

4

POLICY BRIEF MAY 2011

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

UGANDA RURAL DEVELOPMENT AND TRAINING PROGRAMME (URDT) in collaboration with the men and women of Kibaale District

In a two-year (2009-10) action research study entitled "Voices of women's aspirations over land and land matters: the case of Kibaale District, Uganda" carried out by URDT in collaboration with Makerere Institute of Social Research (MISR), it was found that – amongst other things, poor institutional governance is a major obstacle to the realization of women's aspirations for land.

Land as a natural asset is linked basis for livelihoods in Uganda. Based on 23 years of experience in working in rural areas, URDT is convinced that rural dwellers are caught in a poverty cycle due to low organizational capacity and a lack of knowledge but above all, caused by prevailing attitudes that discriminate against women in terms of ownership,

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inheritance and subsequent utilization of land as a natural asset. Gender stereotypes have meant that women's role as farmers has not been recognised, and women themselves have internalised such stereotypes as well, settling for what they believe is good enough. Frequently, they will accept access to land rather than ownership with security and full rights. Cultural practices and other pressures that deny women equal opportunities to

education and inheritance rights reinforce this belief. Women assume that marriage grants them automatic ownership over marital property, and that there is, therefore, no need for girls to have land at their maternal home.

URDT's research in the Kibaale area identified a variety of challenges faced by women, including low literacy levels and a lack of information about their legal rights, but also land administration institutions that are distant from communities and lack gender-sensitivity. Plural legal regimes in which customary law is prevalent at the local level create complex

systems, in which women have limited and insecure access to land. Women cannot easily access state institutions due to distance and prevailing attitudes that restrict women's movement, and they do not have the resources to get legal support if their rights are denied.

Women acquire secondary rights to land through marriage and inheritance is through the male lineage. In the district, polygamy predominates, contributing to the spread of HIV and making women vulnerable when their husbands die. Both state and customary laws are used to govern land access and marriage – making it very difficult for women to claim their land rights. An added complication is that people in the area do not plan for succession and even when wills exist, they are often disregarded. URDT's study also revealed that customary laws were used unsystematically in dispute resolution and that local-level leaders were not familiar with state law.

Visioning: documenting women's aspirations on land in Kibaale

In addition to gathering information on the challenges faced by women in securing their land rights, URDT's project in Kibaale aimed to address the disadvantages women face as a result of their failure to make claims and enforce their entitlements to land. To raise women's awareness of their rights and the positive consequences of securing women's land rights for themselves and the community, UDRT carried out visioning exercises that documented women's aspirations on land in Kibaale and helped them formulate strategies to achieve those aspirations. The visioning exercises were also aimed at building women's confidence and encourage them to claim their rights.

The Kibaale women's visions centred on acquiring secure access to land irrespective of their marital status to allow them to engage in income-generating activities, to construct shelters, to secure their children's education and, in the long term, to acquire more land for commercial farming.



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The women shared visions in which they articulated their aspirations for title to the land they were using. On the basis of

the visions, women devised individual short, medium and long-term plans of how to achieve these goals.

URDT's project in Kibaale successfully mobilised women and men in the community to promote women's land rights. In a presentation made to the Secretary of the Uganda Land Policy Secretariat, on 27th January 2011, sixty women and men from Kibaale District requested that the government tackle the main reasons for a continued denial of equitable rights for women to access, own and use land. They identified

people's ignorance of their rights, negative and conservative cultural attitudes and a lack of education on land rights as the key problems to be addressed.

Article 2 (2) of the Constitution of Uganda states, "if any other law or any custom is inconsistent with any of the provisions of the constitution, the constitution shall prevail and that other law or custom as to the extent of the inconsistency be void".

URDT's recommendations

Efforts by civil society to challenge the status quo through law reform have yielded modest results in practical terms (Englert and Daley, 2008; Nabacwa 2006). Although the Ugandan legislation has changed towards a recognition of equal rights for women (1962 Constitution; 1975 Land Decree; and 1998 Land Act), in reality, women continue to face many challenges to see their land rights secured.

URDT believes that changing prevailing attitudes and opening spaces for discussion are key to change the current situation, and recommends the following actions to be taken:

- Include land rights education that stresses the importance of women's land rights in school curricula for primary and secondary education to guarantee that all citizens are aware of their rights, the legal framework and the role of land governance institutions from an early age;
- Provide information on land rights and relevant land administration institutions to all citizens and ensure that women and men can access such information. Legal documents should be simplified and translated into local languages easily accessible by the communities; government should provide financial support to land administration structures so they can sensitise communities at least once a year.
- In line with Article 2 (2) of the Constitution, the Government of Uganda should as a matter of urgency identify cultural practices that perpetuate the discrimination of women and are thus inconsistent with the constitution, for example bride price payment and some customary inheritance and succession practices. Importantly, regulations governing polygamy need to be harmonised across Uganda.
- Government should disseminate information on the gendered impact of such practices to its land administration institutions as well as customary institutions. Government should ensure that all land administration officials are trained in basic gender analysis and planning.
- At the local level, government should promote by-laws that enhance equality and equity in land ownership and women's education, emphasising the importance of completing the education cycle.

The Uganda Rural Development and Training Programme (URDT) is a community-based non-profit educational organization that endeavours to enable the people of Uganda and, in particular, Kibaale district, to create for themselves prosperity, peace, health, freedom and happiness through a series of interconnected programmes. URDT believes that women are key to sustainable development and has established a girls' primary and secondary school and an African Rural University for women at its campus in Kibaale. URDT promotes sustainable agriculture, commercial farming practices, rural infrastructure provision, water conservation, sanitation and local entrepreneurship, among others.

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About the Initiative

This policy brief 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 contact the Secretariat of the International Land Coalition or visit www.landcoalition.org.

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