

IMPLEMENTING UGANDA'S GENDER STRATEGY ON LAND THROUGH ISSUANCE OF CERTIFICATES OF CUSTOMARY OWNERSHIP (CCOs) USING GLTN FIT FOR PURPOSE APPROACH: A CASE OF KABALE AND ADJUMANI DISTRICTS IN UGANDA.

Introduction

Land is a critical resource for both women and men in Uganda. It has multiple values and functions, thus making it more critical for people's livelihoods. It is not only a material and productive resource that enables survival, livelihoods and agricultural production but is also a symbolic resource that heavily influences status and identity.¹

Across Uganda, many women tell a similar tale: they use the land to produce food, yet lack secure rights to land, including being denied equal rights to inheritance. With secure rights to land, women and girls can improve food security, education, health, and economic development for themselves, their families, and the community.² Gender equity and equality in land tenure relations is critical for the achievement of the goal and objectives of national development agenda.³ Improving women's access to and control over economic resources including land has a positive effect on a range of development goals, including poverty reduction and economic growth.⁴ In rural and urban areas, evidence also shows that, particularly for rural women, the gender inequality of access to the key productive assets is a fundamental determinant of poverty and social disadvantage.⁵ Gender inequality is intimately related to women's poverty, experience of domestic violence and exclusion and; Gender inequality in land ownership is attributed to male preference in inheritance, male privilege in marriage and gender inequality in the land market (*Ibid*). Background on the development of Uganda's Gender Strategy, 2018 Uganda's Land Policy, adopted in 2013, presents an opportunity for protecting and enhancing the land rights of vulnerable persons. Within the policy there are provisions that expressly allow for remedial actions against historical and cultural injustices and inequalities between men and women. At the same time, the policy must be supported by proactive, targeted strategic planning and resources to ensure these positive elements in the policy and any associated legal provisions, translate into real progress in gender equality and equity for all vulnerable persons in the country.

¹ Uganda National Land Policy 2013 ; Uganda Gender Strategy for Implementing the NLP 2018.

² Uganda Gender Strategy for Implementing the NLP, 2018

³ Uganda Gender Strategy for Implementing the NLP, 2018

⁴ *Ibid*; Uganda National Development Plan II (2015-2020)

⁵ Uganda Gender Strategy for Implementing the NLP, 2018; (SDGS)

Uganda has taken some steps to try and ensure the implementation of its national land policy. Importantly, a gender strategy has been developed to guide its implementation. Firstly, the presence of a specific gender strategy will help key women's land rights at the centre of the land policy's agenda. Secondly, the multi-sectorial nature of the gender strategy could help unlock the policy's potential and ensure the uptake of all land rights and other gender-related reforms in programme design, planning, budgeting and implementation. Third, the gender strategy will facilitate the process of examining, questioning and transforming institutions and norms that reinforce gender inequality and finally, the gender strategy will facilitate gender mainstreaming in the land sector. The strategy on gender is prepared in that spirit. In addition, the sector has never had a consolidated sector-specific strategy on gender, which has often created a problem of attribution of actions and results in trying to discern progress made on the gender equality front.

Implementation of Uganda's gender strategy on Land for the NLP

The Ministry of Lands, Housing and Urban Development in Partnership with UN-Habitat/GLTN is implementing a project on issuance of Certificates of Customary Ownership in Kabale and Adjumani districts. The Project is one of the core activities being implemented under Uganda's Gender Strategy on Land, 2018. The project aims at strengthening women's land rights by including their names on the certificate through issuance of Certificates of Customary Ownership to 2,000 households in Kabale and 1,000 households in Adjumani District. The selection of the districts was based on criteria of nature of land tenure systems which are predominantly customary in both districts, with Kabale considered to have highly individualized customary tenure but with smaller parcels ranging from 0-2 acres; while in Adjumani District, most of the land is still communal with larger parcels ranging from 0-300 acres held by more than one family. In both districts, cultural prohibitions against women's ownership of land are often more powerful than statutory laws that allow women to own land. The project was informed by preliminary scoping studies, field visits and a baseline study to obtain information and consensus amongst key stake holders within the two districts, respective sub- counties and communities within the project areas.

The Ministry of Lands, Housing and Urban Development received a grant from UNHabitat/GLTN. Part of the grant was used to strengthen customary land administration system in two districts of Kabale and Adjumani. Customary laws have significant implications for women's rights to land, with some customs against women's ownership of land. The customs and norms determine which rights to land a woman can exercise freely. In all customary tenure regimes in Uganda, women's land rights are secondary to and weaker than those of men. Under this project support the Ministry project concentrated on issuing

Certificates of Customary Ownership (CCOs) using Fit for Purpose Approach as one of the strategies of implementing Uganda's Gender Strategy on Land.

The project on Issuance of CCOs was as a result a baseline survey that was undertaken to assess the demand and capacity on issuance of CCOs in Kabale and Adjumani Districts. Kabale District was chosen because it has highly individualized customary tenure while Adjumani District was chosen because land is owned communally. The project targeted to issue 2,000 CCOs in Kabale and 1,000 CCOs in Adjumani using Fit for Purpose Approach targeting both men and women.

The program of issuance of CCOs in the two districts begun with undertaking preliminary visits and scoping missions to the districts and the proposed sub-counties to obtain prior information necessary for planning of field activities. Other activities involved official launch of the project in both districts, sensitization of all stakeholders at all levels including the district political and technical leadership, selection and training of land management institutions at all levels, conducting public awareness campaigns both on radio and in the communities among others.

