

# Arise

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## Women, Land and Property Rights



Konrad  
Adenauer  
Stiftung

**Acfode**

Breaking Through, Building Up and Binding



## Vision

A just society where gender equality is a reality

## Mission

To empower women and influence legislation and policy for gender equality in Uganda

## Core Purpose:

Advocacy for gender equality and equity



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## Appreciation

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Helen Twongyeirwe  
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# Editorial

Biito Ekwang is a widow living in Northern Uganda. Her husband's death left her solely responsible for their eight children. To meet their demands, they depended on a small piece of family land, where she and her husband farmed together. But shortly after his death, her in-laws confiscated the piece of property. She was however able to regain use of land after she got legal assistance with the help of ACFODE.

Ms. Biito's story is a common one in Africa, although she was more fortunate than most other women. Many never regain access or rights to matrimonial land lost after divorce or death of a spouse.

Experts report that women in Africa contribute 70 per cent of food production. They also account for nearly half of all farm labour, and 80–90 per cent of food processing, storage and transport, as well as hoeing and weeding. Nevertheless, they own less than 1% of the land in the region. The situation is not different when it comes to other properties.

Laws and customs prioritise ownership and land rights to men or to kinship groups controlled by men, therefore limiting women's access and control. Thus, the need to secure land and property for women in Africa is crucial for the economic development of the region as well as improvement for food security and reduction of poverty. Moreover, ensuring women's with control over land is key in order to address gender inequality, empower them and promote their other rights.

When access, control and ownership of land largely remain the domain of male privilege, it continues to entrench patriarchal structures of power and control over community resources, history, culture and tradition.

Even where land reform policies include gender equality goals, these tend to fade when it comes to implementation. The lack of serious attention to gender equality reinforces the marginalised position of women and undermines mainstreaming efforts to improve their rights.

Broadly speaking, It also hampers strategies for economic development. While civil society advocacy and government programmes to reform disparities in land-tenure regimes have removed some of the historical legal barriers, land ownership remains an unachievable aspiration for the majority of the rural and urban poor on the continent. Women's prospects for socio-economic upliftment through secure tenure appear particularly grim – even more so as the global demand for land for large-scale agriculture and mining increases land scarcity, fuelling a rise in land prices and fierce competition for control.

This issue of Arise discusses these diverse challenges. The examination of issues that are specific to women, property and land unveils both vulnerabilities and potentials. It substantiates the need for interventions that reach beyond the provision of legal access to land and property rights if the aim of women's economic empowerment is to be realised.

**Sandra Nassali**  
**Editor**  
**Arise Magazine**  
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# Letters to the Editor



**Dear Sandra,**

Thank you for the magazine, it is very informative and well written. Keep up the good work ACFODE!

**Perry Aritua**  
Executive Director  
Women's Democracy Network (WDN) Uganda Chapter

**Dear Editor,**

We received copies of the ARISE magazine. After scanning through the magazine, we noticed that it has a very high quality of printing and layout. Thank you very much for the job well done.

**Maike Messerschmidt**  
Programme Officer  
Uganda and South Sudan  
Konrad-Adenauer-Stiftung

**Dear Sandra,**

I hope you had a wonderful festive holiday.  
Thank you for sharing this wonderful piece of information.

I must say ACFODE we will always be the best with information such as this. No wonder the organization recently won an award in producing excellent information, communication and educational materials.

Please keep it up.  
Regards!

**Richard Makumbi**  
Program officer CEDOVIP & Member of the  
ACFODE Fraternity

**Dear Arise Editor,**

Many thanks for this Edition of the magazine. The thematic focus on the experiences of women in male dominated occupations was the right choice because it is one of the most important tool for empowering women, especially those at the grass root.

**Martin E. Wanzala**  
Allied Youth Initiative Uganda

**Dear Sandra,**

Thank you very much for the magazine. It is very informative.  
All the best for the year!

**Dorothy Kipsang**  
We Effect  
Regional Office of Eastern Africa

# Land Tenure in Uganda – Where Are the Women?

Tumusiime K. Deo

It is common knowledge that land is the most important factor of production anywhere in the world, and the fact that it is also the number one source of livelihood is equally *not in doubt*. It is, therefore, not surprising that since the 1970s or much earlier, the question of land has remained one of the most contentious, particularly in Uganda. One other thing is for sure: women's stake in land issues has been accorded the least attention, whichever way you look at it. But why?

Some of the tenure systems still in operation and that are constitutionally recognised are quite contentious historical mistakes that resulted from the allocation of land to chiefs as a reward for their loyalty to the British colonial government. These systems have, however, over time become so entrenched that there seems no hope of ever rectifying them. Here we are looking particularly at the *mailo* tenure system. While mainly applicable in Buganda, there are pockets of *mailo* in the Ankole, Bunyoro and Tooro sub-regions. Now, we all know what ex chiefs were then and what ex chiefs are today. Women were completely out of the picture. As this sort of ridiculous land bonanza unfolded in 1900, women's rights were basically unheard-of, and indeed very few women played any significant role in the politico-cultural dynamics of their communities. To-date, women can be said to have been tactically outplayed by history.

Another equally important tenure system that is prevalent and recognised in Uganda is the customary system. Under this system

women would ideally be beneficiaries by virtue of them being members of communities sharing common traits and values, but most of our cultures treat women as subservient to men. As such, the most women can expect is user and not ownership or control rights. Even as users of the land, women do not have absolute rights because in most societies, it is owned by their male counterparts.

Today, thanks to land rights activism, there is an attempt to have customary land registered for security purposes; but even then, most communities are male-headed, implying that women continue to play the role of mere bystanders, and if they are lucky, they may have the privilege to countersign land documents.

Two other land tenure systems, freehold and leasehold, would be the most effective vehicle for women's liberation, but they, too, suffer from peculiar encumbrances. Women traditionally earn less than men even when holding the same type of job. By implication, many women have less purchasing power than men and, considering the exorbitant cost of land generally in Uganda today, the majority of women can only own land if it is offered to them as a gift. The catch in this is that, in most cases, gifts are not necessarily legally binding.

The truth is that it is in our homes that boys are favoured as heirs over their sisters; it is in our schools where boys are nurtured as protectors of girls; it is in our churches that women are taught to be submissive to their



husbands; and it is in our workplaces that women are paid a smaller salary than men; and, also, most of our cultural institutions are still loath to accept the fact that women are just as good as men and therefore ought to enjoy equal rights. This is where the real problem lies, and unless we openly tackle it at the root, no amount of legislation will be able to change the situation.

Perhaps women have also not made the most of their numerical advantage. Since there are more women than men in most of our communities, this numerical strength could be a good starting point. If women themselves cannot come up with one voice in advocating their own interests, it is unlikely that the men will advocate on their behalf. In any case, thanks to education, gone are the days when women had to rely on men's favours for their survival. True, the price of land may be very high, cultures may tend to favour the men, but nothing is impossible to change if approached with determination.

In a nutshell, even despite the existence of rosy legislation, including the National Constitution and the Land Act (2010) with all its amendments, the achievement of women's rights to land remains a far cry.

I have traversed the country – east, west, north and central – and everywhere I have been, I have noticed that 90 per cent of the people who actually till the land are women. Is it not only logical and sensible, therefore, that these very women deserve to own the land they till? Would this not give them additional impetus to produce more? What if they halted their activities, where would we be? These are pertinent questions that must not be ignored if we are to achieve a just society.

*The writer is an international communications consultant and can be reached at: [tumusiimedeo@hotmail.com](mailto:tumusiimedeo@hotmail.com)*

# Leading Male Advocates Speak out on Women's Property Rights.

Women are not alone in the quest for their fundamental human rights. There are men who will not be silent as women are denied their rights to own property. Brian Mutebi talks to four leading male advocates. They speak out on what inspires them and why they are not about to give up on the cause they genuinely believe in.

## Justice Batema Ndikabona David

High Court Resident Judge in Fort Portal

Justice Batema N.D. is a man whose pursuit for a just society took him to law school at Makerere University. After graduating with a degree and from the bar course at the Law Development Centre, Batema started judicial work as a magistrate in Mbale, an experience that seemed to catalyse his mission for a just



*Justice Batema Ndikabona David*

society. He witnessed many cases of social injustice, particularly against women, and noticed that not many voices came up to support them. 'I saw a patriarchal society that exploited the several loopholes in the law to undermine the women cause,' Justice Batemare calls.

There were much fewer women practising law then, examples being Rhoda Kalema, Sarah Ntiro and Joyce Mpanga. Yet there were several cultural practices that devalued women to the extent of women being regarded as property. Culture, he says, ascribes strength to the men, while demeaning and taking everything away from the women. 'When a car is small they say it is a female car. When it is big then it's manly. In Luganda they say Emmotoka'ensajja.' The impact this causes is greater than one can ever imagine. 'Such supposedly simple statements can instill in the minds of the young girls to look at themselves as inferior, to have a perception that any property of worth belongs to only men,' states Batema.

For Batema, the solution lies in taking up specialised training. He pursued a master's degree in Women Law at the University of Zimbabwe. His mission was to preside over cases involving justice for women. This course ended up being a turning

point for him – he became a champion for the women’s cause. ‘I set out to be a persecutor but came out an advocate for women just like St Paul who in the Bible set out to persecute the church but ended up an advocate of the Gospel and church martyr.’

Batema cites article 26 of the 1995 Constitution of the Republic of Uganda, which allows ‘all’ persons to own property individually or in association with others. ‘“All” includes both men and women,’ Batema argues. ‘Why then shouldn’t women own property? This is a case of exalting men and demeaning women. Not that men should be demeaned but there should be justice and equity.’

Batema is not a happy man when religion is misinterpreted to favour men to the detriment of women. He rather prefers a practical application of the Scriptures. ‘I agree men are the heads of the families and that is not to put women any less. Rather I want to see men “die” for their wives as Christ died for the Church. I want to see a man getting out of his way to ensure his wife gets a land title, a car and everything he desires for himself. I myself had to battle with a bank to get a dual account with my wife. They claimed my wife would steal my property until I threatened to sue the bank for accusing my wife to be a thief.’

His relentless advocacy for women’s emancipation has earned Batema a title, ‘Sister Judge’, and this does not bother this High Court Resident Judge in Fort Portal. Instead he proudly calls himself ‘Sister Batema’.

Batema trains trainers of the law students on ‘equality’, a topic about which he has developed several modules. He worked with the Uganda Women’s Parliamentary Association (UWOPA) on the Marriage and Divorce Bill which is still pending in Parliament. Batema also participated in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

## Nicholas Opiyo

### Human Rights Lawyer

An outspoken human rights defender, Opiyo’s voice on the rights of women to own property cannot be louder.

‘Women are human beings, as men are,’ he says. ‘Their gender should not in any way therefore make them less of a human being. They are entitled to the rights that everybody else is entitled to and enjoys. Women deserve equal protection under the law as well as inclusion and inheritance to property. A girl child in the home or a wife must have the same rights as a boy or a husband has. This sort of discrimination against women has no place in the 21st century.’

Born and raised in Pawel village, Gulu district to Mr. Ferdinand and Mrs. Angelina Ochola. Opiyo recalls that his childhood dream was to become a journalist. However, inspired by his cousin who had studied law at Makerere University and gone on to become Guild President in 1996, Opiyo literally fell in love with law. Instead of reporting stories as journalists do, his mission would be, as a lawyer, to defend the people reported about.

Growing up in the then war-torn northern Uganda, where he was a ‘night commuter’ who slept in public places to avoid abduction by the Lord’s Resistance Army (LRA) rebels, Opiyo developed a strong conviction regarding the need to defend the disadvantaged. He started practising law in 2006 after graduating from Uganda Christian University, Mukono with a Bachelor of Laws and from the Law Development Centre with a Diploma in Legal Practice. Opiyo went on to specialise



*Nicholas Opiyo*

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in human rights law. The 34-year-old says he takes on cases as there is need. 'I get calls from all sorts of people facing all forms of injustice like poor women in the villages, and whenever I am available, I take on their case.'

Opiyo goes beyond representing people in court to advocating policy reviews. He actively participated in drafting the Domestic Relations Bill, among other initiatives. The practice of human rights law, however, comes with its challenges. 'You are rarely appreciated by society,' says Opiyo. 'Some of the cases I have taken on are very controversial and come with lots of insults, verbal attacks on me and my family members. As a defendant of people who are considered to have no rights in the society, I am considered an outcast too.'

Opiyo says human rights work is painfully slow and at times frustrating when the desired change does not come easily. But he stresses the delight he derives from every little success. 'It is something I cannot describe,' he says. 'You have to look into the eye of that woman who was despondent and desperate and helpless after being chased away from land but who after you scored victory in court gives that handshake and honest smile on her face thanking you. It is that which makes me sleep peacefully at night and keeps me going.'

**Mr.  
Edmond  
Malilo  
Owor  
Executive  
Director  
Uganda  
Land  
Alliance**

In Uganda, women supply 70-80 per cent of agricultural labour yet only 30 per cent of them control the proceeds from land and their control and

ownership of land is limited to subsistence purposes. Women own a paltry portion of land, with figures ranging between 7 per cent– 20 per cent.

Increasing women's access to and ownership of land would boost agricultural production, women's social wellbeing and basic empowerment as well as form part of a larger movement to improve the status of women in Uganda.

Empowering women on land issues would give an impetus to change. Land governance functions at various levels, a fact that gives women a platform to contribute to the country's social, economic and political agenda, control and own productive assets and household property and increase solidarity and joint action with other women to challenge and address the underlying resource and power constraints at household, community and local governance levels. Empowering women is possible. I have seen, for example, women in Kibaale district whose lives have improved because they have been sensitised and are, therefore, knowledgeable about their land rights.

For a long time, there has been a policy-practice gap on women's land rights. As a result, women face significant barriers to owning land owing to some cultural beliefs and practices, such as inheritance rights which largely favour men.

Although the provisions of the Succession Act which discriminate against women were annulled by courts of law, many widows and female children continue to be relegated to the position of secondary beneficiaries of the estates of their deceased spouses and parents respectively. In many cases, the matrimonial home and other property pass on to the deceased's heir, who, under customary practices, is often the closest male descendant to the deceased.



