The Role of Gender In Securing Land Rights For Equity, Sustainability, and Resilience: In Jinja District, Uganda

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Abstract

Women and men in Uganda do not have equal rights to land and there is still no broad-based consensus on women’s role in land ownership, access and control. This is because of the confusing framework with respect to laws and practices regarding land, inheritance and property rights of women, including the widowed, divorced, separated or those in cohabitation. To address the situation, Slum Women’s Initiative for Development continues to play a lead role in mobilizing and organizing grassroots women to come up with a network of 10 community-based women groups, through which we sensitize women and men on the role of gender in securing land rights as a strategy for gaining equity given the fact that land is the basic factor of production. We have reached out to over 1000 people, both men and women. As a result of these efforts, we now see women’s names appearing on land documents as owners, not as witnesses as it used to be.

Key Words:

Gender  Tenure Security for All
Context

According to Rogers Mugabo, a human rights activist and director of programs at the Centre for Economic Social Cultural Rights in Africa, there are currently still inequities between women and men in Uganda in terms of rights to land. Much of this is due to lack of clarity and consistency concerning women’s role in land ownership, access and control (Mugabo, 2016). Problems reflect an uneven framework with respect to measures protecting land, inheritance and property rights of women, including the widowed, divorced, separated or those in cohabitation, in spite of recent advances in Constitutional equity guarantees (Doss, Truong, Nabanoga, and Namaalwa, 2012). There are challenges with the pace of progress in improving equality between the sexes through combined weaknesses in implementation and enforcement of family laws that promote gender equality, continuing women’s fragility related to secure access and ownership of property and inheritance. Generally, lack of consistent implementation of laws that address equality in land ownership, divorce and marriage impacts women’s economic and social rights. Consequently, the rhetoric of equality has far too often failed to effectively translate into action and women continue to be disadvantaged by prevailing gender inequalities as a result of persistent negative and discriminatory practices (Swaminathan, Walker & Rudadya, 2008 p 89).

Discrepancies also remain with respect to prevailing perceptions, belief systems and social norms. It is sometimes claimed that most people in Uganda, hold the view that traditionally land “belonged” to men, although others refute this as a distorted notion (Mubabo, 2016). What is clear, is that cultural practices in various communities throughout the country in the period before colonialism ensured both genders access to land through authority exercised by the clan. However, weaknesses related to women’s rights became apparent upon a husband’s death, when male son’s and the kinship group had primary rights to land disposition. Colonial legal systems reinforced patterns of male domination, with women and children expected to provide free labor to maximize profits (Swaminathan, Walker & Rudadya, 2008). Whatever our views about the assertion that traditionally land belonged to men, there are clear links between land ownership and power, with many males in the country still feeling that women having power “disturbs social order, stability and tranquility” (Asiimwe, 2014 p. 174). Societies in Uganda have conferred different roles and responsibilities to men and women within households and communities. In general, while food production and processing is entrusted to women, resources such as land needed to meet these responsibilities, are vested in men.
Long-standing discrimination of women through norms and practices that exclude women from owning, inheriting and controlling land continue to deprive women, thereby perpetuating female economic dependence on male relatives. This is affirmed through recent data indicating that women owned only 7% of the land in the country, with the vast majority still having access through male relatives (Asimwe, 2014). It is this continued dependency of women on men that has maintained women’s poverty and absence in decision-making, increased risks of domestic violence, and maintained violation of their property rights.

Administrative processes related to land, continue to reinforce obstacles related to gender. Gender Evaluation Criteria have been an important tool to analyze the recent intersection of gender, land rights, land administration and dispute resolution in Uganda (Kampire, 2012). A survey conducted by the Uganda Land Alliance in 2011 of over 400 respondents including community development workers and local council officials, sought to examine attitudes towards gender and equality in land administration and dispute resolution. The five criteria analyzed included 1) equal participation by women and women in land governance, 2) capacity building and empowerment by men and women to access, use and benefit from land 3) legal and institutional considerations, 4) socio-cultural issues regarding land rights of men and women 5) economic considerations and finally 6) coordination and sustainability. With respect to participation in governance, it is clear from the survey that in spite of changes reinforcing equity, that males still dominate the field. These findings support conclusions in other recent studies predicting that public administration in Uganda will remain male dominated for a long time to come (Mandanda, n.d.). Of particular concern is that the Gender Evaluation Criteria study further affirmed problems with women’s representation in spite of the legislative moves to enact quotas in land bodies, noting that males dominated even Chairmanship roles in Land Area Committees. Access to information remains an important roadblock in women’s effective involvement and problems of women’s participation may be compounded because of the multiple responsibilities they bear.

