

**Securing Women's Access to Land:
Linking Research and Action**

Synthesis Report

By:

MISR

Report Type: Synthesis Report

2010

Published by: -

Location: -

Series Name: -

Number of Series part: -

***IDRC Project Number:** 103947-001
***IDRC Project Title:** Securing Women's Access to Land: Linking Research and Action
(Women's Access to Land Call for Proposals)
***Country/Region:** Southern Africa
***Full Name of Research Institution:**
Coordination: International Land Coalition (ILC)
Makerere Institute of Social Research (MISR)
Research: Makerere Institute of Social Research (MISR)

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***Keywords:** Women, Secure Access to Land, Action Research, Synthesis Report, Eastern Africa, Learning Route, Policy

This work was carried out as part of a 3-year collaborative project entitled 'Securing Women's Access to Land: Linking Research and Action', coordinated by the International Land Coalition (ILC - www.landcoalition.org), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of the Western Cape in South Africa. It was funded by IDRC. Its overarching aim was to learn from women and respond to their needs through applied research. The purpose of research carried out under this project was not only to provide evidence but also to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including through building linkages with the wider advocacy relationships and programmes of ILC.

MAKERERE INSTITUTE OF SOCIAL RESEARCH
MAKERERE UNIVERSITY



*Securing Women's Access to Land:
Linking Research and Action*

SYNTHESIS REPORT EASTERN AFRICA REGION, AUGUST 2010

PREFACE

This reports presents a synthesis of research findings of six studies that were part of a 3-year collaborative project entitled '**Securing Women's Access to Land: Linking Research and Action**', coordinated by the International Land Coalition (ILC) www.landcoalition.org, the Makerere Institute for Social Research (MISR) www.misr.mak.ac.ug, of Makerere University in Uganda and the Institute for Poverty, Land and Agrarian Studies (PLAAS) www.plaas.org.za. of the University of the Western Cape in South Africa. It was funded by IDRC. Its overarching aim was to learn from women and respond to their needs through applied research. The purpose of research carried out under this project was not only to provide evidence but also to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including through building linkages with the wider advocacy relationships and programs of ILC.

Separate Project Reports and Policy Briefs will be published by the respective participating organizations.

Acknowledgements

Makerere Institute of Social Research acknowledges the contribution of various individuals who, in one way or another, contributed to the successful undertaking and completion of the 6 research projects in the East African Region. In particular, sincere gratitude is extended to the different research groups from the 6 projects namely, Groots Kenya, Young Widows Assistance Program, Rwanda Women's Network, Foundation for Human Rights- Uganda, Uganda Land Alliance and Uganda Rural Development and Training and their respective directors who were the pillars of this work.

Appreciation is also extended to Michael Taylor, Sabine Pallas and Hedewige Croquette of the International Land Coalition for the supra coordination and guidance extended to the Institute and to us as individuals as we coordinated the research in the three countries. Similarly, appreciation is further extended to Mamadou Ndiase and his predecessor Bruce Moore who, in their capacity as Directors of ILC played a crucial role in supporting the activities of the Institute to carry on this noble work.

Last and deeply acknowledged is the financial support from International Development and Research Centre (IDRC) and the well meant wishes of Guy Basset and later Eileen Alma. MISR is very grateful to have worked you all on this noble subject of women and land rights.

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1 Introduction

Makerere Institute of Social Research (MISR) Makerere University and the Program for Land and Agrarian Studies (PLAAS) - University of the Cape in collaboration with the International Land Coalition (ILC) coordinated the Action Research activities in Eastern and Southern Africa respectively. The research projects in Eastern Africa covered the three countries of Kenya, Rwanda and Uganda. Six (6) projects were funded and a total of eight civil Society Organizations took part in the different activities.

The six projects arose out of the four themes of the East African scoping carried out under the aegis of the International Development Research Council (IDRC) which is also funded the Securing Women's Access to Land program. The themes included;

- The continuing gap between legal frameworks/policy and their implementation;
- Gender-sensitive indicators for measuring the impact of policies and programs need to be developed (quantitative and qualitative);
- The linkages between access to land and other resources as well as between natural resources and other assets, such as services (extension) and credit;
- The gendered implications of social/economic changes (de-agrarianization, HIV/AIDS, migration, conflict etc.) on livelihoods strategies, specifically the role of access to land for food security, access to services, identity/status.

1.1 Objectives and Strategy

The overarching objective of the Securing Women's Access to Land (SWAL) program was to learn from women and respond to their needs through applied research. Specifically;

- 1: Supporting action-oriented research projects in producing credible evidence in Sub-Saharan Africa through a small grants program jointly coordinated with sub-regional research institutions;
- 2: To influence the formulation and implementation of policies relevant to women's access to and control over land in Sub-Saharan Africa, through advocacy based on research results;
- 3: To refine the research and action agendas on women's access to and control over land by strengthening multi-stakeholder dialogue and partnership at the global level.

The overall methodological approach of the program was to provide support to research at the regional and country level in two sub-regions of Sub-Saharan Africa to generate knowledge, promote the uptake of research results through capacity-building of civil society organizations and the opening of spaces for dialogue involving policy-makers and donors, involve a broad variety of stakeholders at the global level to provide feedback to and continuously refine the research and action agenda.

The program involved funding civil society and women's organizations that have significant experience in supporting women's land (or other) rights, but that face constraints in the systematic learning from their initiatives and communication of lessons to wider audiences. Thus the program aimed at strengthening not only the research and advocacy capacities of such organizations, but also to link them amongst themselves and with regionally-based research institutions.

1.2 Approach

1.2.1 Launching of the Program

The first step in the execution of the program was to identify organizations that are engaged in advocacy for women's land rights in the three countries. This was done through umbrella organizations including Groots Kenya¹ (Kenya), the Rwanda Initiative for Sustainable Development (RISD-Rwanda) and Uganda Land

¹ Was seconded and acted on behalf of Kenya Land Alliance to which it is a member.

Alliance (Uganda). A total of 32 organizations were identified ² and invited to country program launching workshops organized through the three organizations at which the impending SWAL program was introduced to them and were invited to indicate their interest in participating in the program by submitting concept notes. A total of 17 concepts from as many organizations were submitted in response to this call (See Annex I).

During the launching workshops, participants were asked to react to the four themes in relation to the relevance of the themes to their respective country contexts. This resulted in varied adjustment of the themes across the countries. The general consensus in all the three countries is that women's access to land is not an issue; the problem is lack of control and ownership. Reference was made to the differential in uptake of new technologies introduced by extension workers between women land owners and those limited to usufruct rights.

Participants also felt that although HIV/AIDS and forced migration were a big threat to livelihoods strategies and household food security, the three countries were still largely agrarian therefore de-agrarianization is not pertinent (See Annex II for adjustments on themes in each country).

In Kenya, the first theme was re-worded to explicitly focus on the efficacy of legal and policy frameworks in promoting women's land rights particularly the gaps between policy and implementation as well as the duality in laws governing land-statutory and customary laws. The general consensus among the Kenya participants was that in the majority of cases, customary and statutory laws contradict one another which present the opportunity for forum shopping in case of disputes.

Under theme three, it was argued that Kenya had not moved far along the path of gender mainstreaming; in most cases policies and government programs have no gender sensitive indicators. Where these indicators exist, they are vague especially in regards to land and thus cannot be tracked.

² 10 Kenya, 10 in Rwanda and 12 in Uganda

In Rwanda, the general view of participants was that the reconstruction and reform processes were emerging with many policies in the making. This was viewed as an opportunity to influence these processes particularly in relation to gender mainstreaming and indicators. Indeed vigilante groups at the grassroots level have helped in furthering and deepening awareness of land rights among women as well as hold land administration institutions accountable for their actions.

In Uganda, the general view was that the country had had a longer history of gender mainstreaming and gender sensitive indicators were largely in place. These include segregated statistics such performance of districts which is based on gender, land records, Uganda Bureau of Statistics (UBOS) and much of the information from sector ministries such as agriculture that is regularly compiled by the Ministry of Gender, Labour and Social Welfare. The concerns of participants were the gap between the law and its implementation.

The organizations that submitted concept notes were invited to an inception workshop in Nairobi in May 2008. The workshop brought together civil society members from Eastern and Southern Africa, the ILC and the two regional research institutions MISR and PLAAS. A call for detailed proposals was sent to the organizations after the inception workshop.

1.2.2 Proposal Selection

The call for proposals was done in first week of June and was extended to all the 17 NGO/CBOs that had participated in the Nairobi workshop. From the East African region, a total of 15 proposals were submitted in response to the call including 4 from Kenya, 2 from Rwanda and 9 from Uganda.