*Mr Edmond Malilo  
Owor*

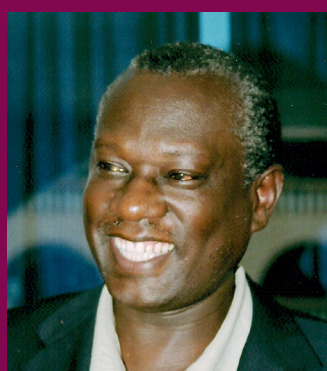
Despite such discrimination being deemed unconstitutional, not much progress has been made in trying to amend the Succession Act itself. The lack of government support for the land co-ownership clause for spouses during the making of the Land Act was a setback for women.

Yet it is obvious that population pressures, market inequalities and the appetite for land on the part of large international firms are likely to increase tensions surrounding land tenure and further affect the strides women are making to own and control land.

An amendment to the Land Act in 2004, for example, suggested a minimal shift in that it made spousal consent necessary for any transaction on family land, although this did little to change the reality that men continue to dominate the decision-making process. Women land rights movements have an uphill task in bridging the gap between law and practice by overcoming negative cultural systems and pursuing a rights-based strategy to land tenure for women.

**Opio Robert**  
**Principal Land**  
**Officer**  
**Ministry of**  
**Lands, Housing**  
**and Urban**  
**Development**

Women's rights to own property like land are supported by the law, and such issues can best be discussed in reference to the law, lest some people say you are attacking their culture. Article 33 of the 1995 Constitution of the Republic of Uganda guarantees women's rights by stipulating affirmative action for women to address the historical imbalances mainly resulting from culture. Culture denies women their rights to own property. Women, for instance, are not expected to own land on their own but through marriage. This means that unless she is married, a woman may never own land.



*Opio Robert*

When a woman is denied her rights to own property, it destroys her motivation and potential to work. She will not work as hard as she would have because she knows what she is putting her energy into does not belong to her. She will live in fear of being evicted. However, when her rights to, say, land are guaranteed, it will increase agricultural production. Women's contribution to agricultural production amounts to 70 per cent or more.

The solution to this kind of deprivation lies in outlawing all forms of discrimination against women. What government is doing is to strengthen institutions and the provisions of the law. For instance, women's rights are guaranteed in articles 33, 34 and 35 of the 1995 Constitution. Our duty is to operationalise those provisions. For example, the one-third women representation on community land associations is intended to ensure that this happens. We should go out into the communities and tell people that women, just as men, should own any property they desire to own. It is important to elevate women to a level where they can share in the fruits of their labour.

Below are some relevant extracts of land legislation:

***Land Act, Section 51(g)Safeguard the interest and rights in the land which is the subject of the application of women, absent persons, minors and persons with disability.***

***Land Regulations 2004, Regulation 21(o)***

***Have particular regard to the interest on the land of women, children and persons with disabilities and ensure that all such interests are fully and properly considered.***

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Interview

# Feature Interview With Agnes Kirabo

Arise Reporter

***“Productivity is higher  
when women have  
power on land.”***

**Agnes Kirabo**



Agnes Kirabo is the Executive Director, Food Rights Alliance and former Country Board chairperson for Participatory Ecological Land Use Management (PELUM). She is a charismatic activist, and is passionate about food security through providing support to smallholder farmers. She is a recipient of a 2012 Woman Achiever Award, a batch of awards organised by the New Vision, for making a recognisable contribution to development in communities. One of our reporters interviewed her on women and property rights; in the interview she addresses a number of issues.

### ***Give us an overview of the Women Rights Movement today***

The year 2015 is very strategic. We are marking two decades of the Beijing Agenda since the Beijing Platform for Action came into effect. Its two decades of concerted efforts, consistent and aggressive work for women and women rights. We have empowered women, given them hope and confidence. Women can now be entrusted with responsibility. Today there are women role models, women who many look up to, who the country is proud of. The women agenda is being incorporated into the Sustainable Development Goals replacing the MDGs. These are big achievements. But that is not to say women face no challenges. The challenges are big and apparent, the big one being women rights to own property.

### ***Now tell us, how does one acquire property?***

Property is acquired in three ways. First, you own property when it is given to you. That is in his or her wisdom one chooses to give you a property. Such a person signs a document that shows he or she has given you that property. The

second way is by inheriting property from a deceased relative, in most cases it is one's parent, husband or wife. The other sure way is buying the property. You buy it and therefore own it.

### ***What is the status of women as far as owning property [is concerned]?***

All the three factors mentioned above work against a woman in her pursuit to own property.

### ***Please elaborate how that comes about***

First, let's look at acquiring a property through buying it. The men own the land and income from the farm. How then will a woman buy land when after producing all the food and her spouse takes it all away for sale? At the end of the day, the woman receives no income what so ever. Where then will she get the financial power?

Concerning inheritance, cultural practices do not favour women. In Buganda, for example, the belief is that girls will be married off and that is where she will get her share of property. They will, literally, construct her in a manner that will prepare her to be at her husband's. They will emphasise how she must be humble, cook nice food and so on. The thinking is that when she gets married she will co-own property with her husband. But reality is that when she gets married, she will not participate in the family meetings. They will say 'You got married into our family and we love you but please excuse us, this is a family meeting'. This means that she is denied the right to own any property where she was born and sidelined where she got married. She misses out on both ends. That is why women own a meagre 1 per

cent of property in the whole world.

### ***What personal experience do you have?***

I was 16 when I nursed my father on his sickbed. He would take his medicine thrice a day, and every time I went to his sickbed to ensure he took his medicine, he would tell me to take care of my siblings because I was the eldest. Thrice he took his medicine so three times a day I was asked to take care of my siblings. But when he realised he was losing the battle of life, he called people to make his will. All my siblings were given land, including the youngest who was three months old. All were allocated land with clear demarcations but I was not, moreover I was expected to take care of them. Why? Because I was a girl! That is culture. But thank God because of the economic power, I have been able to acquire land, more land than what was allocated to my siblings. I am proud to say today I own property. I bought and own three acres of land.

### ***Does this problem have a geographical perspective; does it vary from region to region?***

Well it varies with people's way of life but I have not visited an area in Uganda where the woman is not the labourer. I have been in Teso, Kapchorwa, Gulu and here in central where I was born but the common denominator is women are labourers on land they do not own. In some areas, the man will leave the home when food production drops and may find another wife with whom they can party. He comes back when the harvest season is due.

### ***How specifically is the rural poor woman affected?***

That woman tills the land to produce food while carrying a baby on her back. She labours a lot producing food on the land she has no power over. Power on land comes into three dimensions; power to own, use and access. She may have access and power to use but does not have the power to own, and it is the power to own that really matters. The woman will in the morning provide labour for crops meant to generate income. She will labour but upon harvest the man gets all the money.

Land is owned by the husband or the clan. The owner determines what to produce on that land. She must wait for the man to decide where to grow "her" food, food for the family – and usually it is the marginal pieces of land as the man chooses the most fertile parts for his cash crops. As she labours on the income-generating produce, she may miss out on the season to plant food for the family. And agriculture in Uganda heavily relies on natural factors like rainfall. You plant late, you plant for pests and diseases and all. Yet a decline in food production in the family is blamed on her. The rural poor woman may seem to have accepted that situation but that is not for anyone to rejoice.

### ***Is the issue of women and property rights an issue for the poor rural women alone?***

No. The empowered urban women have issues too. The problem stems from the status we have given them (being public figures). They have got this property but are in silent battle over such property with people they share their lives with – their

family or husband; and because of the status we have given them, they cannot wail in public.

One may wonder how this happens when these very women advocate and speak out on the rights of women. Well, they speak for others but cannot talk about what they are going through themselves because they know what has happened (such women have been ridiculed) to their colleagues who have come out to speak about what happened to them so they suffer in silence. I know of a high-profile woman in this country who must sign an open cheque for her husband before she travels out on official assignments. That is the permit for the husband to let her go.

***Is it true that for a woman to own property is recipe for failure in marriage?***

People say when these women get money and acquire property their marriages fail, but it is because this particular woman is suffering a double burden of roles. They have these responsibilities from the jobs they do or businesses they run but carry on society-ascribed roles. They are still wives and mothers and all. What such women need is support.

***What is the implication of women having no power to own land?***

Women contribute 80 per cent or more of the farm labour yet the majority do not own land. That means a woman does not control what she produces. Her not owning land means she is not an equal

partner where she provides labour. She will provide less of her potential which impacts on production and productivity. Yet if she had that confidence, that power over land, productivity would be higher.

The second factor is that food crops have become cash crops. Food that would otherwise be for home consumption is sold. If a woman sleeps hungry because food is sold in the market in the urban areas, she becomes sick and will suffer emotionally because someone has taken away what she has produced. This is what is causing high maternal mortality rate in this country.

***Please explain how the lack of ownership of land by women increases maternal mortality rates***

The limited medical facilities are a problem but the biggest is that mothers are malnourished. Women in rural areas labour and produce food and it is all sold away. In the urban areas, the situation may be different but the consequences are the same. Have you heard of Ssentekameeza? That is the money men leave home everyday to cater for household needs. The threshold is 5000 shillings. But how can 5000 shillings sustain those large families? What happens is that the women will go without food the whole day. They watch TV, listen to Ebaluwa (popular radio programme where mainly women talk about life and marital problems), sleep and at around 4 or 5 o'clock begin preparing a meal so that on coming back from work in the evening, the man finds food. The women in the rural areas produce food

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but they do not eat it because it is sold away. Those in the urban areas do not eat but are producing children. I have talked to medical personnel who have ascertained that what is killing mothers even under their is mainly anaemia. The mothers work a lot but eat less. She cannot push the baby because she's weak. She cannot have enough blood when she does not feed well. She will definitely pass on.

### ***What therefore needs to be done, what should advocates for women rights do?***

We should rethink our message. Ninety-nine per cent of the property worldwide is owned by men. So who should be our target? It is the men. We should approach, without condemning them because we do that it will attack their ego and they will become defensive. You do not win in such a situation. Men are not bad people, I believe. It is society that constructed them so. We should approach them with a message of love. Love will win them. Men don't love money. Even those who build arcades, do not love those buildings. Men love women. And women have got the power. It is only the power of a woman that can bring down an army general. We should not abuse that power but use it purposefully. Men are nurtured not to trust women nor have confidence in them. It is the message they are given as they grow. We can give them another message. We need to make men appreciate women. We need to create a message with a common goal that this is not for women but the benefit of everybody. That 'she' has potential. That 'she' can be trusted. That 'she' can handle responsibility.

We should also reach out to those women who perpetuate this phenomenon that a woman has no right to own property. You find that in family meetings where

property is distributed, some women add their voices saying that a woman does not deserve to own property.

### ***What should an individual woman do?***

Women should love their husbands. If I am working and I see a nice shirt, why shouldn't I buy it for him? For when he puts it on and his friends commend him, he will know all credit goes to his wife. But if she works and owns all those things and does nothing at home, the husband will not see any reason why she should work.

The second thing is we have to build confidence in her. A woman was made to believe she cannot. I have seen women being entrusted with property or wealth or business but say 'Oh no, me I don't know how to do that, I cannot manage.' We have to change that. We literally have to reconstruct such a woman. Let's tell her, 'Hey woman, you can be responsible, you can manage, you can contribute to development.'

### ***What advice do you give on marriage because that's where many problems emanate?***

We need to rethink the way marriages were constructed. While being prepared for marriage, a woman is told that men are difficult and separately men are told women are not easy. That creates mistrust. You have heard what is called 'women money', that women secretly use that money to put up developments at their parents' home. That is true and the reason is that she is not sure she will be at her husband's permanently. She is insecure. She is therefore looking for a fallback position. Men and women ought to be given a common message that this

project called marriage is for the two of them; that they are co-directors where the success of their project – marriage – is incumbent upon both of them and that they are two people building a business empire together. That confidence is not preached. This should be our focus.

***What is the role of government in ensuring women rights to own property are guaranteed?***

Government should clear the stream. Gender mainstreaming is about clearing the stream of everything that clogs it so women can swim. And that is the responsibility of government. A woman has many things that hold her back; like illiteracy, and culture. When you tell her to swim to she may not be able to. The stream is clogged. Financing is important because if we put strategies and do not finance them we shall have done nothing. We may also have good policies but if the enforcement is weak then not much will be achieved. Special focus should also be put on agriculture in terms of financing and legislation for this labourer, the woman.

***You have heard of that person called 'Everyone'; what should everyone do?***

Everyone should do his or her part to champion the rights of women. The religious person, for example, should use the pulpit to speak out. People come to church voluntarily so it is an opportunity to preach the gospel that ends discrimination and brings about justice.

***But this sounds more or less like chasing the wind. Is there hope that things will change?***

Oh, yes there is. There is hope. I have seen men who have given women property, men who have not harassed but loved their wives and supported them. Increasingly there are men who are giving property to their daughters. Some people refer to such men as stupid, saying they are losing their power but such men are not afraid. They know they are doing the right thing. They simply appreciate women.



# MORE POWER TO HER:

## Revisiting Married Women's Property and Inheritance Liberties

Arise Reporter



We have never been husband and wife,' went a screaming headline. This was a story about Olive and Moses Kigongo, two figures relatively well-known to the Ugandan public. Mr Kigongo is the national vice chairman of the ruling party, the National Resistance Movement (NRM) while Olive is the president of the Uganda National Chamber of Commerce and Industry. The two have been publicly known as husband and wife for at least 16 years. They own Mosa Court Apartments, one of the most expensive lodging facilities in the city. Kigongo owns 85 per cent of the company, while Olive has a 15 per cent stake.

On January 15, Olive filed a petition at the High Court asking the court to wind up Mosa Court, citing irreconcilable differences with Kigongo. In her petition, Olive complained, 'He (Kigongo) took away from her (Olive – the petitioner) all cheque books of accounts and records of the company. The petitioner no longer has access to the records and bank accounts of the company and she is totally excluded from all affairs of the company including access to its property like vehicles and telephones.'

In response, Kigongo swore an affidavit. 'The petitioner and I are not husband and wife. However, the petitioner and I are two directors and subscribers to the memorandum and articles of association of the respondent company (Mosa Court Apartments).' Kigongo went on to state that he discovered that Olive was mismanaging the financial affairs of the company, leading to unexplained financial losses.

But the argument has been – and still is – that even if the allegations of financial mismanagement were true, does that mean her stake in the property ceases?