The project commenced in November 2017 in Kabale District and later Adjumani followed in the month of February 2018

So far the results from the field indicate that there is high demand for CCOs in both districts with a sizeable number of women applying for CCOs, confirming the project assertion that CCOs increased people's perception of their tenure security including that of women.

With the issuance of CCOs using Fit for Purpose Approach, the project has been able to improve security of tenure over land and property rights of men and women; improving overall condition for long term and short term land based investment including agriculture and other business ventures expected to transform the livelihoods of the community, reduce food security, gender and income equality, and improve social stability. Indeed the success of the project made a clear link between improved tenure rights for women and more prosperous and stable communities.

GENDER AND LAND RIGHTS IN UGANDA: A HISTORICAL PERSPECTIVE

In all the pre-colonial societies that now constitute Uganda as a country ⁶land was communally owned and managed in customary ways.⁷ Within the kingdoms, land was vested in the hands of

⁶.These included the centralized kingdoms of Buganda, Bunyoro, Ankole, Tooro and non-stratified communities of Lango, Acholi, Madi, West Nile, Bukedi, Bugisu, Busoga, Lugbara Teso, Karamoja, Sebei Alur, Kakwa, Jonamu, Japadhola, Gwere, Samia, Bagishu Badama, Banyuli, Bagwere and Kigezi regions.

⁷ Baseline Study Report for assessing the demand and Capacity on issuing Certificates of customary ownership on communal lands in Kabale and Adjumani Districts,2018

Kings who controlled it on behalf of their people; while in non-stratified societies, land matters were adjudicated by land elders.⁸ The British declared Uganda a British Protectorate in 1897 and their first major act was the conversion of customary land rights to individualized statutory land rights within Buganda in 1900; and later to other areas like Tooro, Ankole and Bunyoro kingdom where the majority beneficiaries of these individualized land rights were men- especially chiefs.⁹

Statutory land rights introduced by the colonial state did not totally replace customary tenure and in fact it remained the dominant form of land ownership in many regions of the country especially in the Eastern and Northern parts of the country but also run alongside private tenure in other places – especially in some parts of Ankole, Toro and Kigezi,¹⁰ and up to date, about 80 per cent of the land in Uganda is still held under customary tenure, and only 20 per cent is subject to statutory tenure combining freehold, leasehold and Mailo land.¹¹

In all the different pre and postcolonial Uganda societies, cultural norms and practices looked down upon women and most often positioned them in inferior roles not only in the institution of marriage, and day-to-day functioning of family life, but also in ownership, access and land inheritance rights.¹² Sons were favored over daughters during inheritance of their parents property and land.¹³

“While both sons and daughters would have the same clan as their father, their children could not. The son’s children have the same clan as their father while the girl’s children take their husbands clan. If a daughter failed in her marriage and came back home, she would be allowed to stay at her father’s land or inherit part of it. However, her children could not and in most families today, cannot inherit land from their maternal grandfather.”

When it came to sharing property especially land in case where a father died, all females (mother and daughters) would be bundled together and given a small portion of land especially around the homestead and the home house.¹⁴ The house was given because that is where the widow would be staying before and after the husband’s death. In case the widow died, often the last son

⁸ Baseline Study Report on CCOS, 2018.

⁹ See Baseline Survey Report .2018.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Baseline Survey Report, 2018

¹⁴ *Ibid.*

would lay claim on it in case the father and mother died before he built their own houses (Baseline Study Report, 2018).

Other studies carried out further alluded to the fact that whenever a father died, it was always the oldest son who would be named the heir although this was not always a must and any other son could be made an heir (Baseline Study report On CCOs 2018). Failure to name a heir resulted in the king claiming a person's possessions or allocating them to anyone else he wished. In circumstances where a woman only had girls, this always caused rebuke, family quarrels, infidelity, polygamy and even family breakups in an attempt to secure the land rights.¹⁵ Women therefore gain rights through a relationship with a male of that lineage (often her father or husband) making her rights over land to be weaker than those of men. Indeed these rights varied in scope or duration of such relationships during marriage, separation, death or when the husband marries another wife.¹⁶ The choice of a daughter as heir was thus a deviation from the norm. Land was always the property of their husband and in case of the death of the husband, it would be the heir (sons) and in case the man does not have sons, his brother, nephew or close relative within the husbands lineage was selected by the clan members to inherit the land.

In terms of succession and property inheritance, the British colony did not alter those discriminatory patriarchal norms, customs and practices against women and girls. In fact the colonial state effectively excluded women from property ownership through legislated patriarchy under the Succession Act 1904 and Succession Ordinance of 1906, which were based on English common law but also converged with customary law under which women did not inherit property in case their husbands died but the clan would appoint an heir usually the first son in the family who would inherit the deceased fathers property and take care of the family leaving the widow (Baseline Study Report on CCOs, 2018).

Besides land ownership, colonialists worked together with senior African patriarchs to develop inflexible and oppressive customary laws and land distribution practices which evolved into new structures and forms of domination as exhibited under the subsequent agreements in 1900.¹⁷ By

¹⁵ Ibid.

¹⁶ Uganda Gender strategy on land, 2018.