Three reviewers were identified from the MISR data base of reviewers based on their discipline/area of specialization comprising of two women and one man³. Before embarking on the exercise, the reviewers were taken through a half day orientation on July 17, 2008. The focus of this orientation was to give the back

³ Dr Sarah Ssali, Dr Robina Kyeyune and Dr Wilson Mande from the Departments of Gender and Education at Makerere University and, the department of Business studies at Nkumba University respectively.

ground and objectives of the program, its goals, the concept and relevancy of Action Research and, pertinent methodologies therein as well as the background of the submitting organizations

Following the review exercise, six (6) proposals were recommended for funding; the detailed comments were sent to the authors for them to address before coming for the next round of capacity building.

1.2.3 Research and Capacity Building

In cognizance of the variation in capacities of the individuals comprising the research teams, continuous capacity building was done throughout the program implementation. The objectives of capacity building were to fine tune proposals tailored to action research methods, enhance skills in action based research, and develop standardized work plans including Monitoring and Evaluation schedules as well as data analysis and report writing. On the whole, this endeavor produced positive results although it put strain on the hired teams resulting in hesitation to flexibility as often expected in doing Action Research.

The primary unit of analysis was the women whose land rights had been violated over a definite period of time. The women were selected and traced from a number of sources including magistrates' and land administration courts and offices, local administration offices, government/institutional records, and the grantee organization records. Other sources of information included community members, local leaders and other opinion leaders who mainly served to supplement the information provided by the women (See Annex III for summary of Scope of Coverage of studies under SWAL in East Africa). These were important in providing insights on the level of knowledge of laws protecting women's land rights and the perception towards these laws. They also helped in highlighting the magnitude and dimensions of specific problems regarding securing women's land rights.

1.3 Limitations

Limitations to this endeavor were several; the first was that both the object of the undertaking and the organizational arrangements had inherent limitations including:

- the internal operating structures of the of Local NGOs in general
- the human resource reserves and their research capacities
- the time frame of the program and;
- appreciation of Action Research model

All these aspects greatly impacted on the projects' outputs in all most equal proportions. The most challenging was however the human resource reserves of the participating organizations and their capacities, which is also related to the internal operating structures where there were no gender oriented staff. Although efforts were made to impart the originators of the research projects with gender concepts and action research skills, the research projects ended up being led by consultants hired by the grantee organizations upon being awarded the grant. This happened in two of the participating organizations namely; Foundation for Human Rights, Groot-Kenya; in the third, Young Widows, one of the two people trained – a male, just dropped off.

This necessitated re-orientation of the new research teams to appreciate the methodologies earlier approved for research. On the other hand, activities and the objectives of the research grant were, in some cases, compromised due to time limitations, other roles and responsibilities the research teams had as well as failure to appreciate and learning from women and responding to their needs through applied research.

1.4 Structure of the report

The following section presents a conceptual framework for synthesizing the findings of the studies as well as information from other sources. It focuses on the

common concepts in discourse of women's land rights pertinent to the themes under SWAL or their adjusted versions by the groups in the three countries.

The third section presents a synthesis of the findings of the studies in following the four themes while the conclusions and their implications for advocacy are presented in section four.

2 Conceptual Framework

Philosophers of law complain that the ordinary language of rights is loose, or confused. Yet there is nothing wrong with ordinary language. The word right in ordinary language is merely systematically ambiguous.....it is not uncommon for a speaker to assert a right that can only be a privilege, and then go on to infer from this assertion that someone owes him/her a duty. Yet this kind of error is not the result of a defect in ordinary language. It is rather a defect in how the speaker understands of the meaning of the word right (Lief w: 2005)

The discourse on women's land rights has been the object of criticism largely leveled at the activists who are accused of portraying women as being homogeneous. This criticism suggests that rights are attached to a category or status. However, the stance is that regardless of status, women rights in land as a key resource for survival and progress have been neglected. It is therefore pertinent to focus on rights independent of status or category. In this section, we borrow the Hohfeldian⁴ framework to define women's land rights and their derivation.

2.1 Definition of Rights

Rights can be created informally through social conventions, accepted customs, and other informal norms. However, the notion of a corresponding enforceable *right* remains crucial no matter the source of the right. Here the issue of sanctity of formal law becomes relevant for situations where dualism and particularly conflict between legal and customary law.

Leif (2005) in his paper titled 'The Nature of Rights' used the Hohfeldian framework to interrogate the concept of rights. He concluded that rights are all

⁴ Wesley N. Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (Westport, 1978),

those privileges, claims, powers and immunities that mark exemption, entitlement to protection or provision or performance.

Furthermore, Holmes (1920) argues that a claim of 'right' (or duty) ultimately amounts to nothing more than a prediction that a court will enforce the interest of the claimant in the face of some challenge.

Rights are defined as acting at two basic levels; international and domestic. At the international level, a number of treaties that protect women's rights⁵ are binding upon states that ratify them albeit with some reservations to specific provisions of International laws.

At the domestic level, there are statutory laws which are above all other laws, customary practices and religious norms. Statutory laws define rights and obligations which are linked to citizenship and status. These are set out in different of laws ranging from constitutions including bill of rights, land laws, succession and marriage laws.

Never the less, there those fundamental or inalienable rights universal to human beings including, right to life, food, survival that directly linked to the resources available for the good of humanity. This universality is the key to the argument that human rights are women's right. The rights accruing to men are the same as those accruing to the women.

When and how land rights got lopsided in favour of men is contention that still needs careful scrutiny not for purposes of justification but for convincing the holders of those rights. While African customary law is a body of rules founding its legitimacy in "tradition", i.e. in its claim to have been applied for time immemorial, it does not refute the inalienable universal rights. Hence the problem lies in the practice and interpretation of actions over time and space.

⁵ Such as the convention on the Elimination of All forms of Discrimination Against Women (CEDAW) the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on Civil and Political Rights (ICCPR)

In most of Africa, customs are largely patrilineal where descent is traced through male line. As a result of diverse factors like cultural interactions, socio-economic change and political processes; this practice has been misrepresented by lumping succession with inheritance⁶.

The relationship between statutory and customary law and practices is determined by the prevailing social, economic and political environment which varies within and between families, communities and across countries. In Kenya and Uganda for example, customary and statutory law is juxtaposed (provided the former is not contrary to justice).

Thus in the body of rights, there is a distinction of who a rights holder is and this is defined either in statutory law, social conventions and accepted customs. When this is applied to the subject of women's land rights, different rights can be matched or denied to different categories of women (daughter, wife or widow).

2.2 Women's Agency

The concept of agency has its roots in the economic rules that govern exchange. It largely refers to the ability of an individual (or entity) to make informed decisions in relation to transactions⁷. Other theorists define it as the ability to define ones goals and act on them (Kabeer 1994). These definitions however seem to dwell on the operationalization of agency as opposed to the different forms it takes including bargaining, negotiation, deception, manipulation, subversion, and resistance.

Agency can be positive and negative; positive when referring to one's capacity to define their own life choices and pursue their own goals even in the face of oppression. Negative, when applied by an individual or group to override the agency of others through the use of violence, coercion and threats. Women's have been shown to exercise their agency to achieve their objectives depending on the circumstances.

⁶ There is a tendency for those named to succeed the deceased to take control and at times ownership of all the property.

⁷ Game theory

In this report, we use the conceptual framework above to illuminate the gaps between statutory law and practice and the contexts in which these gaps emerge such as rural-urban migration and HIV/AIDS. Attempts are made to identify some of the indicators of the status of women's land rights.

3 Synthesis of Findings

This section presents a synthesis of the findings from the different studies in relation to the four themes. Gender sensitive indicators are gleaned from different sources of information used in the studies.

3.1 Continuing Gap between Statutory Legal Frameworks and Practices

The first step in identifying gaps between legal frameworks and practices was to understand the rights accorded to women under the statutory laws. These were compared with results of the studies and gaps identified.

A review of relevant/related statutory laws in the three countries indicates that statutory law directly provides for women's land rights or indirectly through provisions of equality between men and women in their constitutions. The table below presents some instances of women's land rights provided for in the legal frameworks.

In the table below, **women land rights incidents** are qualified in the different provisions including; citizenship, marriage⁸ and birth right.

⁸ The concept of legal marriage under statutory law is similar for all countries; however in Kenya and Uganda there is recognition of customary marriage. In Kenya courts are given the power to make legal presumption of marriage in situations where couples have cohabited without any formalization of marriage (Kameri-Mbote 1995).