## Chased from land after husband's death

Cases like these are not uncommon in Uganda. In fact, many go unreported. It was only because Kigongo and Olive are public figures that their case was brought to light. But there are many situations, very unfortunate situations, that women oftentimes find themselves in.

Tabisa Kirya was married to Masaba Paskali. The couple lived in Palisa, eastern Uganda. She bore him two boys and one girl before Masaba died. Upon her husband's death, a man from her deceased husband's clan claimed rights to their property, including the land on which she stayed and which she cultivated with her children. The man did everything within his means to have Tabisa give up the right to land that belonged to her – land that she had acquired from her deceased husband, land in which she had a stake, a rightful stake. The man took it all!

Kirya sought legal protection but was frustrated by the local authorities (LCs) in her quest for justice. 'The LCs minimise and hardly do anything meaningful to assist me. Another time he arranged for me to be arrested by police from Pallisa who came to arrest me with a gun. At that time I spent seven days in a police cell. The man has done so many things which include planting maize in my garden of cassava and beans. He has brought his goats to graze in my garden and at the end of the day I have no food to feed my family,' she laments

Documented in a Yale University journal, Kirya's testimony is an example of what many women in Uganda go through, helplessly chased away from their marital homes empty-handed. It is not uncommon to hear claims like 'She was after all simply a housewife; the property belonged to the man.' And who pays the housewife?

This claim has been refuted. 'A marriage certificate is not to show for the union between man and woman,' argues Flavia Nabadda. Nabadda is an ordinary woman at Nansana, Wakiso district. 'Look at her contribution in the home. Even if she were a housewife, if her contribution in keeping the home, raising the children and looking after her husband were measured, her contribution to the wealth of the family would be tremendous.'

## Revise and give her more power?

Mr Edmond M. Owor, the Executive Director, Uganda Land Alliance, argues that policy-makers and the public need to appreciate the fact that, like men, women deserve equal rights to land in terms of access, ownership and control. This, he says, empowers women to improve their livelihood and contribute to the socio-economic development of a nation.

Jackline Asimwe, a family lawyer and women activist, says the country missed a great opportunity when the Land Act was passed without the clause on co-ownership of property. Section 39 of the Land Act requires prior written consent of both spouses in transactions involving family holdings, defined



Jackline Asiimwe

as land on which the family ordinarily resides and from which they derive sustenance. Section 29 prohibits decisions affecting customary land that deny women access to ownership, occupation or use of any land, as well as decisions that impose conditions violating the constitutional provisions protecting women.

Asiimwe, however, argues that this is not what really women wanted. 'Progressive as these sections may seem in so far as they relate to women and land, the provision that women's rights activists proposed and which was passed by Parliament but was missing in the final draft was the co-ownership clause,' she states. Co-ownership, Asiimwe notes, 'would increase women's decision-making power in the family and hence address the imbalance in property ownership between the sexes, and the resulting power imbalance of many marital relationships.'

While the provisions of the Succession Act that discriminated against women were annulled by courts of law, Isaac Walukagga, an advocate with Max Advocates in Kampala,

says that the succession issue has never been conclusively resolved. This is because culture is greatly embedded in society. 'In Buganda, for instance,' Walukagga illustrates, 'despite the provisions of the Succession Act not allowing discrimination against women, it is the male child who must succeed his father. And that is a level of inequality, a form of imbalance.'

While it may be difficult to defeat culture in courts of law, Walukagga says, it is possible if such norms or practices are discriminative. 'If a cultural practice or norm has been there for a long time and been accepted, seeking a court order to declare it unconstitutional is very difficult. But that is not to say it is impossible. If it favours men against women, then there is ground to declare it annulled.' The aspiration to give more power to the woman may thus require engaging cultural institutions in a quest for progressive practices and norms that conform to the precepts of the law that ensure justice and equality.

# How African Cultural Practices and Customs Undermine Women's Access to Land and Property

Arise Reporter

The Universal Declaration of Human Rights guarantees women's rights to own and administer property. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) stipulates the urgency of eliminating stereotypes, customs and norms that give rise to the many legal, political and economic constraints on women. The 1995 Uganda Constitution provides for the rights of individuals to own property (Article 26) and for affirmative action policies to address social and historical imbalances as well as prohibit all customs, laws and cultural practices which are against the dignity, welfare or interest of women, or which undermine their status (articles 32 and 33).

Contrary to these human rights protection mechanisms, many societies across Uganda have socio-cultural practices and customs that impact negatively on women. Culture may be viewed as the total sum of a people's way of life. It includes the norms and values of a society: their religion, politics, economics, technology, food habits, medicine, rules of marriage, the performing arts, law etc. While these cultural aspects have particular strengths, they have serious weaknesses that expose gender inequality and inequity.

## Customary land tenure leaves out women

Most land in Uganda is held under customary tenure but regulated by statutory law. Though statutory law does not bar women from owning property, cultural traditions and customs in many societies supersede statutory law, to the detriment of women, especially the poor, illiterate rural women. In Buganda, for example, land is the most highly valued property. Owning land brings power, and the issue about women having power is perceived to disturb social order; hence women who own land are regarded as 'big-headed'. To that effect some men are discouraged from marrying such women. The result is that such a woman is not only denied her right to property but marriage and sexual pleasure as well.

Inheritance rights constitute another aspect. Among the Langi people of northern Uganda, it is men who are supposed to be heirs to their fathers, including inheriting family property. Fifty-four-year-old Langi poet and author, Julius Ocwinjo, explains that when a man dies without having a son, his daughters, according to tradition, cannot succeed him. 'The daughters have no right to property, especially

land. They may till the land but it does not belong to them,' explains Ocwinyo.

The daughters are not even allowed to build permanent houses on the land—only temporary structures are permitted. Upon such a man's death, the clan elders will arrange for a brother to succeed him. This has adverse implications for the girls in the home. As Ocwinyo explains, 'When that man who succeeded their father dies, the property either goes to his sons (not

the daughters to whose father he was heir)

or is returned to the clan elders.' This effectively denies the girls their rights to own property of their deceased father.

Mr. Wafula Wagiamefi Wamwata, the Culture

Minister in the Inzuya Bamasaba (Bamasaba chiefdom), says that because the Bagisu lived on mountainous land where some portions of the land were inhabitable or unusable, culture attached much importance to land. To that effect, families cared greatly about, for example, who married their daughter, for such families understood that the importance of marriage extended beyond a simple union but could, in a way, have an effect on family land.

Culture stands in the way of people like Wafula who today believe that women ought to have the same rights to anything as men have. 'I am a parent to three girls who are all educated and am proud of them. I have equally given each one of them portions of land as I have with the boys. The challenge I foresee however is clan elders, whose perspective is still conservative, using their offices to falsely take away that land from them.'

### **Bride price and polygamy not good for women**

Jackline Asiimwe is a family lawyer and women's rights activist. She has done extensive research on the subject of women's land rights, including authoring an article in the Yale Human Rights and Development Journal. She says certain


customary practices in Uganda, such as bride

wealth and polygamy,

reduce women's security on land.

'Bride wealth is increasingly viewed

as making a woman the husband's property,



nullifying any claims she might have to land but transferring her property rights to her husband. Even gifts and property she acquires individually are viewed as belonging to the husband,' says Asiimwe. Besides customarily clans allocating land to men, Asiimwe adds that in polygamous families, land may be utilised jointly by several wives who, therefore, have difficulty claiming individual contribution or ownership.

### **Women made to belong nowhere**

While marriage is a revered institution among many ethnicities across the country, traditions and cultural norms, in a way, make this very good institution affect women negatively when it comes to women owning land and other property. Asiimwe explains, 'According to custom, females marry into the clans of their husbands. As girls in their father's homes, they are regarded as being in transit to their husband's homes, and when they marry, they are considered outsiders (because they come from a different clan). Very often women do not "belong" anywhere.'

Irene Ovonji Odida, the Executive Director of Uganda Association of Women Lawyers (FIDA) and former East African Assembly legislator, further explains the impact this has on the woman. 'Since women are seen as belonging to neither their families nor marital clans, they are denied by both sources the opportunity to own land. As a result, they are alienated from land ownership from childhood to widowhood.'

### **The hope that there is**

Dr Gilbert Gumoshabe, a consultant on culture and lecturer at Makerere University's Department of African Languages, says the hope lies in educating the girl child. 'Let us educate and prepare our girls for management and administration roles. Let us empower them, for with an education, they can be able to participate in decision-making. They can choose who becomes heir and therefore acquires which house or property.' Gumoshabe says determination and resilience will deliver the desired change.

# When the Woman is the Property Owner

Arise Reporter

The suggestion that women cannot own property is rooted in cultural norms and traditions and, surprisingly, evident in modern-day financial operations, with some banks showing reluctance to finance women-led projects. Thus, for the women who own property, every step of the way is a new hurdle to jump over. Three women share their stories with one of our reporters on what it means when a woman is a property owner and the difference there can be.

## **Barbara Ofwono Buyondo, Principal and majority shareholder, Victorious Education Services Limited**

Victorious kindergarten and primary schools are popular schools in Kampala and Mukono districts and the person who owns them is Barbara Ofwono Buyondo. Her passion was to do business, and for her, it was not going to be any business but schools. She barely had enough money though, to do the business she wanted.

To fulfil her dream,

Buyondo approached a bank for a loan but was turned down because she was a woman whom the bank did not trust would pay back the loan. Besides, she did not have collateral.

This was a major setback but she was not about to give up. At her church – Watoto – was a savings and credit society, Y-Save. She asked for a 1.5 million shilling loan. Unlike in the bank, at Y-Save Buyondo did not require collateral to get the loan. With this money,

Buyondo rented space and started a kindergarten in a makeshift structure.

That was in 1999. But not many parents wanted to take their toddlers there. So business did not come easily. Yet



Barbara Ofwono Buyondo

*Buyondo castigates the notion that women who own property become arrogant and fail in marriage. The mother of three says she is happily married. 'Owning property didn't affect my relationship with my husband because we do not compete but rather complement each other. We are happy. I don't live an extravagant life. I don't live a life you want me to live or keep up appearances, no. I live my simple life. My family is very important to me and I have God at the centre of everything,' she says.*

that was not all she feared. 'I always feared the landowner would one day come and say he wants to use the land where we operated, and we did not have money to buy it. That would mark the end of my business,' she says.

But Buyondo kept at it, running her kindergarten business and saving as much of the profit as she could. Holder of a Bachelor of Education (Primary Education) from Makerere University, Buyondo knew something about education management. This knowledge proved very useful along the way. Eight years later, in 2007, Buyondo was able to buy the premises of her first school. Fifteen years on, Victorious kindergarten and primary schools are located on four campuses – Victorious Kindergarten, Central Campus (near Pride Theatre), Victorious Kindergarten, Rubaga (Namirembe Road), Victorious Primary School (Bakuli, Mengo) and Victorious Primary Boarding School, Mukono. Buyondo owns more than 15 buildings.

Buyondo castigates the notion that women who own property become arrogant and fail in marriage. The mother of three says she is happily married. 'Owning property didn't affect my relationship with my husband because we do not compete but rather complement each other. We are happy. I don't live an extravagant life. I don't live a life you want me to live or keep up appearances, no. I live my simple life. My family is very important to me and I have God at the centre of everything,' she says.

With obvious gratitude, Buyondo looks at a picture of her first makeshift school to

which very few parents dared take their children, compares it with her majority-share multibillion school empire and smiles, 'I feel so good about what I have been able to achieve. It is an indescribable joy.'

That is not to mean, however, that the journey has been smooth. Surely it has not been. She had problems with the bank trusting her credit-worthiness. 'Bank officials looked out for a man on the list of signatories to the account I held to ascertain that the loan would indeed be paid,' she laments. Is it about the man or the ability to pay back the loan? Buyondo wonders. But she was never going to pity herself because she is a woman. She sought to build synergy. 'When I realised that financiers do not trust a woman with their money, instead of feeling sorry for myself, I saw the loophole and came up with a solution. I decided to team up with men.' In other words, Buyondo says if you cannot do it alone, you can with others. Nevertheless she wonders why banks do not trust women.

Buyondo admits that managing property and other personal responsibilities is very demanding but the magic for her has been to surround herself with intelligent and competent people to whom she delegates tasks, for then she can concentrate on the core responsibilities.

### **Victoria Sekitoleko, Real Estate Business woman**

The former Minister for Agriculture, Animal Husbandry and Fisheries (1988-1995), Victoria Sekitoleko, owns a commercial



**Victoria Sekitoleko**

building in one of the prime upscale locations in Kampala city and other properties in and around the city, including a piece of mailo land in Wakiso. Her acumen for acquiring property began immediately she finished school. Upon graduating as a banker in 1973, Sekitoleko acquired her first property in Entebbe using a bank loan. This was a big achievement for a 23-year-old.

An excited Sekitoleko went home to tell her parents the good news. Her mother was not amused. 'She was shocked and not amused at all,' Sekitoleko recalls. 'She said, "Just graduated, not married and bought a house, I mean what's that? You see when women build or own houses, they do not get married. Men are not interested in such women."' Sekitoleko's only answer was, 'We shall see.'

Sekitoleko has since acquired other properties and defied the odds and got married. In her real estate business, Sekitoleko, however, had to jump hurdles. On two occasions, banks declined to give her a loan. And what was the reason? 'They wanted my husband to co-sign my loan application. I had no time to

waste. I moved to another bank.' The second hurdle was her lawyer (a man) who thought one of the properties she wanted to acquire was too expensive, so he asked her to look for a cheaper one. 'I told him if he could find a cheap property in the same prime location then I would buy it. After that he proceeded to do what I was paying him for,' recalls Sekitoleko.

The 65-year old says management of her businesses has been made easier with her husband offering the support she needs. 'We are not competitors but partners,' smiles Sekitoleko.

### **Sylvia Namutebi, aka Maama Fiina** **Real estate Business woman**

Right from childhood, 37-year-old Sylvia Namutebi's dream was to become a successful businesswoman. But her dream would face several challenges, the most significant of which was her lack of an education. She could barely read and write. But that did not extinguish the burning desire inside her to do business. She never allowed her limitations to determine her destiny.

'I, literally, got hold of my heart and soul and said "You are my consultants",' she says with a smile. 'My heart and soul have been my genuine friends who I consult on every step I take.'