¹⁷ According to the 1900 agreement between the British and Buganda kingdom, save for the Queen of England who was given 9000 square miles that was later converted to 'public land' by virtue of the Public Lands Act (1967), the Namasole (Queen mother) who received 16 square miles and Kabaka Mwanga's mother (grandmother of the

1936, 4138 *Mailo* land titles had been prepared for only *male beneficiaries* from this land grant; and in addition, Freehold land titles were also issued in bulk in the Ankole, Toro, and Kigezi specifically to benefit males (Baseline study report, 2018).

The colonial state did not only ferment discriminatory cultural practices that gave men more power to the land, they also introduced indirect rule that placed political power solely in the hands of *male chiefs* and women were only an identifiable category defined by their anatomy and subordinated to men in all situations because of the patriarchal colonial state¹⁸ Even missionary and colonial education mainly targeted and benefited men. In most schools disparity between the boys and girls were amazingly high and even if the girls got educated, employment into civil service was still challenging (Baseline study report,2018).

In 1972 the Succession Act was amended to address gender issues, customary laws and also to put in place a uniform law of inheritance that would apply to both men and women who died *testate*(with a Will) and those that left none (*intestate*). The Act created new rules of inheritance, which could neither be classified as customary or fully statutory, shifting decision-making on inheritance matters from the hands of clan leaders to the Courts of Law.¹⁹ Under intestate laws (where a man died without living a will), the widow did not become a care taker or administrator of the family but instead the law provided that the legal heir to be the first son and in case the man left no sons, the nearest living male relative in patrilineal descent would assume the responsibility. As a result of these discriminatory historical practices, by 1995 when a new constitution was promulgated in Uganda, only 7% of women cultivated their own land; and studies showed that only 16.3% of women controlled farm land/holdings²⁰

Kabaka) who received 10 square miles of land, the rest of the land in Buganda (19,600 square miles) went to the male chiefs as *Mailo* land while 15,000 square miles were reserved as forests and placed under the colonial government.

¹⁸ Baseline Study Report, 2018

¹⁹ *Ibid.*

²⁰ Uganda Gender Strategy 2018.

POST CONSTITUTIONAL, LEGAL AND POLICY REFORMS FOR ENHANCING WOMEN'S LAND RIGHTS.

1995 CONSTITUTION

The 1995 Uganda Constitution heralded far-reaching policy and legal reforms by reversing the discriminatory historical cultural norms and practices that disadvantaged women. The constitution promoted and guaranteed equality of both sexes among children in the family during access, utilization and inheritance of family property. The family and not clan or kinship community was instituted as the focal unit of production, ownership, management of resources and empowered parliament to make laws that protect the rights of family members especially wives, daughters, widows and widowers to own, possess, control or inherit the property of their deceased spouses.²¹ The principles of non-discrimination, gender equality and women's empowerment were all enshrined in the subsequent land Acts, policy and strategies.

Other Legal and Policy reforms;

THE LAND ACT CAP 227

The Land Act Cap 227 contains several provisions that provide for security of tenure and safeguards the land rights of women and children. The most significant is section 28, which makes it unlawful to discriminate against women and children in respect of ownership, occupation and use of any land, and section 40, which requires mandatory consent by spouses to transactions involving matrimonial land (where the family ordinarily resides) and land from which the family derives sustenance. The provision also covers minors, dependent children of majority age and orphans. The Land Act also provides

²¹ 1995 Constitution *Article 21*: All persons are equal before the law in all spheres of political economic, social and cultural life and in every other aspect and shall enjoy equal protection of the law; *Article 31 (1)* of the Constitution entitles women and men to equal rights during and after marriage; *Article 32* of the Constitution provides for affirmative action in favour of groups marginalized on the basis of gender or any other reason created by history, tradition or custom; *Article 33 (4)* the state shall provide facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement.

for the mandatory representation of women on all land tenure governance institutions with one third representation being women. The institutions are responsible for the management of land across the board.²²

THE UGANDA NATIONAL LAND POLICY (NLP) 2013

The NLP is important because from the outset, it commits itself to “redress historical injustices to protect the land rights of groups and communities marginalized by history or on the basis of gender, religion, ethnicity and other forms of vulnerability to achieve balanced growth and social equity”. One of its core principles is “equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or customs. The NLP stresses the importance of considering socially and culturally acceptable tenure relations as a means of expanding opportunity for rights for women and other vulnerable groups. It also commits to ensuring recognition of strengthening and education on the rights of women, children and other vulnerable groups in all existing and emerging land tenure regimes. In describing the tenure systems in Uganda, the NLP recognizes that the structure of tenure and the attributes of the bundle of rights under the mailo, freehold, leasehold and customary regimes shall be guided by the principles of a good tenure system which must, among other things, ensure equity in the distribution of land resources and eliminate discrimination in ownership and transmission of land resources.

The NLP makes specific commitments on gender in a number of paragraphs: Para 37: (ii) Guarantees that the transfer of land under all tenure regimes does not deny any person rights in land on the basis of gender, age, ethnicity, social and economic status; and (iii) Ensure equity in the distribution of land resources and preserve and conserve land for future generations. Further, under Para 41: Government commits to modify the rules of transmission of land rights under customary land tenure to guarantee gender equality and equity and makes provision for joint ownership of family land by spouses; while in Para 42 government is responsible for developing guidelines and procedures under customary land law for the allocation and distribution of land complying with the principles of equality and natural justice and to protect women and children’s legal rights to inherit and own land.

²² The institutions of land management in Uganda include: Uganda Land Commission where at least two female members out of five members must be women, District Land Boards and Area Land Committees.