Statutory Provisions for Women's Land Rights in the Region

Statutory law	Kenya	Rwanda	Uganda
Constitution (bill of rights)	Provides for the fundamental rights and freedoms of the individual including protection from deprivation of property and protection from discrimination. Recognizes customary practices that are in some cases discriminatory	Article: 11 Provides for the fundamental rights and freedoms of the individuals Discrimination of whatever kind is punishable by law. Only civil monogamous marriage between a man and a woman is recognized. Parties to a marriage have equal rights and duties in marriage and divorce.	Provides for the fundamental rights - equality, freedom from discrimination and protection from deprivation of property (Art 21 & 26). Women and men have equal rights in marriage and at dissolution (Art 31(1b)) Sec (2) provides for the formulation of laws to protect widows to inherit property of spouses and to enjoy parental rights of children
Land law	The Registered Land Act Cap 300 confers absolute sole ownership of land together with all rights and privileges free from any other interest (Sections 27 (a) & 28)	Article: 4 Provides for rights of entities over land to freely exploit it as provided for in article 5 and 6. The wife and the husband have equal rights over the land.	The Land Act 1998 (Amended 2004) prohibits transactions on family land without the consent of the spouse. No eviction of spouse from the land she is been occupying while married (Amended sec 39)
Marriage /Family Law	Recognizes polygamous & monogamous marriages The Married women's Property Act Cap. 75 apply to all marriages and allow a wife to hold property separate from her husband. There is also no definition of matrimonial property and rights therein The matrimonial Causes Act Cap 152 (2008) provides grounds for divorce but silent on rights of parties over property	Recognizes three matrimonial regimes including community of assets, limited community of assets and separation of property. Unless stated otherwise the spouses shall be deemed to be married under the regime of community of property. (LAW N° 22/99 of 12/11/1999 Art 2)	Equal portions upon divorce with proof of contribution. The new Marriage and Divorce Bill proposes 50% ownership of property between couples
Law of Succession	(Succession Act Cap. 160 Provides for equal inheritance between men and women (section 32) Sections 35 and 36 also guarantee life interest of surviving spouse however for the woman it is terminable upon remarrying while that of the man does not.	All legitimate children of the deceased, inherit in equal parts without any discrimination among children (LAW N° 22/99 of 12/11/1999 Art 50) Article: 70 (LAW N° 22/99 of 12/11/1999) guarantees life interest of half of the property while the share of the deceased may be distributed to their heirs if there are no minors	The Succession Act (Cap 160) of Uganda provides equal inheritance among all children but accorded widows only 15% which has since repealed (2007).

3.1.1 Women's Land Ownership

There is evidence of women's land ownership in the three countries; Uganda 16%, Kenya estimated at 3% while in and Rwanda it could be within the range of 1%. These statistics are differentiated across tenure, rural urban space and regions and, economic status of the women. There is dearth information on women's land ownership under customary tenure in Kenya although there is anecdotal evidence of this phenomenon in Rwanda⁹ and Uganda¹⁰.

These figures accentuate the land distribution inequality between men and women and it is not surprising that all women participating in the projects indicated the desire to have some control over land. Women in the URDT study while visioning their aspirations over land, indicated individual land ownership as opposed to joint ownership as a key aspect of their livelihoods

In gauging women's land ownership and control of land in the region, it imperative to examine the available means of land acquisition. As it is, women can purchase, inherit through birth right or marriage and be allocated by the state. Each one of these avenues presents different obstacles that require varied strategies. Currently, the most common means of securing land rights is through marriage and inheritance. There are also incidences of collective bargaining through groups.

3.1.2 Women's Land Rights under Conjugal arrangements

Though sometimes contested by proponents of customary practices, religious sects, statutory monogamous marriage is still desirable for peace, family stability and prosperity and by all categories of people regardless of caste, affluence, religion and social status. After all, the constancy of statutory the law when faithfully implemented is the only guarantee of enjoyment of the gains of women's investment in the household. However, the reality on the ground in all

⁹⁹ Results from study by RWN (2010) indicate that women are allocated land by their parents (*Umunani*) section .3.1.3

¹⁰ Evidence from the Systematic Demarcation exercise in three districts of Ntungamo (West) Iganga and Mbale (East) indicated a prevalence of women land ownership under customary tenure be above 15%. Ministry of Lands, Housing and Urban Development – Systematic Demarcation Program.

the three countries is that customary marriage predominates followed by cohabitation. In many cases customary marriage and cohabitation are interchangeably presumed. This notwithstanding, the rights of women in the different types of unions are secondary to those of men who have the final say on the use of the land.

Regardless of the conjugal arrangement, women enjoy usufruct rights primarily for production of food for the household. However these rights tend to be transient; dictated by the lifecycle¹¹, economic hardships and often cordial relationship between couples. In cognizance of this reality, women's security of tenure can only be guaranteed by a fool proof arrangement recognized, sanctioned and protected by the state. The common practice of multiple relationships (which is also right to be enjoyed by those in those arrangements), diminishes both the security and scope of holding on to and enjoying the land rights as the case among co-wives. The caption below amplifies this insecurity.

I'm outspoken but my co-wife is soft and does not confront them. So she has favour with them. But they are not giving her any land either. When we go home, we quarrel the whole night out-shouting each other with Zacharia mainly. He is the eldest of my-in-laws. They are now determined to evict me from my own home. That home is mine. I'm the first wife (YWAP -Kenya).

Tenure insecurity also arises out of other social and economic developments that are desirable and/or inevitable but which work against accompanied women's interests. Rural-urban migration by couples for example tends to weaken the prospects of women claiming and enjoying land rights compared to when they continuously work on the land. Such developments were found responsible for destitution of women in the studies.

Social and economic pressures force husbands/partners to engage in illicit sales of family land without the knowledge of the partner. In instances where either consent of the 'wife' is withheld or is deemed to be unlikely, the husband uses

¹¹ These are the different status in the life of a woman – daughter, wife, divorcee and widowhood.

different means to effect the sale. This is likely to be directly or indirectly through threats, violence and/or deception. Many women are well aware of these eventualities as these women from Uganda had experienced:

When men buy land in their own names, any time you can be evicted by any one including your own children because you do not own anything. When the husband dies without writing a will, the relatives share everything. When the will is not there it becomes difficult for widows to refuse relatives to take property.

By the time my husband died in 1983 that guidance of will writing was not there but after the burial they would put an heir to take control of the family(**URDT- Uganda**),

“My husband sold the first and second plot we had bought without my consent. He now wants to sell the third plot on which our home is but I have refused. He is threatening to throw us out forcefully and sell it. He abandoned us and now leaves with another woman.”

...I later realized that I had signed an agreement to sell our family house in the presence of my husband, brothers-in-law and a member of the LC I. The following day, when my property was thrown out of the house, I reported the matter to the LCI of my village and then to police. I later on instituted a suit court for cancellation of the agreement and for repossession of my home in court. My husband failed to pay back his brother the money he was owed and so decided to transfer our house to him without my knowledge. Court cancelled the agreement as it was void”(**FHRI-Uganda**)

Women’s lack of knowledge about the laws and rights, express trust of their husbands/partners to invest for and in the interest of the family often work against their rights in family property. But it is equally hard to fathom husband’s intentions and perceptions about family’s security and welfare.

The above situation is indicative of the kinds of uncertainties and insecurities women persevere. When separation/divorce is eminent, women face problems akin to land sale situations as seen in the narratives above. It is not uncommon for the woman to be evicted from the land leaving her with nowhere to go. The assumption under custom is that this woman would go back to her parents place. However with the increasing pressure on land it may not be possible to get land back home. Such situations seem to enforce the notion that women access land by virtue of being loving and subdued wives, caring daughters and/or good sisters.

My husband sold the first and second plot we had bought without my consent. He now wants to sell the third plot on which our home is but I have refused. He is threatening to throw us out forcefully and sell it. He abandoned us and now leaves with another woman' (FHRI Uganda).

Widow eviction is a common feature particularly among women living with AIDS¹² of young widows and this is regardless the nature of union, type of tenure, economic status or even where there is more than one wife under the customary marital arrangements. With death of a husband, the widows are chased away by in-laws who may need the land for their own use.

There is a tussle over family land. My husband was the last born son. The eldest brother-in-law is the trouble maker. My co-wife plays tough but I'm polite. To punish us for the tough co-wife he won't let us use the land. He blames us for always being in Nairobi and that soon they will take full control of the land. We need our own title deed because I have two sons and my co-wife has one (YWAP -Kenya).

Situations such as experienced above highlight the dilemmas women face and calls for a re-examination of the strategies women use to resist stigma and eviction.

3.1.3 Inheritance

Although all legal frameworks in the three countries recognize and indeed have provisions for equal inheritance between male and female children, in practice, females are sidelined on the excuse that they have left (or will leave) the natal family to start another. Indeed women themselves tend to condone the practice through their actions and perhaps due to limited knowledge about inheritance rights of girl children. Even where women inherit land, they may not be able to enjoy full rights over that land in the same manner as their male counterparts.

¹² Acquired Immuno Deficiency Syndrome

In Central Uganda for example, women inheritors sometimes wittingly or unwittingly surrender their rights to their male siblings. The ULA-Uganda study showed that women inheritors took possession of the inherited land; their brothers wielded a lot of control over it especially in relation to selling and bequeathing. It was also noted that very few women inheritors had taken steps to transfer it into their own names. This practice makes it difficult in future for the women to bequeath the land to their children.

In Rwanda where women are given a share of land by their parent's land referred to as *Umunani*, different groups infringe on these rights including male siblings and neighbors who may also be relatives taking advantage of the woman inheritors' absence. Subsequently, the most common (52%) type of dispute in which women were involved for Rwanda was indicated to be inheritance related.