Wealth, Namutebi says, is created in the mind before one acquires anything visible and tangible. 'A person begins by hatching thoughts – thoughts full of wealth – from the inside before anyone else takes notice of it, and this has nothing to do with gender. A man, for instance, can never have better business ideas than a woman. Neither can a woman. Wealth lies on the inside of each one of us.'



Namutebi, who is also a traditional healer, started out selling gomesis but her mission was to own buildings on every major road leading to Kampala city. Wealth, she understood, lies in the number of property one owns not in the cash one spends and moves around with. She invested her savings in bicycles and motorcycles and accumulated enough money to buy a commuter taxi. Disciplined in using her income, Namutebi moved from owning

one commuter taxi to several, and with the accumulated income, she ventured into real estate.

Today she owns buildings on the Masaka, Mityana, Jinja, Bombo and Entebbe roads. Namutebi's story is one of a self-made real estate mogul.

In 2000, Namutebi got married to one Haji Ssekidde who was not as wealthy as she was but that never was an obstacle in their marriage. Instead, she says her husband was inspired to engage in business too, and the two became each other's advisors. They co-own some of the property.

Namutebi says it takes wisdom to manage wealth and marriage. Wisdom, she says, helps in knowing the boundaries within which to operate. She says it is prudent to use the services of lawyers for the security of the property and to avoid unnecessary misunderstandings, conflicts and breaches of peace at home.

Namutebi says that owning property is an asset not a liability to her family. 'Of course, being wealthy as a woman is greatly rewarding not just for me but for every member of the family. I personally support over 100 children in school. And besides, my husband is not on tension financially to take care of me,' she says. She is, however, quick to add that like any other woman, a woman who owns property or great wealth needs to be loved and appreciated by her spouse.

Contrary to the suggestion that women who own property are arrogant and non-submissive to their husbands, Namutebi says wealth makes a woman attractive. The mother of three – one boy and two girls – vows that she will divide her wealth equally amongst her children, without bias based on gender, for 'all are children.'

Sylvia Namutebi



# Reinforcing the Legal Structures on Women's Property and Inheritance Rights in Uganda

*Stacy Pearl Keirungi*

Uganda still fares miserably on global gender indexes. Ranking 73rd out of 86 countries in the 2012 Organisation for Economic Co-operation and Development (OECD) Social Institutions and Gender Index, the country clearly has plenty of room for improvement. Furthermore, with a Gender Inequality Index score of 0.517 on the global Human Development Indicator, it is growing increasingly difficult to link the reality on the ground to the fact that the country has been signatory to various international and regional commitments to the protection of women's rights and gender equality.

Although Uganda became signatory to the Convention on the Elimination of All Forms of Discrimination against Women in 2011, the United Nations (UN) Committee on the Elimination of Discrimination against Women expressed concern that violence against women and girls was widespread in Uganda. The country also ratified the Protocol to the African Charter on the Rights of Women in Africa in 2011 and the Beijing Platform of Action, and committed to attaining the third Millennium Development Goal (MDG) of promoting gender equality and empowering women.

The national constitution emphasises the need for women to be 'accorded full and equal dignity of the person with men and mandates the state to implement the clause across all political, economic and social spheres. It also addresses the threat of patriarchy by prohibiting 'laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status'. Women are further empowered in the constitution, which gives them '...the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.' On paper, this makes the Uganda constitution one of the most gender-sensitive laws in the entire world.

When it comes to property rights, both men and women's needs are somewhat catered for by the legal system. The Land Act (1998) 'prohibits a landowner from selling, mortgaging, leasing, donating (except

in a will), or entering into any other transaction in respect of land on which the family resides and earns a livelihood from without prior written consent of the landowner's spouse'. It also supports widow inheritance rights by indicating that when a co-owner of a property dies, the deceased's claim over the land is eradicated, leaving co-owners with the sole remaining interests. Therefore, a widow would automatically take ownership of matrimonial property owned jointly when her husband dies.

The law even penalises land grabbing, by illegalising customary practices, which discriminate against women, children or persons with disability with respect to owning, occupying or using customary land. However, owing to the fact that the Land Act does not properly address the land rights of widows, divorcees, women in cohabitation and children, the enforcement of this highly contentious issue has been largely unsuccessful across the country so far.

The Marriage and Divorce Bill, which was tabled in 2009, would have come as a long-awaited solution by consolidating the laws relating to civil, Christian, Hindu, Baha'i and customary marriages, cohabitation, separation and divorce. However, after much debate over it in 2013, the bill was shelved on grounds of being contentious. In particular, the clause on shared property rights in the context of cohabitation stirred up public concern because its end result would be increased property rights for the woman, whom society does not necessarily

*The national constitution emphasises the need for women to be 'accorded full and equal dignity of the person with men and mandates the state to implement the clause across all political, economic and social spheres. It also addresses the threat of patriarchy by prohibiting 'laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status'.*

## Property Rights

regard as an official wife. The extreme reaction to this mere proposal clearly outlined the fact that Ugandan society is still gripped by cultural resistance to women owning land or property.

Uganda's National Gender Policy is perhaps the silver lining in the situation, with its strong framework for gender-sensitive development that has facilitated success in some areas such as primary, secondary and tertiary school enrolment for girls. However, with more than half of the waged employment opportunities being unattainable or uncomfortable for women, the gender disparity remains a challenge. Literature on gender speaks elaborately about the huge disadvantages of women in the job market, including discrimination in recruitment and retrenchment practices, sexual harassment at the workplace, challenges in attaining maternity leave and pay. This all points towards the suppression of women's potential to control important productive resources

With affirmative action policies, the proportion of women holding seats in Parliament increased to 35 per cent in 2011 and every district in Uganda has a representative female seat in Parliament, which has had a positive influence on women's representation in political decision-making bodies. Local structures such as parallel Women's Councils and Women's Council Executives running from village

up to national level have reinforced the local gender sensitivity in politics. Unfortunately this has not been enough to protect women's rights because of the strong patriarchal basis of grass-roots society.

Ultimately, the legacy of a patrilineal inheritance and ownership does overarch any attempts at legal and policy reform which stands tall and firm in the way of women's access to economic opportunities. Therefore, the proverbial battle should be taken to the gates of customary practice and attitudes in order to make any headway in the fight for women's property rights.

This is clearly highlighted in the 2010 Uganda National Development Plan, which draws attention to gender issues, negative attitudes, mindset, cultural practices and perceptions' as constraints to the country's socio-economic development. Indeed, traditionally in Uganda, women are seen as inferior to men, and thus incapable of participating in any decision-making role. Such work is, therefore, always naturally deferred to the men at home. According to a national demographic survey in 2011, only 53 per cent of married employed women reported being able to make independent decisions on how to spend their earnings; only 38 per cent of married women reported participating in all three decisions pertaining to their own health care,



major household purchases, and visits to their family or relatives.

However, ironically, within the same culture that greatly discriminates against women and girls in Uganda lies the answer to the gender inequity and lasting structural reform that we seek. It would, therefore, not be in any activist's interests to try and eliminate the cultural aspect from society while seeking reprieve for women's rights nationwide. Basically, as a popularly referred-to basis for problem-solving strategies for rural communities that form the greater percentage of Uganda as a nation, an in-depth re-examination of the foundation of some of these cultural inclinations cannot be avoided by true stalwarts of change and positive reform.

Without a deep understanding of the reasoning of particular communities in the development of some seemingly unfair rules and principles, it becomes impossible for activists for humanity to establish a basis for review and objective discussion concerning the best way forward. In the light of the rich cultural diversity across Uganda, activists ought to be committed and single-minded in their resolve to conduct the necessary research.

A lot remains to be said about the stigma surrounding the existent failing advocacy drives to wipe negative culture out of Ugandan society. Without objectivity in one's resolve, drives to eliminate the deeply entrenched negativity of gender inequality will most likely be ineffective and thus the proverbial ball is now in the court of advocates for women and girl's rights. Will the struggle be to win the battle against the effects of culture or to win the war against the tall walls of tradition that have thrust many into a capsule of ignorance and deplorable gender insensitivity?

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# The State of Gender Equality across the Oil, Gas and other Mineral Value Chains

Sasha Mumbi



this wealth has not contributed to inclusive growth, equitable poverty reduction and gender equality. As per development indices, resource-rich African countries with higher income indices than their poorer colleagues, have less favourable human development and education indices.

This imbalance in growth and development, although evident in several other spheres, is clearly emphasised across Africa's socio-economic sphere where culture dominates the division of labour and resources in a not so gender-sensitive manner. Steeped in patriarchy, the operational systems across the African continent have based development more on the success of a male figure, while pushing women as far back into the shadows as possible.

It is, therefore, no wonder that the oil, gas and mineral value chains have important opportunities and considerations for women's engagement, which are currently not being fully realised. Throughout the chain of exploration, contracting and licensing, operations and extraction, value addition, tax and royalty collection, and revenue distribution and management, both women and men ought to have the same opportunities. However, while the human rights perspective clearly affords women the same right to development as men, their continued exclusion from access to economic and social development along the value chain violates this principle.

Furthermore, it is widely acknowledged that, as a capital-intensive industry, the extraction sector offers limited employment opportunities to local communities owing to

The extractive industry has been active for centuries around the world, with minerals and precious stones being continuously removed from the soils of the earth, in most cases until depletion. The African continent, although late to the game, has been a hot favourite in recent times with the discovery of large portions of precious ores in parts of western, central, eastern and southern Africa. The western world, which plays host to most of the mining companies exploiting Africa's soils, has unequivocally benefited at the expense of the continent that has responded to this gross resource with conflict and corruption.

Sadly, although the continent possesses 10 percent of the world's oil reserves, 40 percent of its gold ore, and no less than 95 percent of platinum group metals, these resources have not always translated into higher levels of household income and in most cases

the highly technical nature of most work in its operations. Thus, given that the primary form of employment available to local communities is usually casual labour during construction stages, fewer women are able to benefit. Indeed, according to a World Bank report, women generally make up half or more of a community's members, but in some communities unemployment rates among women are as high as 87 per cent.

In the light of these inequalities,, women in local communities are often forced to resort to artisanal and small-scale mining for unskilled labourers, which is more dangerous than work in larger mines because it involves less protective gear, less regulation, and poorer infrastructure. This processing work, which is majorly conducted at home, exposes women and their families to harmful chemicals.

Unfortunately, this most risky and inopportune work usually earns a woman a meagre cash income, while leaving her still primarily responsible for additional work and responsibilities at home. Evidence indicates that women often work longer hours than men, but on average earn four times less than them.

Children also are used in the mining industry in Africa, with the time spent at the mines usually costing them school time. They are often used to transport materials and food into the mine, exposing them to dangerous physical environments such as uneven terrain, and even more dangerous atmospheric chemicals. Particularly for girls, their jobs which include bringing food and drink to miners, or working in mine bars and restaurants, expose them to sexual abuse as early as nine years, which can contribute to





the spread of HIV/AIDS and other STDs.

HIV/AIDS and other STDs are never far from communities in these instances, as the incidence of HIV/AIDS and other STDs often rise for male workers who visit prostitutes. With submissive wives at home, the practise of unprotected sex renders them and their unborn children prey to the scourge immediately and permanently.

Some may argue that the neo-cultural societal norms, which are characterised by ever-changing gender roles are to blame, as they dictate that women no longer have to conduct exclusively domestic and child care-related chores, but have to pitch into work traditionally assigned to men, such as agricultural production and micro-enterprise activities. However, the truth of the matter is that such peripheral evidence of 'women's empowerment' is blind to the fact that women are still expected to carry out their domestic roles in addition to new economic ones.

The heavy male cultural undertones in many mines create unsafe and barely monitored scenarios, which promote perpetual sexual harassment, which in many instances is not reported by the female victims because of low confidence.

It is also owing to such an imbalanced employment ratio that extractive industry

employment for women has been seen to create tension in families and communities where, counter to patriarchal beliefs and norms, the women have been able to attain employment instead of their husbands. This has most often led to domestic violence.

Environmentally, the extractive industry also means the conversion of land to new uses – either for extraction itself, or for support infrastructure (roads, ports, housing, clinics and offices). This always means the loss of subsistence agriculture and farmlands and cutting off access to resources such as water and food, which are typically a women's domain in developing Africa.

However, in many countries, men are typically land title holders, so they are more likely to be the ones compensated for loss of land, even if it is women who work the land and are equally – if not more so – impacted by the loss, in terms of access to fresh water, food and firewood. Women do not usually receive compensatory money, thus reducing their resilience to change and their ability to provide for dependent family members.

For women living or working on land as tenants, this situation is even graver, as they have even less recourse when the land is converted for extractive industry use. When both formal and subsistence agricultural opportunities for women disappear, women have no choice but to leave the area or are



forced into minimal wage, menial jobs or even prostitution to survive.

However, all is not lost. The extractive industrial sector revolution in Africa may not currently match the high local community expectations in terms of employment, but it does compensate for this by way of infrastructural development, such as hotels and restaurants. These, if maximally utilised by both government and private stakeholders, could further the goal of equitable development in terms of gender. This ought to come with the prioritisation of interventions to safeguard the rights of women and children in this area.

Governments should, therefore, front women local leaders – including women councillors, women entrepreneurs and cultural leaders – to spearhead consultations between local governments and oil companies and develop long-term, multi-sectoral strategies for addressing gender in the extractive sector. In order for this to occur, sufficient resources should be allocated to gender officers and women councillors or to reach women living in remote areas.

Development partners, on the other hand, ought to come alongside local governments and NGOs to strengthen community services

for supporting vulnerable groups affected by domestic violence, and other gender violence-related crimes.

Mining companies, as the key stakeholders, must develop gender-disaggregated evaluation frameworks and gender-sensitive assessment indicators to assess the impacts of sector activities properly and to monitor the quality of community investments.

Civil society should also chip in by focusing efforts on evaluating the capacity of local institutions and actors to manage the risks and benefits of the mining sector, with specific focus on gender bias in the way these impacts are felt by communities.