Under The NLP a number of commitments on how Government intends to fulfill these obligations and the action areas are also specified.²³ Other provisions to redress gender inequity and inequality on inheritance, ownership and succession in the laws are also specifies in both the policy and the gender strategy.

GAPS BETWEEN POLICY AND LEGAL FRAMEWORKS VIS-A-VIS PRACTICE ON WOMEN'S LAND RIGHTS

Uganda has made significant strides with regard to the legal and policy frameworks that support gender equality and women's empowerment. At the national level, there are national planning frameworks, the Vision 2040, National Development Plan- NDPII (2016-2020) and National Gender Policy 2017, which recognize that the attainment of gender equality and women empowerment is a prerequisite and key strategy for accelerated socioeconomic transformation. Other progressive legislation includes the Equal Opportunities Commission (EOC) Act 2007. The EOC assesses MDAs' compliance to gender and equity requirements in planning and budgeting before receiving Gender and Equity certificates from Ministry of Finance, Planning and Economic Development. Whilst there are no specific frameworks on women's economic empowerment, the existing ones on gender equality and women's empowerment are not adequately enforced and lack sanctions for non-implementation.

²³(I) Ensuring that rules and procedures relating to succession do not impede transmission of land to women and children; (II) Educating and sensitizing the public on discrimination against women and children with respect to access, use and ownership of land; (III) Reviewing and regulating customary rules to avoid violation and abuse of family land held in trust for the family; (IV) Restoring the power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups; and (V) Ensuring that the head of family is held to account on his/her fiduciary duties over family land held in trust.

The NLP states that women are generally unable to own or inherit land due to restrictive practices under customary land tenure. Customary practices in some areas override statutory law and attempts to redress this by outlawing discriminatory cultures, customs and practices in land ownership, occupation and use, and requiring spousal consent to transactions, have not been effective due to a failure in implementation and enforcement. (Uganda Gender Strategy on Land for Implementing NLP, 2018)

The Uganda National Land Policy, 2013 also points out the glaring gap between formal land rights/*de jure* land rights and substantive land rights/*de facto* land rights which still remains one of the major challenges in many parts of Uganda. The NLP also highlights the gender disparities in access to, use of and control over land and associated resources. The gender structure of land rights in Uganda varies across the country but is highly unequal, with women's rights being less secure than those of men, which has major consequences for women. (*Ibid*)

In addition, there is limited sex disaggregated data on women's status on customary land, due lack of documentation. The lack of sex- disaggregated data greatly hinders the development of effective policies and programmes to redress gender inequalities in land ownership. Statistics show that although women constitute 50 per cent of the Ugandan population and contribute between 70 and 80 per cent to the agricultural labour force, a small percentage of women own land. (*Ibid*).

Also several laws and legal instruments governing matrimonial property are obsolete while others are discriminatory, such as the Divorce Act (CAP 249) and the Succession Act (CAP162) where some provisions were declared inconsistent with the Constitutional provisions by the Constitutional Court, but up to date, they have not been reviewed and harmonized with the constitution provisions. This implies that legislative interventions alone cannot provide women with independent and effective land rights if they are not accepted and enforced legally.²⁴

Furthermore there is lack of access to remedies, information or decision-making processes and lack of awareness of rights generally for both women and men. It is also common practice for land tenure rights to be recorded in the names of men, leaving women dependent on their male relatives for tenure security. Even where collective

²⁴ Uganda Gender Strategy, 2018

tenure rights can include women, the decision-making processes are dominated by men. (Uganda’s Gender Strategy on Land, 2018).

KEY STUDY FINDINGS ON DEMOGRAPHICS FROM THE BASELINE STUDY REPORT ON CCOs, 2018

The overall objective of the baseline survey was to assess how gender relations influence preparation and issuance of certificates of customary ownership on customary land for increased access to, use of and control over land in the two districts of Kabale and Adjumani. While the specific objectives were to assess the factors that encourage or discourage people from acquiring certificates of customary land ownership especially women; identify and assess customs and practices that may support equity and integration of gender relations in mapping, documentation and registration of customary land and to provide recommendations for gender inclusive customs to influence legal and policy review for sharing best practices in other areas with similar customary tenure systems for issuance of certificates of customary ownership.

The study showed about 80 per cent of the land in Uganda is still held under customary tenure, and only 20 per cent of the land is subject to statutory tenure combining freehold, leasehold and Mailo.

The study further showed that *customary land ownership is the most predominant system* of land tenure in both districts. The customary tenure system was found to be even higher (95.68 percent) in Adjumani district. Over 28 percent of the respondents could not clearly tell the type of their Land tenure in both districts. See table below

Table showing Land Tenure Type

| | | | |
|--------------------------|----------|--------|-------|
| Type of Land Tenure held | District | | Total |
| | Adjumani | Kabale | |

| | Frequency | Percentage | Frequency | Percentage | Frequency | Percentage |
|---------------|-----------|------------|-----------|------------|-----------|------------|
| Customary | 266 | 95.68 | 266 | 63.03 | 432 | 72 |
| Freehold | 0 | 0 | 0 | 0 | 0 | 0 |
| Leasehold | 0 | 0 | 0 | 0 | 0 | 0 |
| I do not Know | 12 | 4.32 | 156 | 36.97 | 168 | 28 |
| Total | 278 | 100 | 422 | | 600 | 100 |

Source: Baseline Survey Report, 2018

The Study further showed majority of the populations in the two districts are farmers, *thriving on agriculture at 54.5% as their main source of livelihood. See table below:*