3.1.4 Fighting Back: Access to Justice and other redress Mechanisms

As already indicated, all women covered in five of the six studies were specifically women who were trying to assert their land rights. There are variations across the countries on where and how women were trying to re-gain these rights. This variation is basically due to the difference in structures provided for under the laws of the different countries. Both Rwanda and Uganda have recently undergone land reforms and there are land administration institutions to specifically address land disputes. Even in Kenya, these structures do exist though not specifically to address the ever growing incidences of land grabbing from widows and children.

In Rwanda for instance, there is a prescribed order of reporting from the informal to formal courts. This transition aims at easing the process for the disadvantaged. But as experienced and reported by the victims, the reality on the ground makes it difficult to follow the rules.

In Uganda and Kenya there is no prescribed order of handling of reporting disputes. In the former, and due to excessive political meddling, un designated officials at times take on complex cases particularly if the land is economically

viable¹³. In Kenya, local administrators particularly chiefs and sub-chiefs are greatly involved resolution of land disputes. However like in Rwanda there are disputes that may be beyond the authority of the local leaders depending on the stakes involved. The chiefs work very closely with the land tribunals which are set up at provincial levels.

It is noted that although there several levels of redress, women have a choice and this choice is almost always related to the trust and /or confidence the aggrieved has towards the institution and proximity. In Rwanda, it was common to have a case reported to more than one institution. The main reason for related to dissatisfaction with ruling at lower levels and the gravity or urgency of the case¹⁴. Most of the cases were resolved at the third level (*Abunzi*) which is a dispute mediation body that has its roots in tradition and was formalized by the enactment of the *Abunzi* or (Organic Law 31).

In all the three countries, disputes involving delineated or titled land must reported to courts of law. In instances of violence and threats, the issue may become criminal and may end up with police as were some of the cases from the FHRI-Uganda project.

From the ULA- Uganda study, the Office of the Administrator Generals is one in one channel women have managed to re-gain their land rights. The office serves as both a dispute resolution both through legal advice and through separation and handing over the land to the appropriate benefactors.

3.1.5 Challenges and Obstacles faced by women in asserting their Land Rights

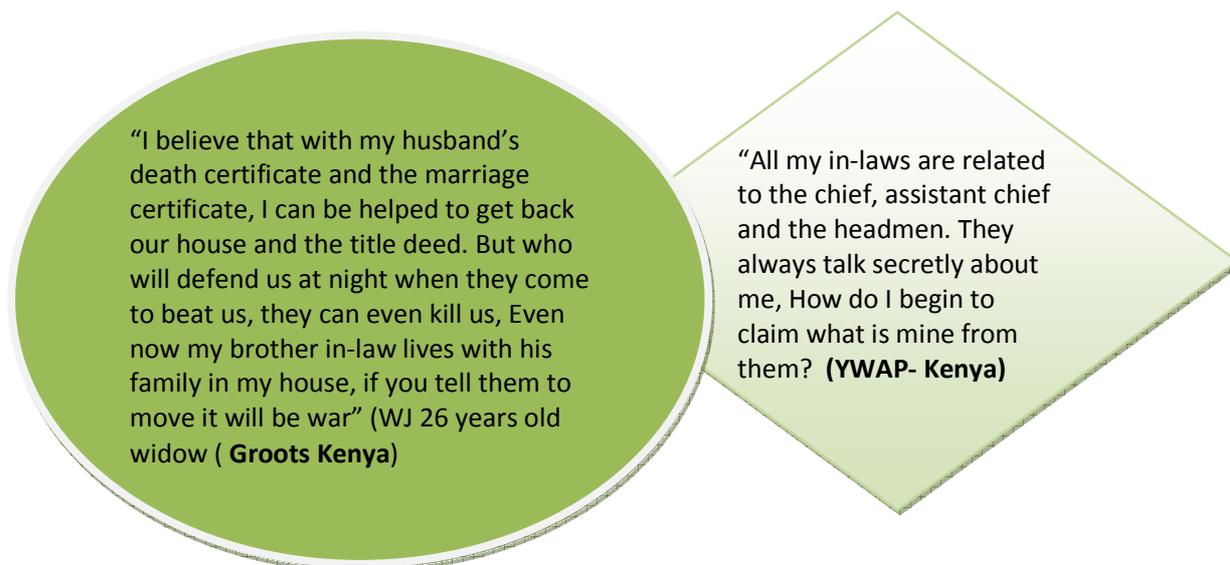
Although there are various channels through which women can fight for their land rights, there are both challenges and obstacles. From this analysis, it is necessary to draw a distinction between challenges and obstacles because the two require different approach to overcome. Drawing from the women who experienced land problems, challenges appear to more to do with *positionality* of the individual woman including social and economic status, age and social capital.

¹³ ¹³ While the 1998 Act provided for Land Tribunals, they were later suspended due to lack of funds.

¹⁴ These may involve violence and evictions which require urgent action.

A combination or lack of these can make it easy or difficult for the women to assert their rights to land.

Obstacles on the other hand are factors that are exogenous and are largely systemic in the community and society at large. These include lack of information, under funding of the responsible organs or institutions to deal with the land problems, corruption and the endemic biases against women's land rights. In addition, there is increasing evidence of physical violence and hostility towards women who take on these land claim battles which serves as a deterrent for many more who would otherwise dare lay claims to the land even when accessible. Voices from women from the two Kenya projects had had such experience.



It is probable that challenges can be tackled through empowerment at different levels and with different strategies. However overcoming the un expected consequences of these strategies such as domestic violence present yet other challenges. Hence it is important to have elaborate and well focused programs aimed at massive attitudinal change of communities and the society at large.

It is evident from the three projects dealing with the legal frameworks (FHRI, ULA and RWN) that consistent lobbying; advocacy and public awareness have made a difference for women's land rights both at the local and national levels. Women

in all the three countries showed high levels of awareness of women and land rights discourse.

3.1.6 Collective Action and Women's Agency: the Community Watch Dog Groups

This section largely draws from the two projects in Kenya to demonstrate how collective action empowers women to assert their land rights. First is the vigilant Community Watch Dog Groups (CWDGs) by Groots-Kenya that intervene in cases of dispossession of widows and orphans. The CWDGs are successfully advising and helping fellow affected women to seek legal assistance in recovering grabbed property and employee benefits for the deceased husbands. The findings demonstrate how, through concern for fellow women. CWDGs use the legal information they collect, work and collaborate with state organs mandated to resolve land disputes to solve a problem. There were a number of success stories owed to a various factors and at different levels within and out of the communities.

At the lowest level, the vigilance and compassion of individual women who identify and take up the matter with WDG members and later on the authorities, is crucial in that it gives affected women the strength and esteem to pursue their property rights. At another level, cooperation of the state functionaries such as the sub-chief and chiefs on the one hand and, the stature of the CWDG members (specifically the ombudspersons) and pressure from other community members, greatly contributes to positive outcomes of the cases handled.

Pressure from the community was specifically indicated to be important in face of threats of eviction and associated physical violence. Thus collaboration between an active citizenry and the state is an important ingredient in the protection of women's land rights.

The CWDGs were found to face several challenges; first is the limited capacity of members to ably perceive violations of women's land rights and relate them to both statutory and natural justice which would strengthen their cases. The second was the lack of relevant skills including, communication and mediation.

The biggest challenge is sustainability of the CWDG model which, in retrospect, puts to test the notion of voluntarism. Similar to Groot's Project, the YWAP is also a self-help program that tries to assist young widows to re-gain their property and land following the demise of their husbands. The two groups are a clear demonstration of collective agency with a two-pronged effect as a deterrent, retaining and/or re-claiming the land rights.

The community land and property WDG is a community response to women and orphans' property rights violations in Kenya. It was established following the escalation of harassment and asset stripping of vulnerable women and orphans. The property WDG is a community-driven intervention with little or no funding, and those who form WDGs are volunteers who work in the best interest of their community.

To sustain a watchdog group does not only require sacrifice and commitment. It also demands leadership and accountability to the community at large.

3.2 Indicators of Impact of Policies and Programs on Women's Land Rights

Though no particular activity was attached to the impact of policies and programs of Women's Land Rights, the objective has been unraveled by closely examining operations of the existing institutions to gain insights of their mandates and activities that directly affect women's land rights. The table below presents the sources of information and the possible indicators in the three countries.