With respect to the second criteria of capacity building and empowerment of the genders to access, use and benefit from land, although financial resources were determined to be important, problems of inadequate budgetary allocations and lack of capacity for management of funds remain. For the third criteria of legal and institutional considerations, in spite of gender equality in tenure rights being ranked as “crucial”, respondents clearly felt that male rights still remain dominant, with women still behind in terms of adequately using dispute resolution institutions and the courts. On the fourth criteria of socio-cultural issues regarding land rights of men and women, just over half of those responding believed
these had the most negative impact on gender. For the fifth criteria of economic considerations and the issue of innovation, respondents noted opportunities in cultivating food, making land markets accessible by gender, and ensuring that women share benefits of production. Finally, with regard to the criteria of coordination and sustainability, lack of adequate interdepartmental coordination and communication in many of the districts studied were reaffirmed.

Many of the findings of this research with respect to the lack of women’s empowerment echoes findings from the research of SWID in Jinja in recent years. With reference to baseline information (SWID, 2016) we carried out an initial survey before implementing a project entitled “Transforming the lives of low-income women farmers in Budondo rural sub-county in Jinja district”. Findings indicate that among the 240 grassroots women who were successfully interviewed, 57% did not know that they have equal rights to land just as men do according to the Constitution of Uganda, and 67% of those responding did not own land. This clearly shows that there is still a gender gap as far ownership, access and control of land is concerned, especially in rural areas. This can be compared to baseline data collected from Walukuba-Masese Division, an urban community (SWID, 2015) where we carried out a survey before implementing a project entitled “Promoting Women’s Rights to Land and Housing in Walukuba-Masese Division.” Findings indicate that among the 100 grassroots individuals interviewed (82 women and 18 men), the large majority, 94%, were aware that everyone has a right to own land. The 2010 Uganda National Household Survey shows a variety of discrepancies between those in rural versus urban areas including the fact that urban household members were more likely to be literate (88%) than their counterparts residing in the rural areas (69%). Therefore, this calls for enhanced attention not only to, urban-rural linkages but also to creative participatory strategies and making information accessible, particularly to women and girls, to as stipulated in the New Urban Agenda for the benefit of all.

Evidence from the Uganda Census of Agriculture for year 2008/09 showed that fewer female than male headed households used productivity enhancing inputs such as improved seeds, inorganic fertilizers and pesticides. This shows that there are a number of gender-based differences in the agriculture sector in many communities in Uganda. Studies analyzing gender responsive indicators for this sector from 2012 indicate that about 65% of female farmer’s lack control over proceeds from their farm income. As a result, they cannot buy inputs, cannot re-invest to increase production and cannot improve their welfare. While women are very hard working with agriculture being the easiest source of income for a woman in Jinja district, most are engaged in small scale farming which normally earns little. This problem is exacerbated by men who are over relying on sugarcane growing at the expense of food
crops yet at the moment sugarcane growing farmers are being “paid peanuts” (Jinja Newsletter, 2014). This is particularly alarming because recent studies of 382 sugarcane growing households in a sub-county in Jinja found almost half of those surveyed had severe food insecurity and with only 12% food secure with two out of ten children in these households experiencing acute malnutrition (“Face-to Face with Malnutrition”, 2015). Over-reliance on sugarcane production often leaves households with little space for food crop production, rendering household food and nutrition relatively poor and insecure. Although an ordinance to address the problem was passed, there was a recommended need for proactive mapping and training to give women greater power for land allocation.

Overall the average income of male headed households (UGX 336,900) has been found to higher than that of female headed households (UGX 226,300). Though the government of Uganda, through national programs such as the NAADS Program, has tried to promote gender equality and women’s empowerment in the areas of leadership, employment and labor policies in order to create gender job opportunities. Despite its efforts to uplift the standards of women and girl child in social and economic situations, still there are challenges hindering government to address the plight of women on issues pertaining to women economic empowerment of which access, ownership and control of land is key, so that both women and men can equally contribute to the achievement of the Sustainable Development Goals.