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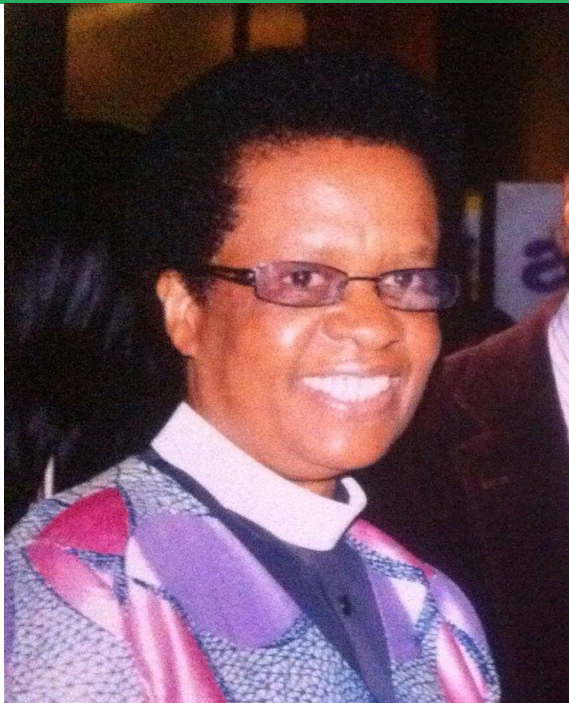
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# Women and Property: What Does Religion say?

Violet Ssekite



Studies and observations reveal that cultural beliefs and religions are some of the reasons why men and women cannot equally access land and property. It is not news that a girl child will be denied land by his parents in Buganda in anticipation of her marriage to another family, where she will be alienated as well and end up without land. Some have attributed this idea to the fact that women are the weaker sex (vessel) and the responsibilities of big ownership would rather be kept away from them.

This was not God's plan at all, since in the Bible, God created both male and female and put on both the seal of equality, which He emphasise in Genesis 1:24-28. If both male and female will inherit the Kingdom of God as co-heirs, then not even the Almighty can be blamed for human injustice

and discrimination. When property is being bequeathed to children, then both girls and boys are entitled to a share of their parents' property.

Hajat Hamida Mukasa, the head of the National Muslim Women's Development Council (NMWDC), blames discriminatory notions on ignorance and turning a deaf ear to the rules and history of the Almighty.

'The reason for Prophet Muhammed's message was to bring justice to all people regardless of gender. Allah wants everyone to own property; that's why the first wife to the Prophet (peace be upon him) was an example. She was a very rich woman, and no indication is given for her lack of ownership. The Hadith reveals that Khadija was the Messenger's favourite and he did not marry another wife until her death because she was greatly empowered and won the respect of her husband (Sahir Muslim 31:5973),'Hajat emphasises.

God first created man and later woman as the weaker sex with the intention to create physical difference, beauty, mutual attraction and appreciation and never to disadvantage woman with regard to property ownership. Egoistic tendencies do not seek peace and justice.

The Reverend Canon Grace Ndyabahika, a writer counselor and a priest of the Church of Uganda, corroborates Hajat Mukasa's views. She appreciates her parents for bringing them up in a godly manner.

'My parents never looked at us as inferiors,' she asserts, 'but ensured we are given equal treatment and preparation. God created women as helpers and not house girls. We have equal responsibility and entity in the home.'

This view is noted in the book of Numbers 27:1-11, when God Himself told Moses to give to girls their father's inheritance as they would give to the men. Denial of property ownership to women amounts to wronging God who made them.

When it comes to working towards home development, the Bible guarantees the right to property when it says that two become one flesh when they marry (Mathew 19). Why, then, do the two fall asunder when it comes to ownership?

A strong woman, as reflected in Proverbs 31, will work hard to acquire personal property. A woman's work is not limited to domestic chores. God considers a woman who plays multiple roles as an importer and manufacturer, and as having strength and wisdom. If this woman was unfortunate enough not to inherit any land from her parents, then, as suggested by the Reverend Ndyabahika, hard work will guarantee ownership of land, though such ownership requires protection and justice.

Breaking out of cultures that keep the woman vulnerable will pave the way for godliness to reign. According to Hajat Mukasa, heading a national council testifies to her strength as a woman and positions her to effectively protect the rights of her family as well as herself as a property owner so that she is able to enjoy the fruits of her sweat. Paying attention to sharia law, which upholds the values of integrity, love and transparency among Muslims, would contribute to saving the world from court wrangles. Women have

an obligation to support men and vice versa. Each party simply needs to be a fallback for the other and the relationship between them should not be characterised by rivalry. 'When Godly values are taught, and undesired cultures dealt with, all humanity will enjoy their rights and opportunities,' the Reverend Ndyabahika emphasises. 'Right from the family level, there is need to teach children the truths about gender,' says the reverend. The canon calls upon society to bring up a generation that does not view sex as a pretext for putting any individual at a disadvantage. It is wrong to treat one child as less worthy than another on the basis of gender. All children are equal and should be viewed thus by their parents since this is a divine view that will please God. The yardstick for success is God himself, not gender.'

'We have three children, one son and two daughters and each of them gets an equal share,' she proudly adds. 'Empowering girls with education will secure a working future for them through employment and capacity-building and position them to acquire property,' she continues.

'I struggled to get to this level, and couldn't be denied entrance despite the struggle by most men to hinder me from fulfilling my preaching dream. I was empowered and gifted and was never sidelined by males. I was trained and didn't stop at the basic level but also acquired a Master in Theology, Liberation and Counselling. Success to a woman is achieved through struggle. But with Jesus I overcame,' says the reverend who has a soft spot for girls and who was the first woman canon in the country.

Blessings!!

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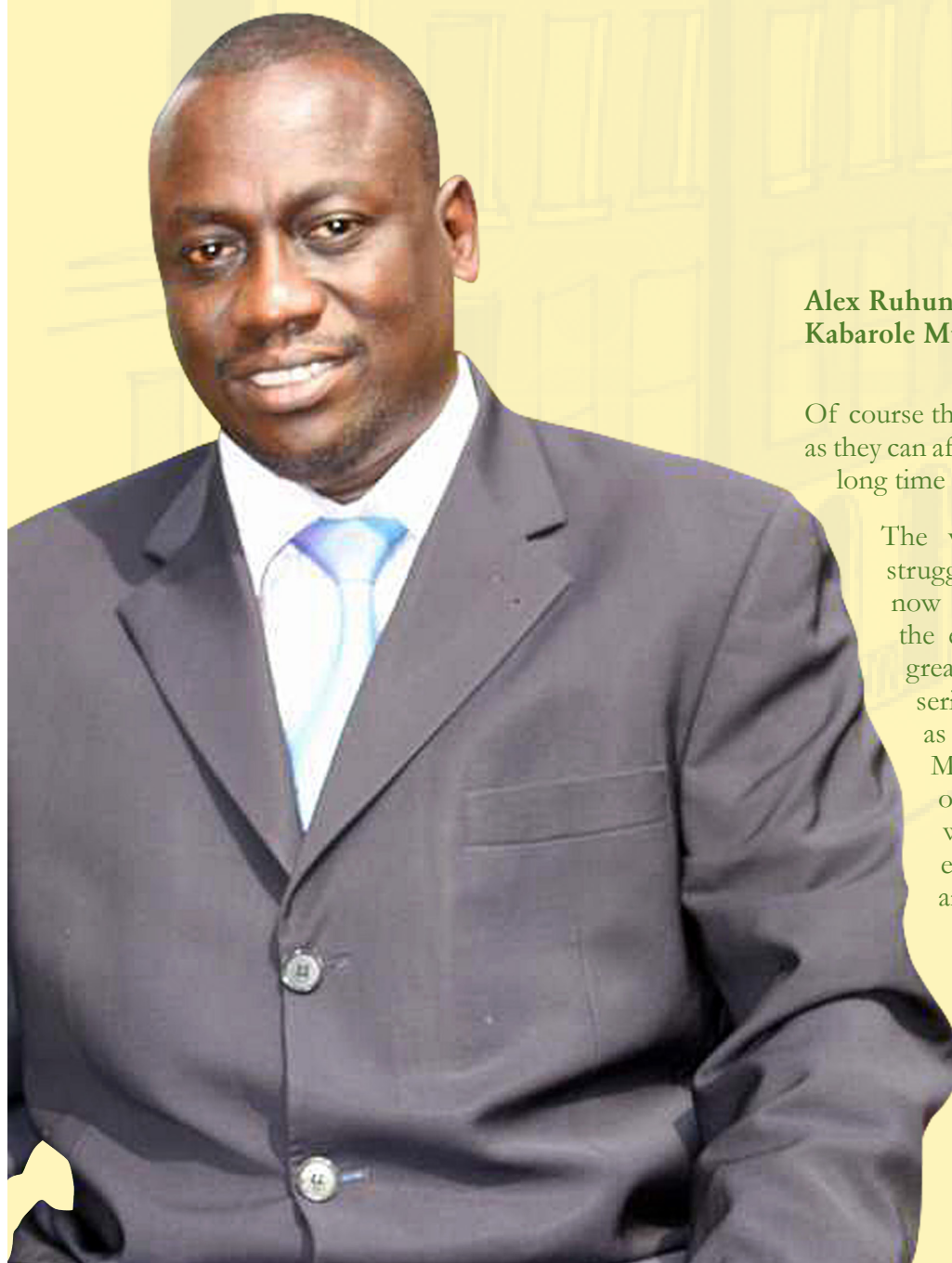
# STREET TALK

Samson Baranga

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## *Is it okay for women to own land and other properties?*

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**Alex Ruhunda - Member of Parliament,  
Kabarole Municipality**

Of course they should own as much property as they can afford. The era of patriarchy ended long time ago.

The women have had decades of struggle for liberation and are only now achieving some results. Though the educated ones have benefited a great deal, the rural ones still face serious constraints but have hope as the laws protect their interests. Many Savings and Credit Co-operatives (SACCOs) prefer women compared to men. The economy thrives when both sexes are optimally involved.

### Joy Babirye – Makeup Artist



There should be no question of whether women should be ‘allowed’ to own properties because that makes it seem like they need permission which if you ask me, is quite degrading.

Times have changed; women can own as much they need to. The women in this century have had a chance to exercise their full potential by doing things that were considered to be in the men’s world and it is clear that their efforts are paying off. So women have earned not just the right but also the ability to own property and chunks of land.

### Patricia Osman – News Anchor on 91.3 Capital FM



Women should own land and other properties because we (women) are good custodians. Women can make great use of land and keep the property safe as well. The quality of the labour force

today is completely dependent on women’s performance as mothers, [and] the custodians of family health and welfare, especially those of children. Women’s property rights are critical for achieving poverty reduction and gender equality, yet efforts to secure them are often compromised by many challenges. Women’s rights to own, inherit, and control property on an equal basis with men has been violated since time memorial. This contributes to poverty, homelessness, dispossession, diseases including HIV/AIDS and violence.

### Patience Akumu– Executive Director, Rights Africa Initiative (RAIN)

It is essential for women to own land and property. They are very hard-working people in society but the lack of resources like land has continued to keep them in poverty. They rely too much on their husbands, uncles and



brothers to access property. There must be a deliberate effort to change this. We must start bequeathing as much land to the girls as to the boys. We must iron out our marital laws and make sure tradition does not stand in the way of women’s access to property.

### Josephine Nanyonga– Policy Analyst at Law Development Centre

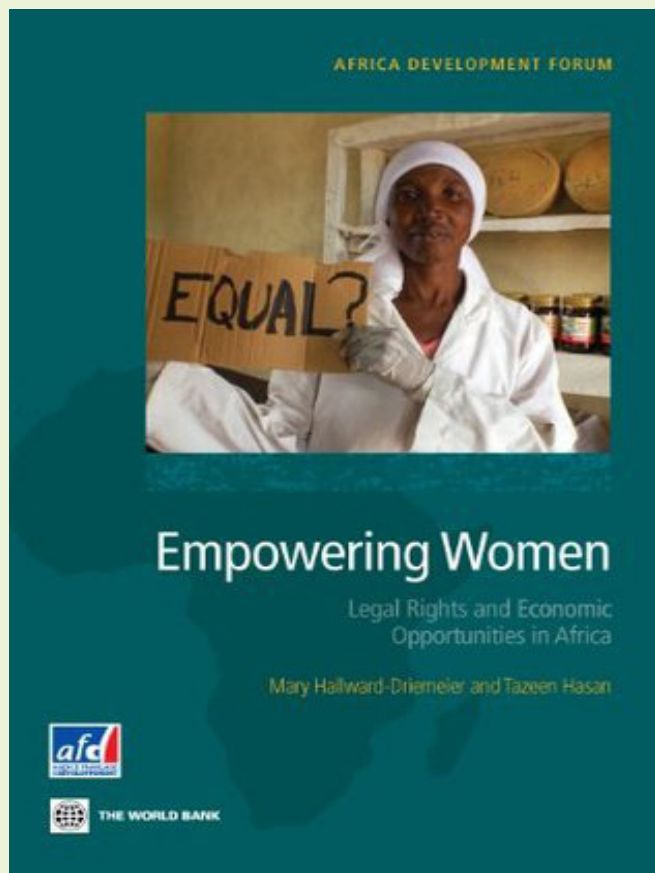


Yes. Women need the financial independence,

especially due to the fluctuations in the economy and also to reduce on the financial burden on their spouses/men. Men get tired of being asked for shopping plus money for the salon, fuel and sanitary towels, among others. Very few men want a wife who can’t supplement the household income nowadays. Financial independence for women will in turn reduce the financial burden on the men.