Indicators and Sources of information on Status of Women's Land Rights in East Africa

Country	Indicator	Source								
		Micro-financing Institutions	Formal Land Registration Records	Land administration Institutions	Formal Courts	Administrator General Office	Land Markets	personal testimonies (research)	Public Media	Mandated SCOs
Kenya	• Women individual control/or ownership of land	✓	✓	✓			✓	✓		✓
	• Violations of women's land rights			✓	✓	✓	-	✓	✓	✓
	• Inheritance of property by women	-	-	✓	✓	✓	-	✓		✓
	• Share of land & other property in divorce settlements	-	-	-	✓	-	-	✓		✓
Rwanda	• Women individual control/or ownership of land	✓	✓	✓	-	-	✓	✓	✓	✓
	• Proactive & Pursuing/land rights		✓	✓	✓	✓	✓	✓	✓	✓
	• Inheritance of property by women		✓	✓	✓	✓	-	-		
	• Share of land & other property in divorce settlements	-	-	-	✓	-	-	✓	-	✓
Uganda	• Women individual control/or ownership of land	✓	✓	✓			✓	✓		✓
	• Violations of women's land rights			✓	✓	✓	-	✓	✓	✓
	• Proactive & Pursuing/land rights		✓	✓	✓	✓	✓	✓	✓	✓
	• Inheritance of property by women		✓	✓	✓	✓	-	-		
	• Share of land & other property in divorce settlements				✓	-	-	✓	-	✓

The table above shows the diversity of indicators and information sources for gauging the levels of women engagement with land issues as victims and/or proactive claimants of land rights. Expectedly, there are numerous information gaps arising out the weaknesses in the institutions' operations. While formal administrative institutions such as courts, police and some government offices are required to record and archive information it was evident that there is great laxity in this area at all levels. Even where information is recorded, the lack of detail and clarity of these records renders the information unusable. Access to this information is an additional daunting obstacle for the women; there is always an aura of bureaucracy limiting even the daring.

Record keeping outside formal institutions is not much better either. Efforts to get information from different CSOs were futile and where available, it was not adequate. In YWAP for example, there is a membership register with very scanty information to follow-up members or indeed to base on planning. A similar situation obtained in all of the collaborating organizations. This state of affairs brings to fore the question the question of accountability, transparency and appreciation of record keeping of at all levels.

In a situation where the majority of the land rights arbitrations take place under the ambit of traditional or informal institutions, we can anticipate continued information gaps that make it difficult to come up with complete indicators.

3.3 Implications of Social Economic changes on Women's Land Rights

The last three decades have witnessed a wave of unprecedented social economic changes that affected societies all over the world. These include, HIV/AIDS, population explosion spiraling into hunger and food insecurity as well as migration. It was pertinent that two of the projects examine these aspects and in relation to women's rights to land as a critical resource for livelihood.

3.3.1 HIV/AIDS

The social economic impacts of HIV/AIDS on families are numerous; however the most disruptive is the complete change or roles and responsibilities in a fast

changing economic environment. As indicated above, women are already a structurally disadvantaged group, their limited participation in the formal economy makes them much more vulnerable to face new challenges of becoming the single heads of big household and without means of livelihood.

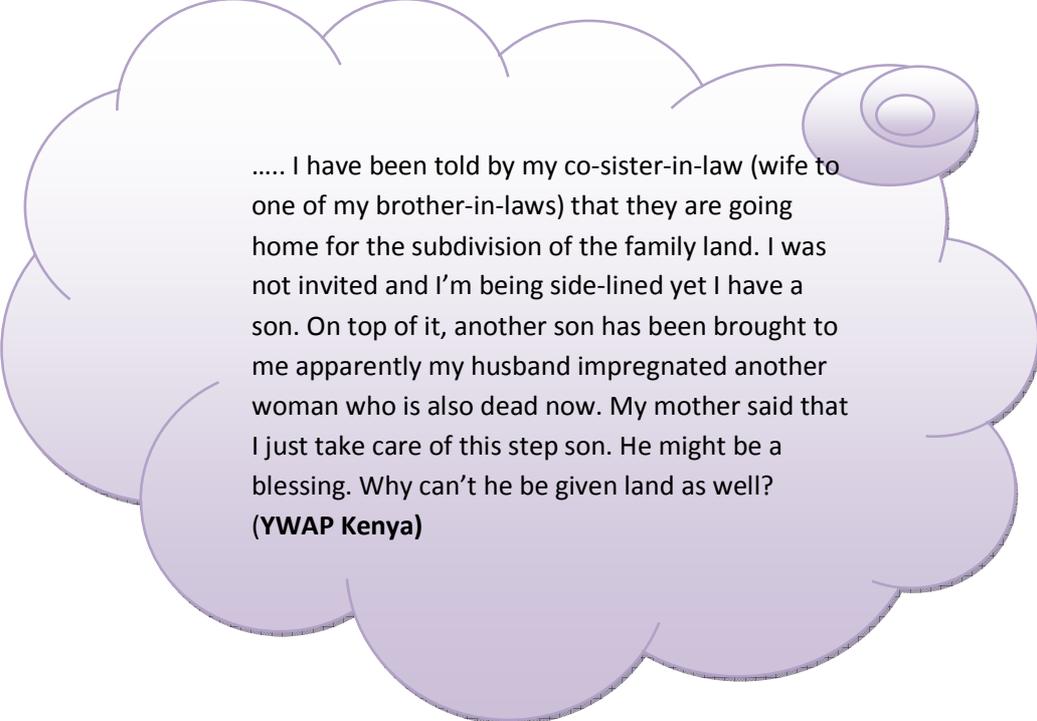
HIV/AIDs strikes at a very crucial lifecycle when families are in their infancy of midlife and/or in the midst of consolidation. This means that couples would have invested in household stabilization tending towards normalcy. Death of a partner particularly the key breadwinner is always a terrible blow to the widow.

With the sad reality of the African familial set-ups, the sibling competition and scramble for the available resources such as land among takes centre-stage at the demise of one of the family member; particularly if that member managed to join the formal economy. Joining the formal economy has its rewards as well as downfalls. One such downfall is the necessity to migrate from one's ancestral home to the cities and live differently. While the re-location may not have immediate repercussions in one's rights in the clan land or birth rights, these soon become spaces of contestation between and among families of upon the demise of the venturesome migrant. The following sections present testimonies of widows of migrant families.

Land dispute is between me and my brother-in-law E Ngayo. My house is not there anymore. When I last went there, I had gone to bury my last born son who died when we moved to Nairobi. I moved to stay in Nairobi because shortly after we buried my husband, I had come to Nairobi to buy stocks for my *Mitumba* (second hand-retail clothes) business. It took me 2 days; and when I went back to the village, my brother-in-law had removed the windows and the iron sheets from my roof. He said he does not want to see me in that home anymore. By then, I did not know that my husband had passed away due HIV/AIDS or the possibility that I had myself.

Then my son (6 years) became sick and when I took her to hospital he was tested for HIV and I was told he is positive. And when I was tested I was also positive. After sometime he died. We took him back home for burial. The house was still standing with the doors but the roof and the windows were gone (YWAP-Kenya)

Yet another..



..... I have been told by my co-sister-in-law (wife to one of my brother-in-laws) that they are going home for the subdivision of the family land. I was not invited and I'm being side-lined yet I have a son. On top of it, another son has been brought to me apparently my husband impregnated another woman who is also dead now. My mother said that I just take care of this step son. He might be a blessing. Why can't he be given land as well?
(YWAP Kenya)

HIV/AIDS afflicted widows are always blamed for the scourge. Such a crime, it is argued, warrants the stripping of property and claiming the children as well. There is either utter ignorance of the evolution of the disease or the situation presents a perfect excuse to re-claim the otherwise lost resource by stripping rights of the deceased. Basing on the patriarchal claims, the rights of girl children are always ignored. In almost all instances, widows are forced to undergo repulsive rituals to comply or forfeit their rights in land owned by the husbands. Many observers have failed to come to terms with such behavior; but the affected analyze the situation in practical terms. One such widow observed:

".....The problem is not women and poverty but greedy men who want our land to continue frustrating us. They instigate violence from the time death of a husband is announced. There is need to avoid violence, blame and abusive language against widow and children during the funeral and immediately after.
.....'you are to be seen with a sad face not heard while they ransack the house stealing the credit cards, log books, and all other valuables' **(YWAP-Kenya)**

3.3.2 Migration

Voluntary migration from rural to urban areas in search of better economic opportunities is the norm in many African countries. In the YWAP project, most of the deceased had migrated to Nairobi but made investments on ancestral land¹⁵. Under these circumstances, the wives and children often have little or no connection to the land allocated to their husbands. In the event of death, the connection or lack of it becomes very important disastrous upon attempts to claim land rights as widows and at times as children.

A key obstacle to claiming apportioned ancestral land is that it is unascertained with fluid boundaries that are difficult to ascertain particularly for the widow and/or children who were not party to the initial allocation. This makes the land open to grabbing and/or encroachment and vulnerable to endless disputes.

The animosity created during these land contestations between the widow and in-laws at times makes impossible for the former to peacefully settle and use the land.

¹⁵ This is land apportioned to mature- ready to get married or married son as part of their inheritance.

4 Conclusions

It is evident that statutory frameworks in all the three countries recognize women's rights to land as a natural resource to which men and women are entitled. It is also evident that mechanisms are in place to protect these rights. It is equally evident from all the six projects that women have access to land at any one point in their life cycle. However, this is not enduring; it is always under threat in between life-cycle transitions. The women at the upper end of this cycle are less vulnerable than young widows in diaspora. The perpetrators of land rights violation are the close of relatives which makes it a complex phenomenon that need elaborate strategies to overcome. In all this however, strong negative traditional attitudes and practices stand out in all the studies as impediments to protection of women's land rights.

