the confines of marriage was preferable due to the tendency toward polygamous relationships in this society. Widows and elderly are more vulnerable in this community than are youths or married women.
- Although Land Administration Institutions mandated to protect women's land rights are in place, they are corrupt and ill-equipped to help women and, thus, exacerbate their vulnerability.

## Implications of the results

The results of this project have short, medium, and long-term implications.

### Implications for the short term

Short-term implications focus on the promotion of good governance on land issues, especially at the grassroots level. Specific actions may include:

- a. Female community members continue to mobilise men and women on aspects of land and land matters.
- b. The Credit and Savings groups continue to be a vehicle for resource mobilisation for the women in the two villages.
- c. The local leadership from the village to sub-county levels needs to be further mobilised by institutions like URDT in conjunction with MISR and or the ILC East Africa Office to ensure that women's concerns regarding land are openly discussed. This action will gradually erode the fears men have about women having rights on land and will re-focus action on development concerns.
- d. Immediate sharing of research results at the sub-county and village levels during the current planning period to ensure some of the women's concerns are integrated.

### Implications for the medium term

These are actions that will require more time to effect than those of the short term, such as:

- a. Redirecting advocacy on women's land rights to focus on practical changes at the grassroots level while maintaining advocacy presence at the national level.
- b. The establishment of a non-interest rural women's land fund with long-term payments to enable poor women to realize their land aspirations.
- c. Documentation of the experiences and gains of women owners.



More specifically, URDT should:

- a. Re-design the land rights information desk projects implementation approach to give attention to women's rights across the region beyond Kibaale District.
- b. Design a comprehensive advocacy strategy to increase awareness of both women and men on the land law.
- c. Have a comprehensive advocacy strategy encouraging women and men to be in sanctioned marital unions.
- d. To continue with the campaign to promote girls' education and minimise occurrence of early marriages and vulnerability of women on land ownership and use.
- e. To design specific capacity-building programmes for organised groups of women with the view to improve livelihood and ensure security of tenure for and by women and men that is equitable.
- f. Strategic economic programmes targeting women and other marginalised groups. The Sub-county Chief through to the Community Development Department need to acknowledge and nurture the women Savings and Credit Cooperative Organizations (SACCOs) to benefit from sub-county grants like the programmes of NAADS and Prosperity for All.
- g. Partners on the Women's Access to Land Small Grants to collaborate with MISR advocates for the integration of women's aspirations in the National Land Policy.

### **Long-term: law reform**

The long-term implications should focus on attitudinal changes and cultural transformations. The specific action may include:

- a. Integrate women's aspirations on land and land matters in the Social integration policies at the East African Community level.
- b. Promote the Non-Discrimination clauses of women on land rights as envisaged in the Convention on Elimination of Discrimination against All Women (CEDAW).
- c. Advocate for cultural shifts to promote the principals of equity and equality in land allocation, management, and inheritance.

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# Appendixes

## Appendix 1: Copy of typical land sale agreement in Kibaale District

Kitegwa LC1  
Kitegwa Ward  
Kagadi Town council  
Kibaale  
24/6/2010

RE: AGREEMENT OF SALE OF LAND.

I am Maate Yoona, I have sold my land/Kibanja located at Kitegwa village to one Akello J. She has paid all the money cash worth 200.000/= (two hundred thousand shillings) no balance. It is measuring 4 pipande (4\*9 measuring sticks/ yard sticks)

Its boundaries; John on eastern side, Vincent on the western side a swamp on the southern part and a big rock on the northern part. It has some mature jack fruit trees and coffee plants and a semi permanent iron roof house.

You may choose to fix a drawing of the location as above

I have sold willingly and while normal. Nobody shall disturb the buyer on the same land.

Seller's signature.....

Seller's signature.....

Witnesses:

1.....


2.....

3.....

4..... Chairman LC1 (STAMP)

## Appendix 2: Stakeholder mapping by participants

| Stakeholder            | Knowledge  | Skills   | Resources   | Action by stakeholder   |
|------------------------|--|--|---|---|
| LCI                    | Has the knowledge but limited authority over land and land matters           | He doesn't have the skills to interpret the law    | Has people, office and a stamp  | To train women in land matters<br>To implement provisions of Land Act   |
| LC11                   | Has the knowledge authority over land and land matters                       | Has skill on how a person can acquire a land title | Books on land matters, office, land committee   | Train women on land law and provisions<br>Have an active Area Land Committee-implementation                         |
| LC111                  | Has the knowledge and authority over land and land matters in the sub-county | They have the skill                                | LC111 Court, paralegals, books and trucks on land matters   | Arbitrate objectively on land matters<br>Sensitize the community  |
| URDT                   | They have the knowledge  | They have skills                                   | Human resource, office of land right information centre, money, radio                                   | The radio program to be more interactive<br>To train the people in villages/<br>have outreach in the villages       |
| District Land Office   | Has the knowledge and authority over land and land matters                   | They have skills                                   | Human resource, office, money   | Guiding and providing farmers in land title processing<br>Be non-partisan and gender sensitive                      |
| Uganda Land Commission | Has the knowledge and authority over land and land matters                   |  | Human recourse, office, money   |   |
| Members of Parliament  | They have the knowledge and some are professionals                           | They have the skills                               | They have coordinating office, cars, money and are facilitated for community mobilization by government | To always reach the communities as they used to do while looking for votes by holding parish or sub-county meetings |



### **Our Mission**

A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.

### **Our Vision**

Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion.

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This work was carried out by **Uganda Rural Development and Training Program (URDT)** as part of a 3-year collaborative project entitled “Securing Women’s Access to Land: Linking Research and Action,” coordinated by the International Land Coalition (ILC), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda, and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of Western Cape in South Africa.

Its overarching aim was to learn from women and respond to their needs through action-oriented research. The purpose of the research carried out under this project was not only to provide an evidence-base for advocacy on women’s rights, but also to strengthen the research and advocacy capacity of civil society organizations, and to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including the building of linkages with the wider advocacy relationships and programmes of the ILC.

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This report is part of a wider initiative on Women’s Land Rights (WLR). If you would like further information on the initiative and on the collaborating partners, please feel free to contact the International Land Coalition.