Despite various campaigns, Uganda has not done much to address the realities of many of the day to day inequalities faced by women. For instance, Parliament has failed to pass either appropriate Marriage and Divorce laws or the Succession Bill. Uganda should move ahead and fully eradicate formal discrimination against women. Meaningful steps should be taken to address substantive discrimination manifested in negative cultural practices that have deprived women of land and property. Recent recommendations from the Committee on Economic Social Cultural Rights to Uganda-2015 outline the direction in which Uganda should go.

Slum Women’s Initiative for Development (SWID) has conducted extensive studies in targeted areas within Jinja district which continue to document the inherent inequality faced by many women. Their unequal status, reflected in a range of social and economic indicators, highlights the specific vulnerabilities they face. In many cases, for example, women could not apply individually for land titles under their names and during the process community members often found themselves forced to pay bribes. There were also challenges with regarding delays between the local and district level, although
newer efforts are taking place to digitize land records. In addition, many women were often unaware of their housing or land rights (SWID, 2013)

**Overview of Slum Women’s Initiative for Development**

Slum Women’s Initiative for Development (SWID) is a non-governmental organization that has been operating in Jinja, Uganda for over fourteen years. The organization has been at the forefront of creative efforts to increase participation and break down the isolating impacts of community inequality (Lince, 2011). The sole aim and purpose is to serve grassroots women since the idea of the organization came as a result of challenges faced by women who were then underrepresented and under-served. Our organization represents, a classic case study of ways in which poor women have learned to “negotiate power, construct collective identifies and develop critical perspectives on the world in which they live” (Lind, 1992 p. 137; Tripp, 2000)

Joyce Rosemary Nangobi, has been the organizations Director since the founding and she was the primary impetus behind the groups development. Originally she successfully mobilized 30 other grassroots women and in recent years, the organization has grown to include almost 600, of whom the majority are women. The context of the organization’s formation in Uganda’s second largest urban center on the northern shores of Lake Victoria, included pressures stemming from growing unemployment and poverty in the period after 1980 (“History of Jinja”, n.d.). Although in the 1950’s Jinja District had become Uganda’s leading industrial center from production of products including processed food, copper, textiles metal, and soap, the community economy began to decline during the Amin era (“Jinja”, 2016). Challenges for women also stemmed from strains on family support systems due to the HIV/AIDS epidemic. Many estates occupied by families of those formerly employed in industry had problems including poor services, deteriorated living conditions, high insecurity and health challenges (Namisi and Kasiko, 2009). There were also high rates of overcrowding in single occupancy housing. Rates of eviction increased due to a failure of residents to pay rent to the Municipal Council, discrimination in the workplace and high levels of stigmatization that assisted in spreading the pandemic and marginalizing vulnerable groups even further.

In 2008, SWID carried out a baseline survey which showed that an increase in the levels of divorces left women with no property, an elevated number of female and child-headed households, as well as serious violations of property rights by relatives, and women ignorant of their inheritance and succession rights. This situation was alarming and unacceptable and called for immediate attention to
ensure grassroots communities and future generations of Ugandans did not suffer similar human rights abuses. The organization is now operating from Uganda in Jinja District with the mission, “To improve on the quality of lives of people in Jinja urban slums and rural communities through empowering them to meet their social, political and economic needs in a sustainable manner”. Our vision is to see, “An empowered community and a home for every woman”. SWID uses a participatory democratic process in its interventions as it strives to create opportunities for community members to make meaningful contributions to decision-making as it scales up activities to other sub-counties within the district. The Local to Local Dialogue methodology brings in locally designed strategies in which grassroots women groups initiate and engage in on-going dialogue with local authorities to negotiate a range of development issues and priorities to influence policies, plans and programmes in ways that address women’s priorities, more especially issues to do with access to property and land.

**Our Gender Responsive Interventions**

To avert the above challenges as far as security to land rights is concerned; Slum Women’s Initiative for Development (SWID) has devised gender sensitive approaches to ensure that women, men, and youth have equal rights to land. First of all, we have mobilized women, men and youth, using the power of groups as an organizing tool. We have also trained a team of paralegals made up of men, women, and youth who go around in the community to sensitize people on land rights. We also base our work on the 1995 Uganda Constitution, Chapter four, Article 21 that ensures “Equality and freedom from discrimination.” According to Clause (1), All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. Clause (2) notes this should be without prejudice and in clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. Also, chapter 4, Article 26, Clause 1; stipulates that; (1) Every person has a right to own property either individually or in association with others.