*The writer a reporter with the Observer and can be reached at: [barangasam@gmail.com](mailto:barangasam@gmail.com)*

# BOOK REVIEWS



**Book title:** *Empowering Women: Legal Rights and Economic Opportunities in Africa* (African Development Forum)

**Author:** Mary Hallward-Driemeier, Tazeen Hasan

**Reviewer:** Kyomuhendo Belinda

**Publisher:** World Bank Press

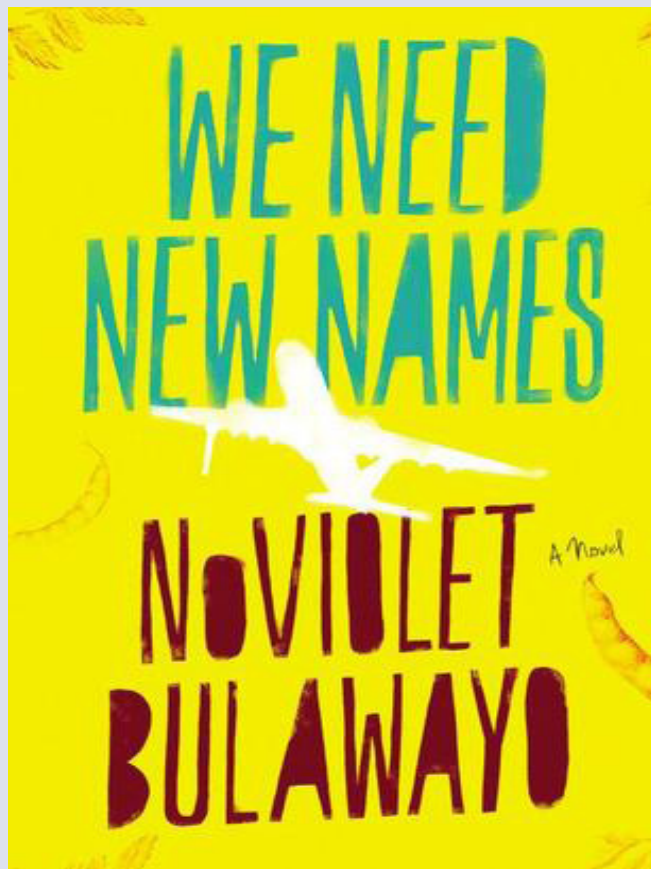
covers all 47 countries in sub-Saharan Africa, providing indicators and links to constitutions, ratified international conventions, and domestic statutes where there are gender gaps in legal capacity and property rights. It shows how, despite universal constitutional recognition of non-discrimination, many countries have exceptions in the areas of marriage, ownership, and control over property and inheritance. With less secure property rights, women in these countries do not have the same ability or incentive to accumulate and control assets and, as a result, access to finance and to grow their businesses.

After laying out the various gender gaps in legal capacity and property rights, Tazeen addresses the additional challenges stemming from legal systems with a multiplicity of sources of law. The book recognises that women may face greater practical constraints in having their rights protected and spells out specific steps that can be taken to address gender gaps both in formal property rights and in practical constraints on accessing justice. It is an invaluable resource for policy-makers, development partners, non-governmental organisation workers, and academics.

*Empowering Women: Legal Rights and Economic Opportunities in Africa* documents the extent to which the legal capacity and property rights vary for women and men, and analyses the impact this has on women's economic opportunities. The importance of property rights in providing the incentive to invest, work hard, and innovate has been recognised for centuries, yet many women in Africa do not have the same property rights or formal legal capacity enjoyed by men.

This book introduces the 'Women's Legal Economic Empowerment Database – Africa (Women LEED Africa)'. This database

# BOOK REVIEWS



The story is narrated by Darling, a ten-year-old girl, living in Zimbabwe with her mother and grandmother. Her father has left for South Africa for work and has not returned. She prowls around her shanty-town, Paradise, with a pack of lively playmates, inventing games (like 'Find Bin Laden') and stealing guavas from a nearby community where wealthy whites and Africans live in mansions in air-conditioned splendour. Eventually, Darling's aunt brings her to America. Culture shock ensues, snow, people obsessed with being skinny in spite of eating large amounts of food, smart-mouthed teenagers who don't speak proper English, children who don't obey their parents, people

**Book title:** *We Need New Names*

**Author:** NoViolet Bulawayo

**Reviewer:** Kyomuhendo Belinda

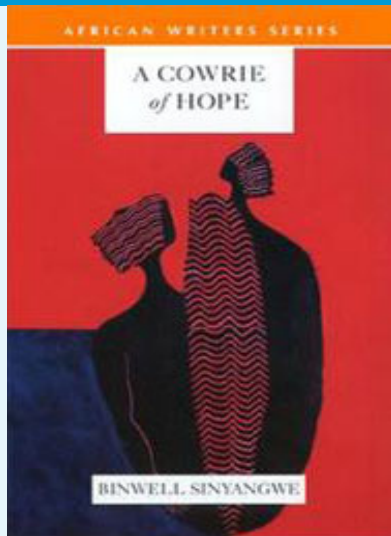
**Publisher:** Reagan Arthur Books

sending their aging parents to be cared for by strangers, and so on. As Darling grows up and becomes a high school student, she begins to assimilate into America but misses her home and her friends.

Darling's transition to becoming a typical American child is really the centerpiece of the novel. It is a perfect illustration of how a person is shaped by the culture they are surrounded by. Darling remains the same girl at heart, but her view of the world and the way she interacts with it gradually changes as she becomes more entrenched in her new home. The story deals with several topics including colonialism, coming of age, AIDS, immigration, but they are drawn together well and Darling shines at the centre of the story – a believable, loveable voice that sees the world through innocent eyes.

Despite its having received mixed reviews, I thought *We Need New Names* is funny and well written, with an interesting and well-paced storyline. NoViolet Bulawayo has a very compelling way of using language to create vivid scenes that make the reader feel as though they are reliving a memory of their own, despite how far removed their own experiences might have been.

# BOOK REVIEWS



**Book Title:** *A Cowrie of Hope*

**Author:** Binwell Sinyangwe

**Reviewer:** Sherinah Namata

**Publisher:** Heinemann

Binwell Sinyangwe's *A Cowrie of Hope* tells the story of Nasula and her daughter Sula. Having been treated like dirt by her husband and his relatives, the only thing Nasula craves is proper education for her daughter. This she believes would give her freedom, emancipation, and independence from men.

Widowed not long after marrying, Nasula is kicked out by her husband's relatives and left to fend for herself and her daughter. But throughout her troubles, she never gives up her dreams for her daughter. Nonetheless, these are difficult times, as Nasula observes:

*"These were the nineties. The late nineties. They were lean years. They were the years of each person for himself and hope only under the shadow of the gods."*

At one point, Nasula suffers a major setback that threatens to crush her dream, when the rains fail and, as a result, she cannot plant crops. Even the odd jobs she takes on fail to generate enough money. Thus, in a dilemma, she decides to approach her dead husband's relatives, reasoning that they would help since, at least, the child was theirs. On getting to them she finds them in a position worse than her own. However, help comes from of a friend, Nalukwi, who encourages her to go

to the city to sell her last bag of beans at the market.

As fate would have it, Nasula's hopes are dashed yet again, when a conman, posing as a buyer, robs her of the beans. Pretending to be a buyer, and after asking her to place the beans in his car, the man escapes without paying her. After futile attempts to find the conman, whose name she has found out, Nafula decides to head back home – dejected beyond measure at what she describes as 'the death of hope'.

On the way, though, she changes her mind and returns to the city to find Gode Silavwe, the thief who stole her bag of beans. And, after spending a week sleeping in market stalls, eating once a day and not bathing, she finally finds him. But Silavwe denies ever having met Nafula.

The two end up at a police station, where Silavwe is able to bribe his way out. Undaunted, Nafula finds her way to the head of the station and reports the incident, leading to a dramatic turn of events.

*A Cowrie of Hope* is a good book which not only reveals the pains, trials and sacrifices a mother makes to ensure that her children succeed, and do not make the same mistakes or poor choices she made, but also a story of a woman's courage, resilience, hope and an undying faith that no matter what, a woman can survive and come out strong and victorious from the social and cultural status quo where she has been placed for so long.

*Sherinah Namata reviewed the above books. She works with ACFODE*

# Rights and Responsibilities:

## How Can We Guarantee Women's Access to Land and Property?

Arise Reporter

**A**cross the world, many women tell a similar tale. They till the land, produce the food, yet lack secure rights to land, including being denied equal rights to inheritance. These women say they are vulnerable and constantly face the risk of losing their only source of food, shelter and income.

But in situations where they are guaranteed their land rights, they are better able to provide for themselves, and their family needs from food security, to income, nutrition and education (UN Report, 11 November 2013).

Agriculture is Uganda's main source of livelihood



*'How can you say that my wife doesn't work? Are there women who totally do nothing in their homes?' he asks. 'Then let whatever activity a woman carries out in their home be translated into money and let the husband pay' says 'Sister' Batema. 'The non-commercial activities that a housewife, for example, carries out hold a lot of value – from child-rearing, baby sitting, counselling, casual work, to the marital bed duties.' Such priceless duties should be at the back of men's minds before they bargain for selfish property rights.*

and the main occupation of women participating is 90 per cent of the total labour output (IFAD study). However, husbands control land that could legally belong to their wives, and in worse scenarios, women are blocked from access to land inherited from relatives. Such a trend is not in keeping with the 1995 Constitution of the Republic of Uganda stipulating that all persons are entitled to own property individually or in association with others (article 26).

According to Betty Kasiko, Director of Programmes at UWONET, culture is misinterpreted in many societies so as to create a justification for denying women property ownership. The Acholi community, for instance, has an elaborate document containing guidelines that highlight principles, rights and responsibilities of women and men yet in reality they are not respected. 'Cases of eviction of widows from property was unheard-of in the African culture, rather there was reification of it to achieve a different goal,' Betty observes. 'In my experience for example, Basoga culture stipulates that a widow safely stays on her deceased husband's property with her children. This also applies to the wife whose husband has chosen to separate from, called 'omunobe' – the neglected. Misinterpretations have emerged owing to loss of integrity and loyalty to culture and religion plus greed that has turned land into a commercial asset lately.'

Some men have justified denying property ownership to their wives on the grounds that the women do not earn commercially and contribute to the acquisition of property. Justice Batema argues that this kind of attitude stems from a lack of knowledge, observation and clear analysis.

'How can you say that my wife doesn't work?

Are there women who totally do nothing in their homes?' he asks. 'Then let whatever activity a woman carries out in their home be translated into money and let the husband pay' says 'Sister' Batema. 'The non-commercial activities that a housewife, for example, carries out hold a lot of value – from child-rearing, baby sitting, counselling, casual work, to the marital bed duties.' Such priceless duties should be at the back of men's minds before they bargain for selfish property rights.

Protection of women's rights is worthwhile, therefore, though it calls for patience and time. Through advocacy in communities, education – both formal and informal-, and participation in magistrate's courts by women's organisations, justice will be won for the women. UWONET has responded by actively taking part in the formulation of laws, for example the Consent Land Act, the Co-ownership of Matrimonial Property Bill (the Matembe bill that was lost in Parliament) as well as the Marriage and Divorce Bill and taking part in legal parliamentary events as a means to bring the front women's property rights.

However, achieving this legislation requires work from family level, then to the central level. Awareness among both men and women will ensure a change in attitude as men will view women as partners, daughters, wives and mothers that deserve the best in life. As we jettison customs that victimise women, using cultural decentralisation to create awareness and foster behaviour change brings great returns in this journey. Clan heads, chiefs in societies, the Buganda land boards and cultural groups are fertile grounds for the sowing seeds of respect and equal opportunity and for guaranteeing property ownership rights to women.

# Boy or Girl for Heir – What about?

Arise Reporter



**W**hen I married my wife seven years ago, I was crystal clear in my mind that no matter the sex of my children, I would embrace them wholeheartedly. I did not entertain any grain of the age-old stereotype where there is a preference for male children to be born first under the pretext that they perpetually must be the family heirs. In fact, when my wife was operated upon and delivered our firstborn a baby girl named Nichol, I called for a celebration and declared to my wife that would be my heir – and Nichol knows it. If not her, then her sister Tia who follows in line would carry the mantle.

Did I even hear that some men have previously committed suicide on receiving news that their first child was a girl? I also know of some ladies who, under immense pressure from their husbands and relatives, have had to have one child after

another in the hope of getting that desired heir. Children, no matter their sex, are the best blessing ever from God and they, therefore, deserve equal rights to live and to share and partake of life's resources.

I am completely against this male chauvinism that has mutated in many different aspects of our life to such an extent that it has become naturally accepted and difficult to challenge. How can we be talking of human rights and human equality while still denying girls and women a chance to inherit property, even of their very own spouses? I find this absolutely incredible, to say the least.

A couple of years ago, I visited the northern Uganda districts of Apac, Amuru, Pader and Gulu. I had the opportunity to interact with a number of women, some of them in their 80s. It was very painful to realise that some of these elderly women had never owned a single piece of land, yet they previously 'had' several acres of family land. One of the ladies, Apio, was tearful as she shared her nasty experience. Upon the death of her husband, she said, her husband's family denied her the chance to inherit the deceased's property on account that she had not given birth to a boy. She was subsequently thrown off the land together with her two daughters. At the time of our meeting, Apio was living in a tiny grass-thatched hut which she shared with her goats...all because she was born a woman! In fact, I was also told that

*These days we are increasingly having cases of uncultured men who torture their wives with the result that some wives have even lost their lives. Women stand untold pain at the hands of their husbands simply because many have no recourse whatsoever. However, if women were to become heirs of their parents' property, they would be empowered to such an extent that even if they chose to escape from their torturous marriages, they would be in a position to start a new life back home. Personally this is very critical for my daughters and if it is to be the beginning of a paradigm shift, let it be.*

in some cultures, rather than bequeath property to the deceased's daughters, any male in the family, irrespective of how distant he might be, would do.

I have struggled to come to terms with the reasoning adduced as to why women should not be heirs. The commonest of them is that when women get married, they become part of another clan; therefore, giving such women land would amount to giving away one clan's land to another at the risk of disrupting continuity. On the face of it, this sounds true; but we must look at life from a broader perspective. Through intermarriages, life reorganises itself to such an extent that the givers become the receivers at some other point in life. In any case, who can ever claim to own this world? All there is and all there will ever be, is given unto us by the Almighty creator for our livelihood, male and female alike.

These days we are increasingly having cases of uncultured men who torture their wives with the result that some wives have even lost their lives. Women stand untold pain at the hands of their husbands simply because many have no recourse whatsoever. However, if women were to become heirs of their parents' property, they would be empowered to such an extent that even if they chose to escape from their torturous marriages, they would be in a position to start a new life back home. Personally this is very critical for my daughters and if it is to be the beginning of a paradigm shift, let it be.

It is critical to point out, though, that bequeathing property to your girl child in itself may not be



enough. When some girls get married, under the power of love for their husbands (or is it!), they end up surrendering all 'authority' to the so-called breadwinners. In the name of 'winning bread', some men go overboard and sell even what does not belong to them. My very own mum (RIP) found her self in this kind of trap. In fact, she received a big chunk of land from her own mum, but my dad sold off her land without her notice, and even did not share the proceeds in that regard – again, just because she was a woman.

Well, when all is said and done, nothing seems to ever come on a silver platter. Women must use their numerical advantage to advocate their rights; but, perhaps equally critical, we must start to make our children feel that they deserve such rights at a tender age. Who knows – some day, women will achieve that desired liberation.