Although many of efforts on the ground do involve male participation (inadvertently), concerted mobilization of men as change agents and taking the advocacy strategies in formal educational institutions for long term, holistic empowerment and transformation of attitudes and practices needs to be considered. Much hope lies in empowering women to demand for not only land rights but all other rights.

Results from two of the studies indicate that women's tenure security may well be through land delineation and registration. Women feel more confident when there is documentation of the land rights.

Lobby and advocacy efforts of the past two decades have, to large extent, born fruits as evidenced by the on-going land reforms, vigilance of collective action and resolute of individual women. Similarly, all country studies depict a relative awareness of land rights among women albeit delinked from the larger rights discourse.

Efforts to address the situation are in place by both the state and civil society organizations. However these are greatly hampered by the very laws, corruption, inadequate logistical support and the enduring and fluid customary practices

which are under constant manipulation by all stakeholders. Marriage laws in particular and the indeterminate language used are a serious issue requiring scrutiny to be addressed through lobby and advocacy efforts.

Analysts of African law have observed the indeterminate nature of law language which is for the most part aimed at preservation of the patriarchal underpinning and practices¹⁶. In other words, most laws are devoid of objectivity of rights of common citizenry, developmental goals and/or common good. African laws are, at best very divisive in terms of ethnicity and religion because they are always elastic to accommodate the so-called 'tradition' and religious inclinations.

Acquiesce to customary law and practices presumed 'non repugnant' to humanity and yet these are daily lived experiences of women and men. For instance, polygamy and multiple relationships are abated by the recognition of customary marriage, a common occurrence in all the studies. Under such arrangements, both men and women are key players albeit with different objectives. Under these circumstances, whose rights should prevail when a customary marriage is legally suctioned? Who for example is to stop a woman enjoining herself to an already married man? What is the role of the state to ensure rights protection and for whom? To overcome such inconsistency, is to reject the elasticity of the law for the many reasons that have long been argued and agreed upon in the developed societies but which African leaders and legislators feel they should be perpetuated through recognition of diverse customary practices.

In all three countries, women suffer at the hands of men and some of this suffering is attributed to their lack of property rights making them more vulnerable to poverty and disease and ill-health. This predicament has prompted economists to predict dismal economic development when women's contribution to household is overlooked at national and even further dismissed at the household through wanton male behavior. To overcome this predicament, only one country, Rwanda has taken the bold step of streamlining marital matters by

¹⁶ See for example Gayer Jane 'Women and the State in Africa: Marriage, Inheritance and Resettlement'. African Studies Centre, Boston.

recognizing only monogamous civil marriage and explicitly legislating for dealing with marital property in which husband and wife have equal rights and duties upon, during marriage and at divorce. The objective of this law is to rule out the multiplicity of relationships, to streamline property rights in the marriage, protect the offsprings, and enhance consolidated development. The wife can concentrate her energies for the household with the confidence of equal share of the marital property. Rwanda therefore serves as a test case which should be closely followed up to monitor the economic, social and personal gains for the couple and the nation at large.

A number of strategies need serious consideration, one such strategy is for civil society engagement in policy and law formulation and reforms with the view of foraying flowed legal language and; analysis. Equally important is the performance of the legal institutions in delivering justice to the women in case of divorce by taking into consideration for the indirect and non-financial contribution to a marriage.

The challenges identified all the three countries point to the need for intensified financial, logistical and human capacity support for the structures put in place to support women them to re-gain land rights There is a need for all stakeholders to set an agenda that take cognizance of the derivation of land rights; emulate the Rwanda strategy to preserve the family and dignity of African societies.

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Annexes

Annex I: Inception Report (April 2008)

Introduction

Makerere Institute of Social Research (MISR) Makerere University and the Program for Land and Agrarian Studies (PLAAS)- University of the Cape in collaboration with the International Land Coalition (ILC) are coordinating the above mentioned program in Eastern and Southern Africa respectively. MISR is coordinating the program in Kenya, Rwanda and Uganda.

The program has three phases over a period of 30 months beginning 14th December when the MOU between MISR/PLAAS and ILC was signed. The phases include: inception phase, Action Research, Capacity building phase, and Lobby, Advocacy, and Dissemination/phase.

This report presents the activities executed under the inception phase including organizations and individuals that participated in this phase, the narrowed down research themes, the titles to the concept notes as well as a MISR's assessment of the progress of the program so far.

Also attached is the detailed accountability of the funds received for this phase.

Objectives of the Inception Phase

The overall goal of the inception phase was to launch the program in the region and to enhance ownership of the research and action agendas. The specific objectives were three fold;
To establish contact with potential collaborating organizations and introduce the program to them.

To narrow down or own up the research themes as articulated in the EA Scoping study and thirdly,

To invite participants to write concept notes that would lead to proposals to be funded under the program.

It was envisaged that the outputs of the inception phase would include;

A List of stakeholders engaged in women and property rights

Concept notes submitted by organizations engaged in activities aimed at securing women's land rights.

An inception report in which potential collaborators and their profiles are identified as well as a list of narrowed down themes for further research.

Approach to the Execution of Activities under the Inception Phase

In order to accomplish the above objectives, a scheme of activities was designed. The first step was to identify the would-be collaborating institutions in each country through existing networks and personal contacts.

In Uganda, Uganda Land Alliance (ULA) an umbrella organization of NGOs engaged in lobby and advocacy for fair land laws and justice was used as a gateway to accessing other CBOs and NGOs working on gender and women's land rights.

In Kenya, Grass Roots Kenya a member of Kenya Land Alliance (KLA) was approached through the Kenya Land Alliance (KLA) to access other CBOs and NGOs of interest in the execution of the program.

In Rwanda, the Rwanda Initiative for Sustainable Development (RISD) which has a similar mandate as ULA and KLA was approached to help identify other CBOs and NGOs of interest in that country.

The three organizations were also formally requested to organize program launch workshops in their respective countries. This was done through memoranda of understanding with MISR. In these memoranda, the tasks of the collaborating organizations were to;

Invite participants (two from each organisation) working on women land rights issues in and stakeholders from key sector ministries in their countries.

To organize logistics for the conducting program launch national workshops; and,

Produce a proceedings report -to be forwarded to MISR within 5 days after the workshop

Although the intention was to invite other stakeholders from land ministries in each of the countries, it was latter discouraged as it would prejudice future lobby activities¹⁷.

Launching of the Program at Country Level

The launching of the program on securing women’s land rights was done at country level between January and February 2008. A synopsis of the participants’ profile is presented in the table below.

Table 1: Participation Profile in the National Workshops

Country	Date and Venue	No. of Organizations	No. of Participants	
			Women	Men
Uganda	January 17, 2008 Emerald Hotel- Kampala	12	8	5
Kenya	January 30, 2008 Methodist Guesthouse- Nairobi	10	12	3
Rwanda	February 26, 2008 Ninzi hill Hote- Kigali	10	11	3
Total		32	31	11