Table showing the main source of livelihood in the household (N=600)

| | MALE | FEMALE | Total |
|-----------------------|-------|--------|-------|
| Farming-Crops | 30.1% | 24.4% | 54.5% |
| Farming-Livestock | 10.5% | 1.7% | 12.1% |
| Business-Market Stall | 5.3% | 3.2% | 8.5% |

| | | | |
|--------------------------|------|------|------|
| Business- Shop Operation | 5.8% | 1.2% | 7.0% |
| Vocational Occupation | 1.3% | 1.2% | 2.5% |
| Salaried Worker | 5.6% | 3.5% | 9.1% |
| Remittances | 0.0% | 0.5% | 0.5% |
| Selling Casual Labor | 0.3% | 0.7% | 1.0% |
| Boda Boda Riding | 1.5% | 0.0% | 1.5% |
| Nothing/Old | 3.0% | 0.0% | 3.0% |

Source: Baseline Study Report: 2018

In terms of acreage of land, *in Kabale district, 36% hold less than one acre* which showed a higher percentage of land fragmentation in the country; while in *Adjumani district 46% were found to have more than 10 acres*. The study also found that regardless of the size of the land, *it was common practice to find land sub-divided within the families to provide shares for the boys/ sons amongst households who inherited it*. Indeed in Kabale although the study found that most of the sizes were small in area per household, the dependence ratio was higher, of approximately eight persons per parcel. On the other hand, over 46% have more than 10 acres up in Adjumani district, with an uppermost average parcel size per household of seven persons per parcel, as per the table below:

Table showing the average size of parcels held by Households (N=582)

| Average size of land held per HH (ACRES) | Frequency | Percent |
|--|-----------|---------|
| <1 | 207 | 36 |

| | | |
|-------|-----|-----|
| 1-2 | 124 | 21 |
| 2.5-5 | 89 | 15 |
| 6-10 | 32 | 5 |
| 11-40 | 74 | 13 |
| 41-80 | 11 | 2 |
| 80> | 25 | 4 |
| Total | 582 | 100 |

Source: Baseline Study Report, 2018

The study further showed that the *most common mode of accessing land* in Kabale was through buying while in Adjumani was through inheritance. The statistics showed that majority of the respondents in Adjumani (53.4 percent) Inherited, (42.7 percent) bought the land they owned and the least where those allocated by community (0.1 percent) and others that had just been gifted land by the community equally constituting (2.9 percent) of the landowners with none renting. In Kabale, majority of the respondents (57.0 percent) bought land, 24.9 percent inherited the land they owned with none of the respondents was allocated land by the community and 12% gifted while 5.5 percent were renting.

Table showing the means through which households acquired land

| Means of Acquisition | Adjumani | Kabale | Total |
|----------------------|----------|--------|-------|
| Bought | 42.7 | 57.0 | 50.7 |

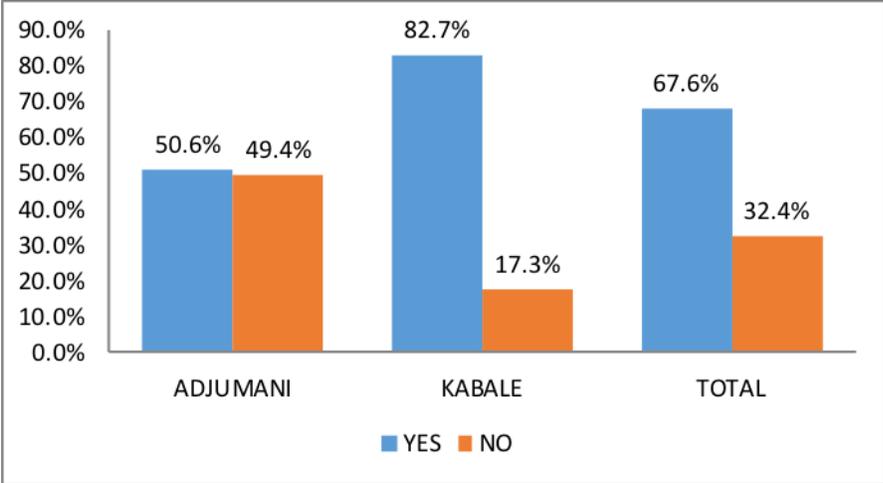
| | | | |
|------------------------|------|------|------|
| Inherited | 53.4 | 24.9 | 38.4 |
| Gift | 2.9 | 12.0 | 7.7 |
| Renting | 0.0 | 5.5 | 2.9 |
| Allocated by community | 0.1 | 0.0 | 0.3 |

Source: Baseline Study Report, 2018

Evidence of Documents on Land Ownership

Majority of the respondents in Kabale (82.7 percent) and (50.6 percent) in Adjumani *had obtained documentation showing ownership of their parcels of land*, whereas in Adjumani district, the highest percentage of the respondents (49.4 percent) claimed that they had no documentation to prove their ownership.