# Voices from Within:

## *the Crisis of Women's Land and Property Rights in Uganda*

Roger Kiwanuka

Enclosed in the covers of research books written by gender advocates of notable organisations are stories that depict the gravity of the impact of the patriarchal cultural system on women in Uganda. Many times, nobody looks into the text to understand the extent to which women's rights to property are trampled, instead 'they' rely on random videos and hearsay to pull their thoughts together on the subject.

It is for this reason that the writer combed through the internet and different compilations of research by local and international human rights organisations. He came up with a number of real-life testimonies of women battling the rigid stance of culture, to survive or, perchance, thrive to accrue ownership of property. Below are the voices from within:

*Source: Making Women's Land Rights a Reality in Uganda: Advocacy for Co-Ownership by Spouses*

When Joyce Birabwa's husband was killed in a suicide bomb attack in Mogadishu, 1000 miles

away, her whole world fell apart.

Left to raise two children alone, Birabwa barely had time to grieve before discovering that her in-laws had plans that would leave her penniless.

First, they grabbed the land and cows that her husband, Eriya Kabuye, kept in a rural village outside the central Ugandan town where the couple rented a house.

And when the compensation for the 2010 death of Kabuye, a 27-year old Ugandan soldier who served in an international peacekeeping force in Somalia and husband to Birabwa, was processed, her brother-in-law claimed the entire \$50,000 payment and she learned about it only when a relative heard him boasting about the money in a local bar.

In Uganda, women have little financial protection and rights. A 1904 inheritance law provides only 15 per cent of a man's estate to his widow if he leaves no will; it hasn't been amended in more than 40 years. The law also gives a man's home and land to his sons or brothers.



## Property Rights

So when my brother-in-law seized all my husband's land and 12 cows, 'there was nothing I could do,' Birabwa said. But after a gruelling two-year struggle, Birabwa eventually managed to receive \$24,000 in compensation from AMISOM, the African Union force fighting Al Qaeda-linked rebels in Somalia.

'We haggled over it for a very long time. I just wanted to end it. I was fed up,' she said, explaining why she accepted less than half of the \$50,000.

Birabwa's mother, Jane Nakiganda, 48, incandescent with rage after hearing that her daughter's in-laws were planning to grab the compensation, urged her daughter to take action.

'I told my self, "We are not going to take this lying down." "Don't just sit there. Get out and get what's your right." I'm old enough to have seen things like this happen all my life,' Nakiganda, 48, added. 'When a woman loses her husband, she's the one who suffers.'

Uganda, like many other African nations, remains a largely male-dominated society, in which a widow is 'left at the mercy of her husband's line and his heir', according to a

2010 study by academics Florence Asimwe of Uganda's Makerere University and Owen Crankshaw of the University of Cape Town in South Africa.

Rita Aciro of Uganda Women's Network affirmed that women have been struggling since the 1950s for laws providing equality in marriage, divorce and inheritance.

'In Africa, and Uganda in particular, people want to use religion and culture and male dominance to undermine the rights of women, particularly in the home sphere and the domestic sphere,' Aciro said.

She said many Ugandan women in traditional rural settings are unaware of the rights they do have. 'Because of our socialisation, many women still believe that they're lesser beings than men in terms of power relations.'

With two children, ages three and five, Joyce Birabwa has already spent all but \$4,200 of her share of the compensation, buying land and building four houses, which are nearly complete. She plans to live in one and rent out the others, bringing in about \$190 a month, enough to support her family. Next, she says, she hopes to open a beauty salon.



*'How can you say that my wife doesn't work? Are there women who totally do nothing in their homes?' he asks. 'Then let whatever activity a woman carries out in their home be translated into money and let the husband pay' says 'Sister' Batema. 'The non-commercial activities that a housewife, for example, carries out hold a lot of value – from child-rearing, baby sitting, counselling, casual work, to the marital bed duties.' Such priceless duties should be at the back of men's minds before they bargain for selfish property rights.*

'I'm sure the project will help the children. They won't go without meals,' she said.

'That is better than many Ugandan widows have,' she said.

'It would have been worse if she hadn't received a single penny. She was happy she got something.'

**Source:** <http://articles.latimes.com/2013/apr/29/world/la-fg-uganda-womens-rights-20130430>

### **Ugandan widows left landless, caught in web of statutory law and traditional practices**

**Author:** Shifa Mwesigye

KAMPALA (Thomson Reuters Foundation) - The past six years have been a nightmare for Harriet Nakibuule, a widow and mother of seven. When her husband died from HIV-related illnesses on 12th October 2008, Harriet's in-laws stormed her house, set her property on fire and sold chunks of her farm.

She lives in Ngombere village in Mukono district, where the biggest number of cases of property grabbing is recorded in Uganda. About 55 per cent of widows in Mukono have experienced this according to International Justice Mission.

Harriet's brother-in-law told her to pack up whatever was left and leave the land because it now belonged to her husband's relatives. Harriet was not registered as legally married, a common practice in many rural areas, even though she had lived with her husband for 15 years.

She had no place to go. She was constantly sick, having contracted HIV too, along with one of her seven children.

'My husband inherited this property from his father Kiwanuka, so my children were entitled to it. They (his family) chose my brother-in-

law as the heir to my husband, saying that my children would all die. I vowed that I would not leave my house and I would fight to death for my children's property,' Harriet said.

In Uganda, the family is a powerful force in denying widows and orphans land. Even though Ugandan law states that a woman has equal inheritance rights, and children must be protected, these rights are not widely known in remote areas and they frequently conflict with traditional and religious practices. Under customary law, an heir is assigned by the head of the family or the clan and given the mandate to administer the estate, and sometimes the widow.

So for Harriet Nakibuule a six-year battle ensued, as relatives started selling off her family's and of about six acres. One night, they knocked down her mud-and-wattle house.

'Why was he chasing me? What was he going to do with my children? One of my children is also HIV-positive and needs special care, how would I leave him behind? Where was I to go?' All these thoughts flooded her mind.

Her local council leaders said this was a family matter. The police sent her back to sort it out as a family dispute. They had legal grounds to refuse to help. While Uganda's Succession Act clearly entitles widows to 15 per cent of the estate regardless of a will, and 75 per cent for the biological children, those provisions only apply to women who are legally married.

But in Uganda, most marriages are customary or cohabitations. Even marriages in church are not legally recognised. Many women such as Harriet do not know that without registering their marriage, they have no property rights.

'Women have no idea about the laws, and this is because we live in a patriarchal society where men believe they are entitled,' said Daudi Migereko, Uganda's Minister of Land, Housing and Urban Development, in an interview.

## Property Rights

“They say that a girl will get married and get from her husband. The men know it is unfair, but they believe they are entitled to the property.” All they ask is “Why should a girl take our family property into another man’s clan?”

Brian Ourien from International Justice Mission, which mediates land disputes, said the government has done little to educate the public on the different land laws and policies. If women had information, they would fight for their rights and widows would not find themselves on the streets, he said.

### *Reform stumbles*

While Ugandan law generally protects the equal rights of every citizen, there are no specific laws that guarantee women’s ownership of land. Uganda is currently ranked 116<sup>th</sup> out of 146 countries on the United Nations’ Gender Inequality Index.

Efforts at reforming the mosaic of customary practices and Ugandan law have stumbled. In 2009 legislators tabled the Marriage and Divorce Bill, which would have extended property rights to those who live together as husband and wife for at least seven years. A co-ownership clause was dropped from the 2000 Land Act amendments after criticism that it would upset clan cohesion if widowed women were to marry outside the clan.

Jesse Rudy of the International Justice Mission (IJM) advises women not legally married to protect their rights by getting their name on

all property acquired with their husbands. ‘Formalising property rights in terms of land titles and sales agreements as well as a legal will or marriage certificate are very important in protecting succession rights,’ said Rudy.

It was another law, the Children’s Act, that empowered Harriet. It protects the best interests of the child in property matters. With IJM’s help, Harriet managed to get her in-laws arrested and charged with threatening violence and destruction of property. On 19 September 2013, Harriet’s family was given two acres of land, which now belong to her seven children. The rest had already been sold.

Harriet Nakibuule has gone on to help other women, and they are steadily heeding her advice.

‘Women are now coming to me to teach them how they can secure their land. They now realise they made the same mistake that I made, of not making their marriages formal and legal,’ Harriet said.

(Shifa Mwesigye is based in Kampala and freelances for Thomson Reuters Foundation. This story was reported as part of the Foundation journalism training course on Land and Poverty, sponsored by the World Bank, the U.S. Agency for International Development, and Thomson Reuters. Editing by Stella Dawson)

*Source:* <http://www.trust.org//20140619214209-l7f40/>



*In Africa, and Uganda in particular, people want to use religion and culture and male dominance to undermine the rights of women, particularly in the home sphere and the domestic sphere,' Aciro said.*

*'I told my self, "We are not going to take this lying down." "Don't just sit there. Get out and get what's your right." I'm old enough to have seen things like this happen all my life,' Nakiganda, 48, added. 'When a woman loses her husband, she's the one who suffers.'*

*'Women have no idea about the laws, and this is because we live in a patriarchal society where men believe they are entitled,' said Daudi Migereko, Uganda's Minister of Land, Housing and Urban Development, in an interview.*

*'They say that a girl will get married and get from her husband. The men know it is unfair, but they believe they are entitled to the property.' All they ask is "Why should a girl take our family property into another man's clan?"*



# Online Opinion Corner

## Changing Family Structures – Defining Uganda’s Social Crisis Context



I am concerned that Uganda still lacks a contextualised framework within which women’s property rights are recognised, enhanced and protected. Historically, Uganda’s efforts to legislate such rights have been dominated by debates where the dominant opinion is that granting Ugandan women property rights is an attack on traditional family and cultural values. Most recently, the Marriage and Divorce Bill proposed in March 2013 led to widespread resistance by religious, cultural and political bodies. Amongst other issues, this bill was meant to provide a legal framework for a way to share family property in a more gender-fair manner.

‘A legal framework to protect women’s property rights in Uganda is urgent’

In my view, a legal framework to protect women’s property rights in Uganda is urgent, both for traditional Ugandan family structures, and as these family structures and values change and weaken, for women who can potentially become even more vulnerable to property rights insecurity. Two family-related property conflicts that highlight the issue hit the Ugandan media recently. On 15 February 2014, the New Vision, a Ugandan national newspaper, published a report on land disputes between the two widows of the late Prime Minister, the Hon. Eriya Kategaya. On 1 March 2014, less than a month later, another dispute featured under the headline ‘Women fight over tycoon Mbirizi’s estate following billionaire Mbirizi’s sudden death. While these are extraordinary cases that have caught the attention of the media, such disputes are commonplace in the lives of ordinary Ugandan women. The dominant patriarchal family structures coupled with a lack of a legalised land-rights framework that allows for gender equality, impacts immensely on the lives of Ugandan women.

In traditional African/Ugandan circumstances, the first wife, elder son and senior patriarchal relatives are expected to resolve family land-rights cases in an impartial manner. In reality, this process does not realistically allow for an objective and unprejudiced land-rights outcome.

My 2010 study on women’s land rights in Mbarara district in southwestern Uganda took the form of a situational analysis that

*'How can you say that my wife doesn't work? Are there women who totally do nothing in their homes?' he asks. 'Then let whatever activity a woman carries out in their home be translated into money and let the husband pay' says 'Sister' Batema. 'The non-commercial activities that a housewife, for example, carries out hold a lot of value – from child-rearing, baby sitting, counselling, casual work, to the marital bed duties.' Such priceless duties should be at the back of men's minds before they bargain for selfish property rights.*

sought to explain the links between gender divisions in land ownership and rights, and how this inequality shapes decision-making dynamics in rural homes in Mbarara district. It is useful to reflect on the findings of this study when considering the extent (or rather, lack) of protection in the form of a legalised framework afforded to Ugandan women in times of relationship crisis.

The study indicated that men claim the symbolic role of head-of-household in 95 per cent of homes. Low uptake of family planning in a situation where there is a need for family planning practices (Uganda's fertility rate of 6.9 children per women tops global fertility rates) indicate that women have limited bargaining power within their own homes and restricted influence over important family resources and assets. While seven in 10 women in the region felt insecure on their family land, only two in every 10 men shared such fears. In 93 per cent of cases where land was purchased, the decision to do so was made by a man, and in 78 per cent of cases where land was sold, a man was, again, the decision-maker.

Taking these results into consideration highlights the improbability of Ugandan women to 'naturally' get a fair land-rights deal in the context of a family crisis. A woman's property rights very much depend on the quality of her relationship with the husband. In the event of the death of the husband, or where there is a divorce, separation, or an extra-marital relationship, a woman's status in her home and, in particular, her rights to the land she lives on is at stake. In the light of this, a legal framework to protect women's property rights in Uganda is an urgent human rights issue.

*Ugandan institutions deal with cases that are often directly related to gender inequality, and yet they lack*

*a specific legal framework to fairly address these social problems'*

While it is important to safeguard family values, we need to remember that the Ugandan family structure is actually changing owing to social, economic, political and environmental factors beyond our control. For example, there are increasing cases of female- and child-headed households. These days young people are moving to urban areas for educational and work opportunities and this is where they meet their partners outside the bounds of the traditional approval processes, and without any attachment to their extended family. Many young people in urban areas are live together/cohabiting as 'married' without the knowledge of their family. High domestic violence statistics and the increasing level of activity among institutions such as the Family Protection Unit in the Uganda Police and the Probation Office in local government indicate that family instability is on the rise. These institutions deal with cases that are often directly related to gender inequality, and yet they lack a specific legal framework to fairly address the attendant problems.

My view is that, given this state of affairs in Uganda, and taking human rights considerations into account, both women and men need equal and secure property rights enshrined in constitutionally accepted family property law. I shall continue my campaign to promote this.

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# Polygamy:

## To Share or Not to Share Property

Muleke Edwin

According to the Urban Dictionary, polygamy by definition is a serious trusting relationship with multiple partners. Rosette, a respondent, defines polygamy as the practice of human rights abuse where one husband takes on multiple wives. 'Polygamy is discriminatory since it does not allow a woman to marry more than one husband,' she argues. She further asserts that polygamy is unconstitutional since it infringes the right to equality between women and men.