Source: National Program Launch Workshops 2008

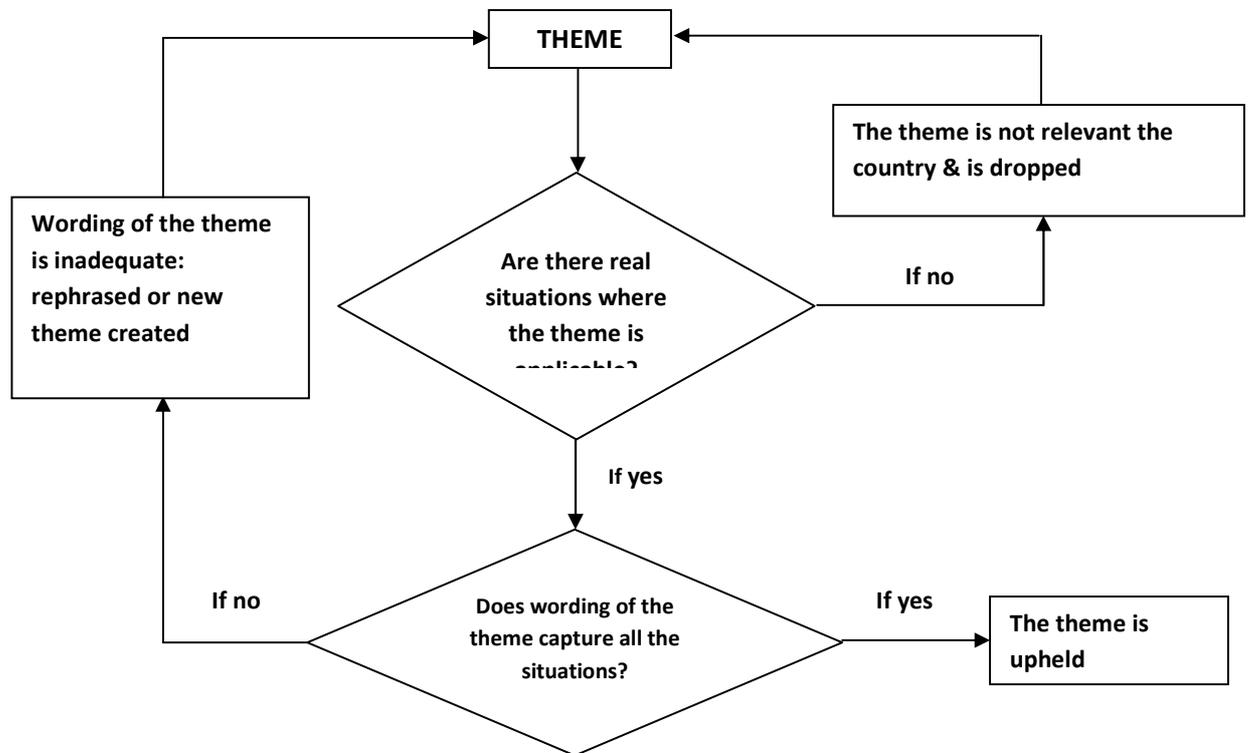
Methods and Tools

There were three methods used in the program launch workshops; power point presentations to introduce the program. Plenary discussions in which the participants reacted to the presentations and group work sessions aimed at narrowing down research themes articulated in the scooping study.

The process of narrowing down themes comprised about three steps depicted in the figure below.

¹⁷ This view was forwarded by GROOTS and RISD

Figure 1: Process of Narrowing down the themes



In each of the country, participants were divided into two groups for each group to consider two themes. The tasks were;

Assessment of the relevance of each of the broad themes articulated in the scoping study and confirm or reject its relevance to the country.

Evaluate whether the wording of the theme captures the situations in the country.

Uphold or create a new theme

The outcome of the assessment of the broad themes indicates that participants in the three countries were agreeable to the findings of the scoping study. They however had to re-word these themes to resonate with their mandates and activities.

The general observations from each country are elaborated upon in the subsequent paragraphs.

Kenya

In Kenya, the first theme was re-worded to explicitly focus on the efficacy of legal and policy frameworks in promoting women’s land rights particularly the gaps between policy and implementation as well as the duality in laws governing land-statutory and customary laws.

The general consensus among the Kenya participants was that in majority of cases, customary and statutory laws contradict one another which present the opportunity for forum shopping in case of disputes.

Another re-wording was on theme three where it was argued that Kenya had not moved far along the path of gender mainstreaming; in most cases policies and government programs have

no gender sensitive indicators. Where these indicators exist, they are vague especially in regards to land and thus cannot be tracked. This necessitates the reviewing of the existing gender based indicators.

Rwanda

The general view of participants in Rwanda was that the reconstruction and reform processes were nascent with many policies in the making. This was viewed as an opportunity to influence these processes particularly in relation to gender (mainstreaming and indicators).

Uganda

In Uganda the general view was that the country had had a longer history of gender mainstreaming and gender sensitive indicators were largely in place. The concerns of participants were the gap between the law and its implementation.

The changes in the themes by country are shown in the diagram below;

Table 2: Participants' Assessment of the Research Themes from the Scoping Study

Broad theme from Scoping Study	Kenya	Rwanda	Uganda
	Re-wording/ Changes	Re-wording/ Changes	Re-wording/ Changes
The continuing gap between legal frameworks/policy and their implementation;	The efficacy of legal and policy frameworks: gaps between policy and implementation and the contradictions between statutory and customary laws/practice.	The efficacy of legal and policy frameworks: gaps between policy and implementation and the contradictions between statutory and customary laws/practice.	The gap between statutory law and their implementation Contradiction between statutory and customary laws in relation to women's interest and rights in land
Gender-sensitive indicators for measuring the impact of policies and programmes need to be developed (quantitative and qualitative);	Review and development of gender sensitive indicators in government programs.	Development of gender sensitive indicators and identification of gender based policy implementation challenges.	Evaluation of the implementation of gender provisions in the legal and policy frameworks.
The linkages between access to land and other resources as well as between natural resources and other assets, such as services (extension) and credit;	Linkages between control of land and other resources (including natural, financial resources).	The Linkages between Women's ability to control land and other resources as well as between natural resources and other resources and services e.g. extension and credit.	<i>Effects of the imbalance in women's access and control over land and the proceeds there from on their access to other resources and livelihoods</i>
The gendered implications of social/economic changes (de-agrarianisation, HIV/AIDS, migration, conflict etc.) on livelihoods strategies, specifically the role of access to land for food security, access to services, identity/status.	The gendered implications of social, cultural, political and economic changes on livelihoods.	The gendered implications of social/economic changes (HIV/AIDS, migration, conflict, etc) on livelihoods strategies.	The gendered implications of social/economic changes (HIV/AIDS, migration, conflict, etc) on livelihoods strategies.

Source: National Program Launch Workshops 2008

The general consensus in all the three countries is that women's access to land is not an issue; the problem is lack of control and ownership. Reference was made to the differential in uptake of new technologies introduced by extension workers between women land owners and those limited to usufruct rights.

Participants also felt that although HIV/AIDS and forced migration were a big threat to livelihoods strategies and household food security, the three countries were still largely agrarian therefore de-agrarianization is not pertinent.

Call for Concept Notes

After receiving the workshop report for each country, a formal call for concept notes to participate in Action Research under the program was extended to all organizations who attended the workshops. This was accompanied with guidelines and conditions for submitting the concept notes.

Response to the Call for Concept Notes

A total of 17 concept notes were submitted; 9 from Uganda, 5 from Kenya and 3 from Rwanda.

The table below presents the titles and submitting organizations from each of the three countries.

Table 3: Submitting Organizations

Country/Title of Concept note	Submitting organisation
UGANDA	
Women's Access and Control over Land as key to increased Food Security and Poverty Alleviation: A case study	Council for Economic Empowerment for Women of Africa- Uganda Chapter (CEEWA)
The Imbalances in Access to and Control of Land: Solutions to Barriers to Women's Livelihoods and income Sustainability in Uganda	Africa Women's Economic Policy Network (AWEPON)
Increasing Food Security through Increased Women's Access to Land	Voluntary Efforts for Development Concerns (VEDCO)
Effects of the Imbalance in Women's Access and Control over Land and other Proceeds there on, Access to other Resources and Livelihoods	National Association of Women Organisations in Uganda (NAWOU)
Can protection of Women's Land Rights be Enhanced if State and Customary Land Institutions Work Together?	Land and Equity Movement in Uganda (LEMU)
Assessing the gaps in the implementation of the Land Act 1998 and advocate for Women's Rights to Access and Control Land in Uganda	Foundation for Human Rights Initiative (FHRI)
A participatory and Action oriented Study of Structural Hindrances to Women's Access to Land and their Implications on Livelihood/Access to Services	Uganda Rural Development and Training Program (URDT)
Study of gendered Implications of linkages between food security, women's land rights an HIV/AIDS (Kenya, Rwanda and Uganda)	The East African Sub regional Support Initiative for the Advancement of Women (EASSI)
Documenting Experiences and Perceptions of the Clients Of The Administrator General's Office	Uganda Land Alliance (ULA)
KENYA	
Strengthening women's Economic base and reducing vulnerability to HIV/AIDS by securing their access to and control over land	Groots Kenya
National coalition on Enhancement of Women's Property Ownership and Control	Young Widows Advancement Program
Preventing Women's Property and Inheritance rights violations at the community level	Education Center for Women in Democracy (ECWD)
HIV, Gender and Land Rights in Post conflict Resettlement Situation in Kenya: Enhancing women's access to and control over land	Kenya AIDS NGO's Consortium(KANCO)
Identifying Capacity Gaps in Lobbying and Advocacy Strategies and	SHELTER FORUM

Implementation of Policies on Women and Land Rights	
RWANDA	
Title not clear	SHARING Rwanda
Assessment of the implementation of court decisions favouring women's property and inheritance rights cases	Rwanda Women Network
Land Inheritance and succession Rights of women and children	LWB

Comments on the Concept Notes

The concept notes received were subjected to preliminary review done by the coordinators of the program (Abby and George). The preliminary review of the concept notes revealed a number of issues that require attention before and after full proposals are developed. The following shortcomings were identified:

On the whole there was little or no adherence to the guidelines indicated in the call.

The titles are vague and not clearly related to the body text.

Problem statements are not focused and lack evidence to back them.

The objectives are disjointed (the overall objective and the specific objectives) and are abstract in many concept notes.

The concept of Action Research is mixed up with traditional social research methods and no interventions are explicitly mentioned.

The timeframe indicated to undertake the research shows that little or no consideration was given to the duration of the program.

Lessons Learnt in Phase I and Way Forward

We found it difficult synchronizing program activities with the would-be collaborating NGOs. For example, it was not easy to schedule the Rwanda workshop due to the workload at RISD. This delayed the call for and submission of the concept notes in Rwanda.