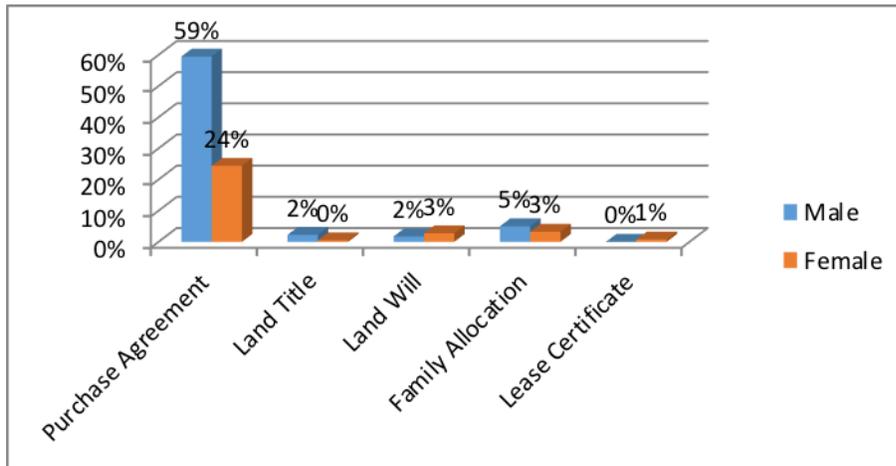
Figure showing evidence of a document that proves ownership of parcel



Source: Baseline Study Report, 2018

With regard to documentation the study also pointed out that the majority of respondents in both districts presented *purchase agreements* as proof of ownership and not titles. The study further showed that *almost 1%* women were able to show documentation justifying the fact that women cannot afford to acquire land through purchase and or only relied on secondary rights or inheritance as shown below:

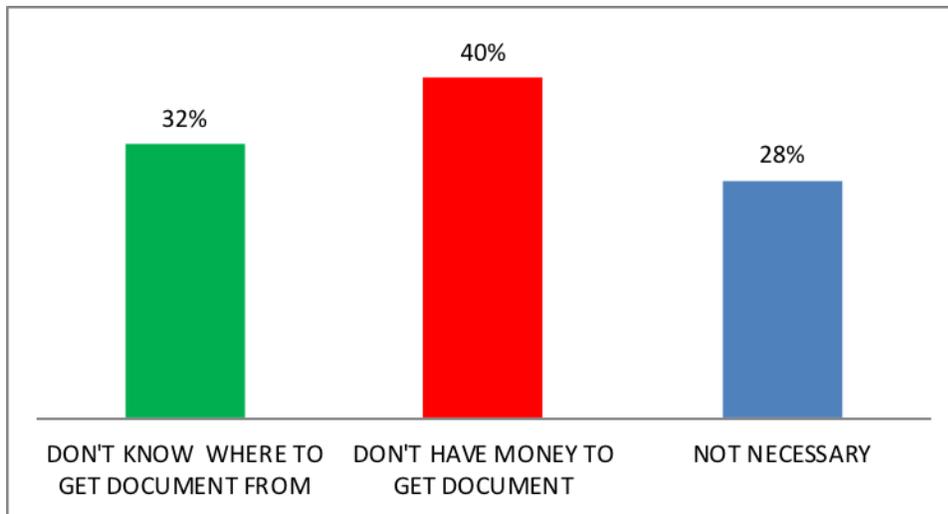
Figure Showing Type of document as proof of ownership



Source: Baseline Study Report, 2018

The highest percentage (40%) of the study population reported that they don't have money to get land documents as one of the major reasons for their failure to have documents, 32% don't know where to get the document from and 28% see it as not necessary. See figure below

Figure 1: Reasons for not having documents on land

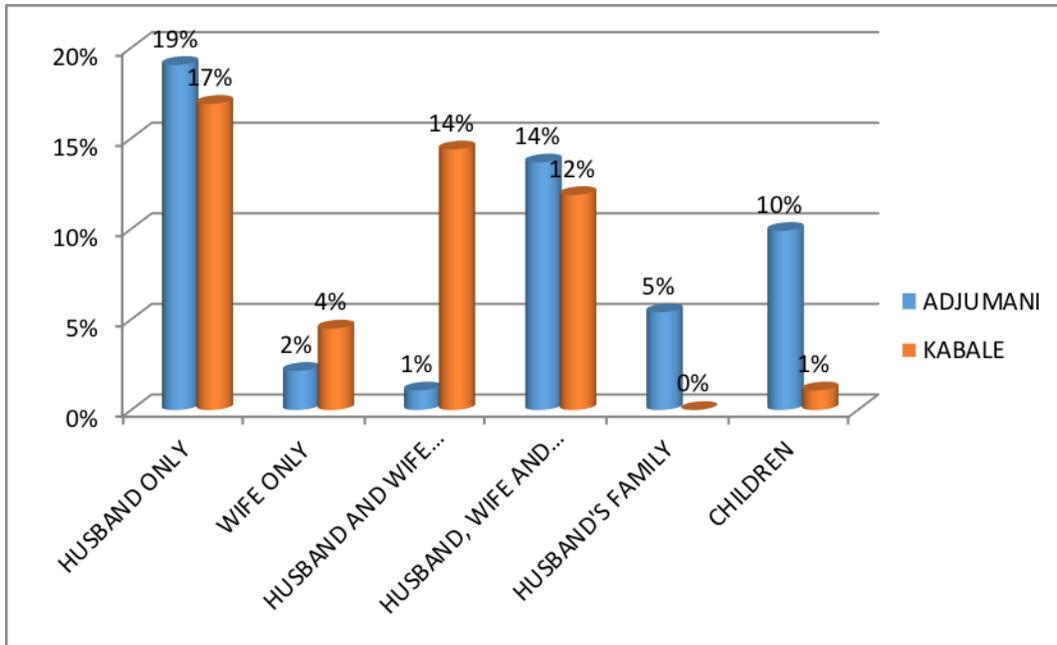


Source: Baseline Survey Report, 2018

On the perception of who should be on the title; the statistics showed that in Adjumani district, (19.0 percent) believed for husband to appear on the title of their land, 2 percent considered the wife, 1 percent husband and wife only. while In Kabale district, 17

percent considered the husband to appear on the title, 14 percent husband and wife, 4 percent wife only; while 12 percent husband, wife and children and only 1 percent consider the children. See figure below:

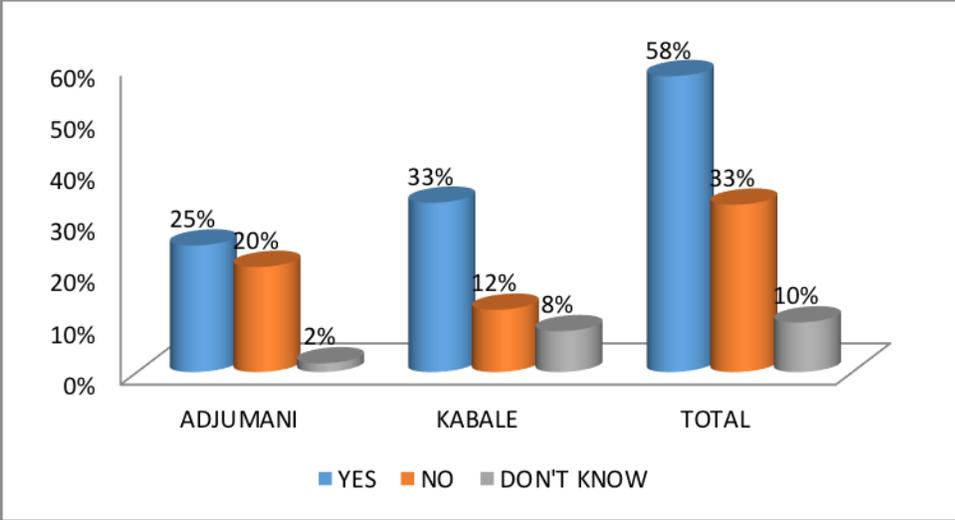
Figure showing the Perception of respondents on who should be on the title



Source: Baseline Study Report, 2018

On whether a *written consent of the spouse to sell or mortgage a parcel of land was required*, In Adjumani district, 25 percent accepted to seek a written consent of the spouse to sell or mortgage a parcel of land and in Kabale, 33 percent responded yes. Generally, majority 58% of the respondents responded yes, 33% no and 10% didn't know.

Figure: Whether a written consent of the spouse to sell or mortgage a parcel of land by the respondents is needed.

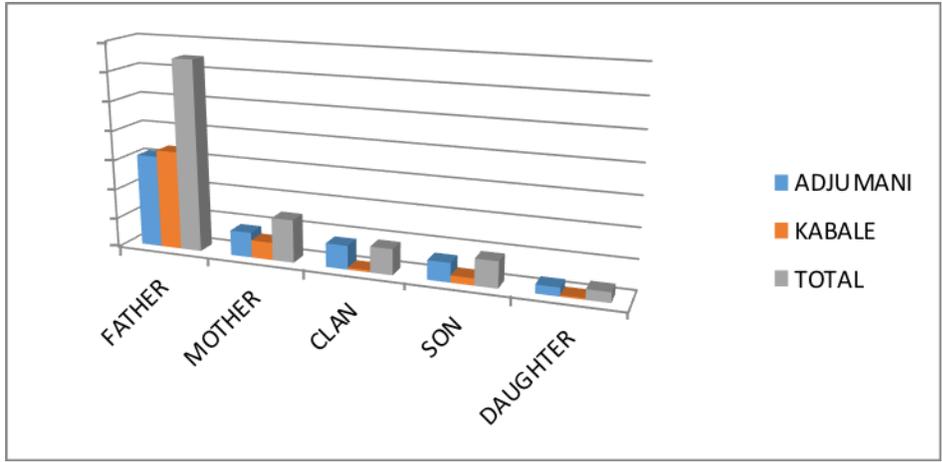


Source: Baseline Study Report, 2018

Perception on decision making on land inheritance

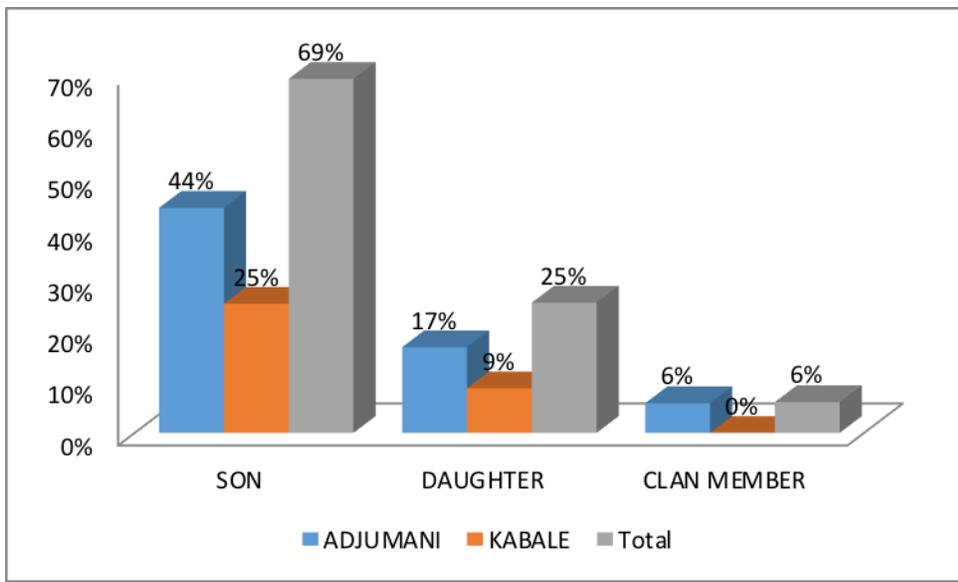
Majority (65) % of the respondents reported the father to be with the sovereign powers to make the decision on land inheritance, while the vast majority (70%) respondents had knowledge of who shall inherit their land. (69%) of the respondents had an idea on their sons and daughters who shall inherit. Additionally, 59% believed that both their sons and daughters should have an equal share. See figures below.