The same dictionary defines property is a thing or things belonging to someone, or possessions collectively. According to Wikipedia, sociologists and anthropologists define property as a relationship between two or more individuals and an object in which at least one of these individuals holds a bundle of rights over the object.

Polygamy is a common practice in Uganda, as reflected mostly in customary and Islamic marriage settings. Women activists have always campaigned for reforms to the Domestic Relations Bill but have received little or no support at all! Their struggle to disentangle themselves from the filthy web that stereotypes women as inferior members of society leaves them to the mercy of the law (often frequently never culminates in anything worth celebrating).

Polygamy is not allowed in church and it is criminalised in some countries, such as Germany and Nepal. Even among African countries, where some laws have been put in place to deter polygamy, cultural and societal norms still impose a patriarchal grip on issues concerning family, property ownership and acceptable behaviour and/or livelihood. It is always the male voice that comes out strongest with regard to who should do what, who can own what, and how much freedom is accrued to which 'sex'. It is common knowledge that a woman in 21<sup>st</sup>-century Africa will be tagged as immoral and shameless if she moves out of the established status quo to marry more than one man, own 'much more' than society expects of her or, 'worse' still, take on tasks that some individuals up to the present day deem as masculine.

Property can be shared and owned! The law stipulates that in cases where shareholders express the will to share, in the event of death, separation and/or divorce, any property or such property as homes, cars, land, farms, personal and household items, bank accounts and other investments are to be shared and owned by the all parties involved irrespective of whether they are male or female (and this applies to a polygamous setting too).

Below, a number of respondents point out instances in polygamous setting that serve as yardsticks for sharing or not sharing property.



*Counsel Ssempijja –*

**‘Women should be in legal marriage if they are to share property.’**

According to Counsel Ssempijja of Jjingo Ssempijja and Co. Advocates, polygamy is common in customary and Islamic marriages but whether to contract it or not depends on individual reasons. Counsel Ssempijja quotes section 4(2) of the Marriage Act which states that marriage may be polygamous. In as much as it is constitutional, polygamy leads to inequitable distribution of resources or property. He further mentions intestate succession – a term he defined as the distribution of property when a person dies without leaving a valid will and the spouse and heirs receive the possessions by virtue of the laws of descent and distribution and marital rights in the estate which may apply to the surviving spouse. Women who are not married legally

cannot share property in this case.

He further argues that the custom of male inheritance has resulted in the majority of women being denied the right to share and own or even co-own property. This has greatly affected women and children in polygamous marriages, leaving them with no property.

He concludes by calling upon women to have their marriages recognised by the Uganda Constitution if they, too, are to share and co-own property. He further demanded for reforms in Uganda’s property laws to provide for spouses to be deemed co-owners of property.



*Sheikh Mukiibi –*

**“Men should marry wives they are capable of looking after”**

Sheikh Mukiibi Kinene, Deputy Director of Sharia at old Kampala Ghadafi Mosque says that ‘polygamy is allowed in the Muslim faith though this depends on an individual’s ability to look after his wives. Muslim men are allowed to marry up to four wives. Whether during separation, death or in life, women and children are entitled to sharing and owning property if they are in a legal marriage. According to Aya 4:11-12 in the Holy Quran, sharing of property is well presented, and the share each one is entitled to is clearly stipulated. Sheikh Mukiibi argues that there is no way women in legal marriages can lose property because as far as Islam is concerned, they are complete co-owners of those properties.



***Ms Rosette Otim, Former public servant***

**– ‘Rural women need advocates in regard to owning and sharing property.’**

Women are a vulnerable group as they are viewed differently when it comes to the issue of property ownership. Most people are ignorant of the law. They are not aware that they are entitled to owning and sharing property. ‘Local leaders should be sensitized about property rights,’ she says.

After falling victim to eviction from her marital home by her husband’s family, Rosette sought legal advice and finally regained her property. She says that community members should be advised on practices and beliefs with the aim of making them understand

that women have rights to property provided they are in a legal marriage. She testifies to having been in a polygamous marriage for 20 years as the first legally wedded wife and that their husband had given each wife property. However, following the death of their husband, family members wanted to take over property, something that was challenged in court. ‘Women, especially in the rural areas, are in danger of being denied the opportunity to share property due to ignorance of the law and advocacy on their behalf is needed.

## ● Polygamy



Grace

‘Women should have agreement of property ownership with their husbands.’

‘Women who cohabit with polygamous men for a long period and acquire property have a right to share and co-own property... For instance, my partner and I have been cohabiting for five years now. He has never introduced me nor visited my family officially, but we own property and have built our house and I covered all the roofing costs. Anything regarding acquiring new property with my husband is put in writing, stipulating each one’s share. In case of the dissolution of the relationship, I part with my share. Though this kind of marriage is not recognised, I call upon our members of parliament to legalise this kind of marriage because some men are poor and cannot afford to formalise their marriages. Husbands take advantage of this and separate from their wives with the intent of selling off property to fulfil their selfish hidden motives. When men acquire new girlfriends, they sell property to marry the new bride, leaving their current spouse suffering.’

*Mr John Muzir*, husband to two wives

‘There is no sharing and co-ownership of property provided I paid bride price to her parents. When I wedded my wives, they also became part of my property. Their obligation is to support me, not to own property! Therefore, I can deal with my property the way I want without consulting anyone,’ John asserts. He adds that men would only stop treating women as property and start sharing property evenly if the women’s parents stopped demanding bride price (such as *omutwalo* in Buganda). He claimed that most men sell their property such as land to acquire wives and wonders how one then expects the men to share property with their wives.

*Mr Simon Kakande* differs in opinion from Muzira. He states: ‘Bride price is just gifts as a token of appreciation. Men should be gender-sensitive, ensuring equality and promotion of the rights of women.’

*Ms Robina*



'I hate to think that any modern man should be polygamous because it exposes one's dear life to the contraction of terminal illnesses and is a drain on economic welfare of the family. If a man decides to be polygamous, he must give each wife property and complete ownership. This should be in writing as evidence of rightful ownership and in case of dissolution or eviction this acts as defence. I have witnessed some women losing property given to them by their late husband due to lack of a written document proving that they were given property. I therefore advise women to always ask for such a written document if men claim to have given them property.'

*Sarah, a 29-year-old in a polygamous marriage, gives her view*

'Well it is okay to share a husband but not property because it is a religious duty for a man to be polygamous. I enjoy a part time man because it gives me time to concentrate on my career. Women need economic empowerment and self-reliance and should always save and acquire their own property rather than rely on men.'

*The writer is a social development worker and can be reached at: [mulekeedwin@yahoo.com](mailto:mulekeedwin@yahoo.com)*

# Let Us Think

## Digital Registration of Land Titles in Uganda:

### Where is the Woman?

Sherinah Namata

Someone out there could be wondering, why the woman again? Hmm! But why not the woman?

Talking of which, a woman is the core support of any society. However, many a time women are given a back seat in society. 'Sensitive' topics like land are discussed daily. It is not surprising, though, that such issues often pass without the woman being mentioned anywhere.

Land in Africa and the world at large is not just a mere commodity but a concrete symbol of wealth! When a person owns a good number of pieces of land, society declares how rich or wealthy that individual is. Land is an asset and the greatest of all assets. A landowner is an independent and self-sustaining person. He or she has a place to construct a shelter for accommodation or for business. One can use land for farming or develop it in any other way.

The acquisition of land and accruing land ownership have been made a lot simpler for Uganda and Ugandans at large.

With the computerised system of registering land titles, Ugandans have been given a glimpse of hope that for the first time in the country, rightful landowners could sit back and enjoy a cup of tea. And why not? O yes! At least on the face of things.

Digital registration of land may seem a new paradigm in Uganda's housing and property sector. However, the system dates back to as early as 1908 when the Torrens system of land registration was introduced in the country. Being part of the British Commonwealth, Uganda adopted the system of title registration rather than the registration of deeds. Uganda thenceforth joined other countries such as Canada, the Dominican Republic, Ireland, Malaysia, New Zealand, Australia and Singapore, which had adopted the system as early as 1857 when one Sir Roberts Torrens, who believed that

a land register should show the actual state of ownership rather than just provide evidence of ownership, passed the motion to the legislature.

Under this system, the government guaranteed all rights shown in the land register, the land register thereof being handled by the government and one central office.

The Torrens system replaced the deeds registration system which dictated that instruments should be registered other than titles. The deeds registration system meant that the transfers of land were slow, expensive and often unable to create a certain title. The legal dictionary defines this system as invented by Robert Torrens and in which the government is the keeper of the master record of all land and their owners.

The Torrens system stipulates that each piece of land be identified by a unique number and title. Despite this system being in place in Uganda, land conflicts were still not resolved since there was no registry to administer the land. The government's new directive was thus geared towards creating a common computerised register for all landowners in the country.

Since its inception, the land registry had been run manually until the late 1960s, when the delivery of public services gained momentum and the tempo of land transactions increased, in turn increasing pressure on the land registry. In order to promote development in the country, the government devised a way of enhancing the use of land and land information. The cardinal principle then was to ease doing business in Uganda. This gave rise to the computerisation of land registration in Uganda. Under this new system, the register is everything and except in cases of actual fraud on the part of the person dealing with the registered proprietor, such a person, upon registration of the title under which he takes over from the registered proprietor, has

an indefeasible title against the entire world.

A few years back, Uganda's land management picture looked very different. Uganda is known for cumbersome and inefficient land policies which do not only affect the nation, but seriously affect women at large. Women comprise almost three-quarters of Uganda's population. Since time immemorial, the latter have been victims of land wrangles, unfinished and/or pending unresolved land cases, and unfair land and ownership policies.

The paper system that was in place encouraged fraudulent transactions which, supported by the status quo, were carried out largely by men. In Uganda, culture encourages a man to own as much as he desires regardless of where he gets his assets from. In case of death or separation, with or without a will, land is bequeathed to male children or to males only. The woman and her girl children are left out.

In a press interview with the New Vision newspaper, Mr Gabindadde Musoke, the Permanent Secretary and Accounting officer-Ministry of Lands commented that the government realised that land and real estate constituted some of the most important assets and yet the value of these assets and their economic usefulness was often jeopardised by insecurity of property rights owing to inappropriate or unclear legislation and a non-existent or ambiguous land record.

He added that the available land information was inadequate, poorly stored and managed, and the land-related legal framework was outdated, with some of the relevant laws dating as far back as the 1920s. There was a plethora of administrative inefficiencies borne of inadequate structures, staffing and emoluments, and the existing paper land registers had been degraded to the extent that it had become a primary concern to rehabilitate and preserve them.

What Mr Gabindadde forgot to note was that many times the parties most affected were women and children. Still, with the computerised system of registering land titles, the government ought to put in place policies and laws relating to digitalisation and women's rights of ownership of property not just as estate owners but also as wives to men, mothers of children, tillers of land and land managers as well as sisters and girl-children to their fathers. If fundamental policies are not implemented in this regard, the victory for women will be negligible even in this

era of computerised land titles.

It is praiseworthy that the past registered instruments (as per the new system), which are no longer effective, are either ruled out or deleted from the current property register. This, though seemingly effective, has not completely succeeded in eradicating the usual fraudulent practices of persons greedy and selfish enough to claim ownership of land and or property on the register that is not theirs.

Uganda's Lands Minister Daudi Migereko, in an exclusive interview with the New Vision's Moses Mulondo, noted that from the more than 500,000 land titles in the country, only those in the central region, Ankole, Tooro, Busoga and Mbale (which constitute only 18 per cent of the entire country) would be secured since the rest of the other parts of Uganda have no land titles. Land in these areas is owned by clans and through communal arrangements. This thus poses a challenge to the new system. It is not clear if all members, especially women, will gain from the new mode of land registration. So far, sensitisation of the masses is lacking. And while the grass-roots woman was perhaps still struggling to understand the land title paperwork in hard copy, she will now further be challenged by the computerised system. If indeed there is no sensitisation of the masses, digital registration of land titles is bound to benefit fraudulent transactors more than before (given the fact with one central system, which eliminates red tape, penetrating the system becomes easy, and in view of the incidence of corruption in the country, impersonators are in as strong a position as before).

Without reaching out to communities that practise centralised ownership of land and property, the quest to eradicate conflicts and land thefts remains unresolved, for in such communities, land is a communal asset. It is high time organisations and human rights activists analysed the tensions revolving around land and land-related issues, especially since they affect women and children more seriously.

When Voice of Africa TV producer and video journalist Paul Ndiho visited Kampala and the Ministry of Lands to inquire into how the new digital land titles registration project would impact the lives of ordinary Ugandans, his report was that the project was the kind of success story that many people had never thought they would see in their lifetime. This may be true, but how successful is this project if only a handful of citizens stand to gain from it?

## Property Rights

According to Mr Richard Oput, the Assistant Commissioner for Lands, Housing and Urban Development, digital registration of land titles is a big achievement and in many ways something many Ugandans never dreamt of.

Mr. Oput, however, stops short of disclosing how the system will reach out to grass-root Ugandans.

No one wants to have the mist of pessimism hovering above their heads when new and exciting changes are taking place. However, there is great doubt as to whether digital registration of land titles will solve women's problems related to land issues or whether it will lift the web of crime, conflict and fraud that surrounds such issues.

That registration will streamline the system is not in doubt. However in Uganda, where over 40 per cent of widowed women have had their land grabbed by their in-laws and their relatives, women's hope that they will see justice done remains just that – hope.

Many men will still engage in fraudulent transactions without the consent of their wives, who, especially in the rural areas, are not only illiterate but also ignorant of new policies and the opportunities available to them to redeem themselves.

A number of questions remain unanswered. How, for example, is the grass-roots woman in Kapchorwa, or any other rural area, being helped? Culture in itself assigns more rights to men than to women. So how does the new system streamline this? A number of women, whether educated or not, are not even aware of the move to digitalise land, so how will it benefit them? In cases of polygamous marriages, how does the system benefit the affected individuals? In cases of divorce or separation, what has been put in place to deal with such subtle but heart-breaking problems?

These – and many more – remain daunting questions for the ordinary Ugandan woman. Furthermore, there exist huge gaps to be filled before digital registration of land titles can begin to benefit Ugandans effectively. Unless the government creates clear communication channels and information-dispensing centres countrywide, digital registration of land titles could turn into a curse for present-day Ugandan women, thus leaving her a marginalised citizen.

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