We inform grassroots men and women that equality does not mean that women and men will become the “same” but that women’s and men’s rights, benefits and opportunities will not depend on whether they are born male or female. As a result, we have successfully outreached in seven sub-counties in Jinja district, with over 1000 grassroots men and women benefitting.
We have embarked on working on the implementation of the Habitat Agenda which remains a key political platform for promoting the policies and programs that affect the daily lives of women housing and security of tenure, employment opportunities and access to basic services. The principles embedded in new international commitments on urbanization build on the progress made decades before in the 1995 Beijing Platform for Action, as city governments and civil society continue to grapple with the concept of “mainstreaming” gender, defined as integrating the concerns of both women and men into urban policies and projects, as well as specific initiatives to empower women. In Jinja, as in many localities around the world, broad inequalities remain. The passage of the New Urban Agenda in Quito Ecuador in October 2016 and the process of mobilization towards implementation, provides a unique new opportunity to incorporate the centrality of gender, but this will not be successful unless fundamental changes are included.

Eduardo Moreno, UN-Habitat’s director of research, affirmed the importance of paying attention to the need for “programmatic mainstreaming of gender” with the ultimate goal of achieving both gender equality and women’s empowerment. However, the challenge is to push the agenda much further than ever before. This means going beyond a focus on women’s “vulnerability” and exclusion, past the identification of women’s practical “basic needs” in urban planning or even the strategic empowerment of individual women. Instead, this means moving towards collective action capable of challenging fundamental inequalities. By readdressing the way cities and human settlements are planned, designed, financed, developed, governed and managed, the New Urban Agenda will help to end poverty and hunger in all its forms and dimensions; reduce inequalities; promote sustained, inclusive and sustainable economic growth; achieve gender equality and the empowerment of all women and girls in order to fully harness their vital contribution to sustainable development; improve human health and well-being; foster resilience; and protect the environment. We are therefore moving forward on plans and strategies for sensitizing women, men, and local government authorities on the components of the New Urban Agenda, such as for example on urban-rural linkages such that it is implemented for the benefit of all.

SWID also continues to work as a partner to the Huairou Commission and looks to guidance provided both by the Gender Expert Group and Women’s Assembly held as part of the Habitat III conference. In these gatherings, a wide variety of input was gathered from women in civil society, grassroots women, academics and women in government to discuss the challenges of moving forward on gender issues and concerns. The gatherings highlighted the importance of grassroots groups such as SWID, working together as partners in creative strategies to ensure that we successfully achieve the goal
of cities for all that are age and gender sensitive, participatory and achieve gender equality and empowerment of women and girls.

To further harness the issue of gender and land tenure security, while working hand in hand with the Ministry of Land, Housing and Urban Development, we are now in the process of piloting the “Gender evaluation criteria for large-scale land tools” (GEC) which was developed by Global Land Tool Network (GLTN). This criterion is aimed at improving access to land and tenure security for both men and women. GEC assesses whether a large-scale land tool (intervention) is sufficiently gender-responsive, to identify where more work needs to be done, and possible entry-points to make a tool equally beneficial to women and men. The Gender Evaluation Criteria are based on 6 criteria and a set of 22 questions on a range of factors.

**Key Achievements**

There has been significant progress, with increasing percentages of women’s names appearing on the land titles. Advocacy and hard work, has made men change attitudes and allowed women’s names to be put on land documents as owners rather than witnesses as it used to be. This has reduced both disinheritance and family domestic violence. Also, more women have been empowered economically because they can use the land for agriculture where 70% derive their livelihood. To further increase women’s resilience in this era of climate change, 600 grassroots women from 32 communities have been trained on climate smart agriculture. This has enhanced food and nutrition security as well as income in 600 households and directly benefiting 3000 people given the fact that on average, each household in Jinja district has 5 people.