Figure A showing who will inherit the land



Source: Baseline Study Report, 2018

Figure: B perception on the status of who will inherit



ISSUANCE OF CCOs IN ADJUMANI AND KABALE USING GLTN FIT FOR PURPOSE APPROACH.

During the project implementation the project adopted the use of FFP Approach as opposed to the conventional approaches which are expensive, call for high accuracy and must operate within a judicial oriented legal framework. On the other hand FFP was recognized as user friendly, flexible and can incorporate information about different land rights and claims.

The approach also put into consideration the cultural , social and political context of districts which where more than 90% rural and mostly agricultural.

Throughout the project implementation, FFP was very useful to ensure that the project minimizes on many of these observations and trends affecting women's land rights to ownership through engaging the custodians and gatekeepers of these communities and groups that hold the residual power in determining inheritance matters. In addition this approach was used to engage communities in order to achieve positive results, through sensitization of local leaders from Members of Parliament of the areas; faith based organizations; cultural leaders in the case of Adjumani; district and local government leaders; technical staff in local governments; all land management institutions (District Land Boards and Area Land Committees) and concerned communities in the project areas to introduce the *importance of documenting customary land for securing land rights*.

The sensitization and awareness meetings emphasized the benefits that go with documentation by including the women's name on the certificates for inclusiveness-to avoid discriminative customs and beliefs created by history. The sensitization gave examples of other areas where similar projects had been implemented and there was a great example of elimination of boundary disputes, as well as long term solutions to tenure security that gave birth to increased production.

The project was also emphatic on community participation by selecting community leaders and volunteers who were trained on the laws, procedures and processes governing land administration and management and the use of soft wares such as tablets and GPS machines to map parcels in their own communities. The technology would substitute the conventional surveying by trained surveyors for cost effectiveness and sustainability. The mapping exercise in was conducted using the *Social Tenure Domain Model (STDM)*²⁵ in Adjumani District and the Systematic Land Adjudication and Certification (SLAAC)²⁶ for Kabale District.

As part of the implementation strategy, The project provided women and women's rights groups, traditional institutions and state institutions charged with the enforcement of

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²⁶ SLAAC (Mapping tool developed by MLHUD)

women's rights with full, accurate and relevant information about decision-making processes relevant to land.

The project also supported women's access to information and training to prepare them for engagement in participatory processes in land-related law, policy and process. The project further sensitized the implementing teams to recognize that equality between men and women requires acknowledging differences between them, and taking positive action; including empowerment of women and men, youth and vulnerable and traditionally marginalized people.

Lastly the project also deliberately targeted formal institutions and their arrangements which are seen to *drive practice* and *determine the enforcement of women's land rights*. By and large the results from the Project activities showed that in both districts, a number of women had been included on the joint certificate by their husbands for the first time, as well as on the family certificates in Adjumani District. In Kabale, **1256** certificates of customary ownership have been registered; with **540 jointly** belonging to husband and wife; **386** husband only; **200** women only and **126** family. Equally, the composition of CCOs in Adjumani constituted a big percentage of women on the family certificates as beneficiaries on the family titles. Out of the 843 households, 3431 families were registered, out of which 1252 were women and 1929 were men and 13 households were for women only and men only households were 29.

Results from the project also showed that the perception that girls and women could not own land was slowly changing. During the documentation exercise, especially in Kabale with individualized customary tenure, a number of women registered their parcels independently, which shows a gender transformative approach to reducing gender disparity through engaging both men and women to examine, question and change those institutions and norms that reinforce gender inequalities. In addition, the achievements of the project in practice also showed that gender equality especially for women, requires the dismantling of structural barriers to their economic achievements through voices and participation in decision making structures.

Conclusion

In conclusion the project results showed that the achievement of gender equality requires engagement of entire populations, communities and groups in any implementation area, to ensure that the benefits of women's land rights are understood by all. In all cases this ensures that the mind-sets especially among men change, and men become active

change- agents themselves. Future interventions should focus on identifying change agents to undertake this mode of mapping. These should involve training and building capacity of all actors in the local government in order to sustain these programs.

Tested gender responsive and fit for purpose tools like the GLTN -STDM, Gender Evaluation Criteria and participatory enumeration have greater impact in transforming and strengthening land administration system, improving tenure rights for women and men in local communities, both in rural and urban settings; reducing conflict, foster responsive land governance in line with the VGGTs and contribute to key targets including poverty reduction, food security and gender equality in the 2030 agenda.

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