In addition, 200 grassroots women have purchased land through the revolving loan fund and to further develop the land, we have formed a housing co-operative where women, men and youth save money for house construction. In collaboration with the land office, 50 people from the grassroots have processed land titles either collectively as husband and wife, individually or as family. Now the issue of land titling has become a community issue whereby members keep on approaching SWID for guidance on the process. As an organization, we are recognized in the community for championing the idea of collective application of land titles and transparency in the land office has improved.
Testimonies

Mrs. Odongo Agatha, a resident of School Village:
“I acquired a loan from Slum Women’s Initiative for Development. The loan was to enable me to process a land title for our land with my husband and my children. However, when I informed my husband, he said that only his name should appear on the land title. The reason he gave was that since he is taking care of the home, I should not mind. I recalled the knowledge I attained during the women land rights sensitization workshop whereby a woman, children, and the husband’s names are all allowed by law to appear on land documents, not as witnesses but as owners. I then informed my husband that it is my right as well as our children’s right by law to include our names on the land title. My husband accepted to include our names, and the final land title will reflect all of us as owners of that land. Therefore, I was able to change the mindset of my husband”.

Mrs Okoth Dina, a resident of school village. “Jinja Municipality gave us an opportunity to purchase our small plots of land. I was able to complete paying for the land and the certificate of completion was given to me. Surveying of the land was done many years ago but the mark stones are not seen. Therefore calling for a need to reopen the boundaries. This acted as a basis for the local council I chairperson of school village to bring a private surveyor to reopen the boundaries without my consent. They wanted to squeeze me and create another plot so that they can sell it. This was done on a Sunday when government officials were not in offices. With the knowledge and skills I gained from SWID’s awareness on land rights as well as linking us to land offices and other concerned authorities such as police, the Resident District Commissioners’ Office and the Inspector General of Government’s office, and not forgetting the community paralegals and fellow grassroots women where we can seek justice, I reported the case to the office of the Resident District Commissioner, who instructed the Town Clerk to solve the matter urgently. This was done and I was given the opportunity to apply for the small plot so
Mr. Ssengendo Abdul, a resident of school village. SWID has helped women and us the men to acquire land titles. I am among those who benefited from the revolving fund whereby I acquired a loan to process my land title which I could not have managed as an individual.

Challenges

The titling process is still far too costly and cumbersome, and many continue to abandon the process midstream. We also continue to have limited resources to scale up our initiatives to other sub-counties in Jinja district.

Recommendations

- All policies, programmes and activities related to land should aim to systematically and formally address the specific, and often different concerns of both women and men, including women’s practical and strategic gender needs.

- Land management processes need ongoing attention to transparent planning, monitoring and evaluation, including greater attention to effective, substantive participation in the decision-making processes rather than pro-forma representation. Input and output for each level of all land management and dispute resolution processes need to be mapped/highlighted. Involving grassroots women as partners not just beneficiaries is crucial.

- Additional resources should be aimed at mentoring, developing and supporting more women to take on roles, including leadership roles, in all areas of land administration and land governance.
• There is a need to increase resources for public awareness and communication on land governance and administration, including gender issues and concerns. This includes attention to strengthening land committees in areas of capacity development and equipment use.

• Resources and attention to data, including gender-disaggregated data collection, analysis, dissemination and use should be increased. This should include effective partnerships with stakeholder groups such as SWID on data collection and dissemination. There should be also land tenure atlases developed.

• Increase support for grassroots organization’s initiatives, including helping SWID to continue to operate/expand our revolving loan fund, land sensitization workshops and follow up.

• Focus resources and attention to implementation of gender recommendations in the New Urban Agenda.

Conclusion

Whereas we as grassroots women recognize that some positive developments have taken place regarding law and policy reform in favor of women’s land and property rights such as the National Land Policy 2013, implementation and enforcement of such laws and policies remain a big challenge. A more holistic approach is needed to reform all family laws, and to link gaps in the law and the practices on the ground, particularly those related to land ownership. The government should take action for meaningful gender equality reforms if Ugandan women are to fully realize their land rights. As grassroots women, we commit to positive engagement and recommend the following: Involve grassroots women as partners not just as beneficiaries in land administration; Avail more resources for public awareness on land governance and administration, Actively engage in the New Urban Agenda; Strengthen land committees in areas of capacity development and equipment use; Develop a land tenure atlas and partner with government and other stakeholders on data collection, including gender disaggregated data.
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