Implication: *Subsequent activities are likely to face similar obstacles. To counter this eventuality, MISR in consultation with ILC will design a comprehensive works schedule ahead of time to be share at the inter regional workshop for all participating NGOs to incorporate in their other programs and to adhere to.*

The concept notes submitted indicate huge capacity gaps in problem identification and conceptualization implying the need for capacity development and guidance for proposal development and continued mentoring throughout the research period.

Implication: *This observation confirms the need for capacity building for Action Research which is vital in lobby and advocacy. Regular interface (besides Monitoring) will be crucial for quality and timely results.*

There is constant breakdown in electronic communication which slows down communication.

Implication: *A complementary Internet Service Provider (ISP) is necessary in order to be able to constantly communicate with all the interlocutors. This has been addressed by subscribing for an alternate ISP and the program office now has an interrupted access to the internet.*

The coordination workload is far greater than had been anticipated which necessitates more time allocation to program activities.

Implication: *The initial allocation for co-ordination is inadequate. This shortcoming has been partly addressed by increasing this budget line including co-ordination related travel.*

Way forward

The coordinating team has invited all the NGOs who submitted the concept notes to the regional inception workshop give all of them a chance to appreciate the program as well as the task ahead.

Following this exposure, they will then compete for the small grants through writing quality proposals which will then be reviewed for funding. It is envisaged that at least 6 proposals might be funded based on the numbers of concept notes submitted.

Judging from the gaps identified from the concept notes submitted, it is important that the planned down-stream capacity building activities be tailored to address these gaps.

Selection of Grantees

It is proposed that the subsequent proposals be reviewed by three reviewers (MISR, ILC the Consultant?). The guidelines to proposal development will be shared at the regional workshop in May, 2008.

Capacity building

It is envisaged that there will be inter-regional capacity building workshops where participating NGOs/CBOs can have regular interface to share experiences and mentor each other.

Two capacity building workshops are envisaged. The first one will be held immediately following the selection of the best proposals to fine-tune the research tools or methodology as well as concretizing work plans. The work plans will also form basis for monitoring of the research activities.

The research is bound to produce voluminous data that will have to be analysed by the researchers. Instead of having researchers doing this individually and without guidance, it is deemed necessary to have a second workshop to assist them through this process by bringing them at MISR at a residential workshop. At the same time, they will be guided in data presentation, report writing and policy brief writing.

Disbursement of funds

Based on past experience with disbursement of grants for research, it is envisaged that the funds will be disbursed in three tranches; 25%, 40% after submission of a post field work progress report and 35% after report submission.

Reporting

The next Process Report will be submitted after the disbursement of the first tranche of the research grant to the NGO/CBOs.

Execution Plan for Phase II

It is envisaged that phase two will last a total of 17 months starting from May 2008 to september 2009.

Activity	2008								2009								
	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September
Stakeholders' Workshop																	
Development of full proposals																	
Drafting of MoUs for grantees																	
Review of Proposals																	
Finalization of Proposals & Fine tuning of research tools (capacity building)																	
Approval of final proposals & Finalization of grant agreements																	
Progress report to ILC																	
Disbursement of grants																	
Action research																	
M&E visits																	
<i>Progress report by grantees to MISR</i>																	
<i>Progress report by MISR to ILC</i>																	
Post field workshop																	
Report Writing by grantees																	
Fine tuning of research reports																	
<i>Report to ILC</i>																	

25% Disbursement

40% Disbursement

The third and last disbursement will be in the third phase

Annexes

Profiles of Participating Organisations

Kenya

	Organisation	Description
1	GROOTS Kenya	Is a movement of grassroots women led organisations whose mission is to facilitate women and their communities to effectively participate in development process. GROOTS Kenya is affiliated to Huairou Commission and GROOTS International. Some of the strategies employed by the organization in securing women access to and control of land include the formation of community “watch dog” groups constituting of women leaders, traditional leaders, provincial administration and representatives of the faith-based institutions, radio listening groups, dialogues and the training of paralegals. Under its women and property program; one of the its four core programs had the following reported Challenges : lack of formal recognition of “watch dog” groups by legal institutions; many women and children have insufficient knowledge on land and property rights like on type of legal documents required, succession law and procedures; limited resources to motivate and facilitate effective working conditions of community “watch dog” members; limited number of women in decision making levels; and, culture and tradition including perceptions on the role of women and property ownership
2	MISR	Institute at the Makerere University, Uganda. Affiliated to amongst to Uganda Land Alliance and International Land Coalition etc. One of its major achievements has been to influence policy makers on matters related to women and property mainly in Uganda. A major challenge experienced is in fronted concepts gaining acceptance at the policy levels.
3	HAKI JAMII	Is and organization that work on land and housing issues at local and national. Haki-Jamii in collaboration with various partners has also been implementing land and property rights programs in various slums of Nairobi including the Kibira slum. However, the organization is challenged by negative patriarchal attitudes of some community members where they work. .
4	Shelter Forum	Organisation works on land and housing rights. It is affiliated to amongst others: GROOTS Kenya, Kenya Land Alliance and, Social Rights Foundation. The organization has been at the fore front in influencing land policy in Kenya; and, done research on land and access to housing, and land for people with disabilities. However, the organization faces various challenges including the patriarchal family systems and cultural barriers which hinder women access to and control to land and housing.
5	Kenya AIDS NGO'S Consortium	It is a consortium of 920 organisations working on issues related to HIV/AIDS. Among other partners, KANCO partnered with GROOTS Kenya and Young Widows Advancement Program in implementing a program on action research which was funded by International Centre for Research on Women in 2006. Some of the major successes of the organisation is lobbying and advocacy at the policy level while creating a platform for local community participation through trainings. The main challenges faced are cultural factors and poor knowledge on legal rights.
6	Education Centre for Women in Democracy	The organization have a long experience in women with women at national and community levels while empowering women to actively participate in decision making platform. Some of the strategies used by the organization to facilitate women access to and control of land include training of paralegals and formation of community committee. For instance the organization has been able to support women in 21 districts in Kenya and have seen some community members’ negative attitudes towards women ownership of land and property change.
7	Mama na Dada Africa	The Organisation basically empowers women to undertake social and economic activities that reduce their poverty levels. The organization also addresses HIV/AIDS issues in their communities by supporting the work of health providers at home also known as home caregivers. The organization cited high legal fee while following up cases of women land rights as a major challenge to their work on women land rights. Through community mobilization and sensitization activities the organization reported that some women now know that they have land rights. Organisation is affiliated to amongst others, Federation of Africa Women in Education (FAWE).
8	Young Widows Advancement Programme (YWAP)	This is an organization that promotes the interest of young widows some of whom live with HIV/AIDS. It has various programs including reproductive health, HIV/AIDS, and property rights. YWAP continues to promote urban women specifically widows access to land and property rights through various initiatives which include training of community paralegals, will writing and behaviour change.

	Organisation	Description
9	Department of Culture, Ministry of Culture and Social Services	This is government department under the Ministry of Culture and Social Services which partners with civil society organizations at local and national level to address various cultural and gender challenges facing women including land and property rights. The department has structures right to the district level which allow effective participation of women at local to the national level. However, the department lack a cultural policy to regulate its operation. This challenges its ability to track retrogressive cultural practices over time especially in this era of HIV/AIDS.
10	Maasai Women Education Development	This is an organization that addresses women issues among the Maasai nomadic communities in Kenya. Its programs that address women social and economic empowerment include income generating activities and land rights. Its mandate is to empower women at the grassroots levels to participate in decision making platform mainly on land and property rights through engagement with local leaders. Its initiatives around land rights are challenged by resistance from the men attributed to culture and traditional.
11	Pamoja Trust	A CSO working on issues on land and shelter in the Nairobi informal settlements including Nairobi Kibira and Mathare slums. The organization mobilises the respective communities mainly women to engage in to collective savings to secure land and advocate on the issues of land and shelter.

Uganda

	ORGANISATION	Description
1.	VEDCO	Volunteer Efforts for Development Concerns (VEDCO) is an indigenous non-government organization with a vision of improving the quality of life for smallholder farmers and entrepreneurs through sustainable economic empowerment demonstrable in the community's ability to negotiate for support services in the areas of food security, marketing and micro enterprise development. VEDCO works to promote sustainable economic empowerment of smallholder farmers and rural entrepreneurs through capacity building for food security management, agric-business development and access to micro finance
2.	EASSI	EASSI is a sub-regional civil society organization established in 1996 to facilitate systematic follow up of the African and Beijing Platforms for Action emanating from the Fourth World Conference on Women held in Beijing China in 1995. EASSI'S membership comprises individuals, NGOs, coalitions and networks committed to the advancement of women. EASSI carries out its mandate primarily through monitoring and evaluating the implementation of these commitments in eight Eastern African countries namely, Burundi, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Tanzania and Uganda.
3.	NAWOU	NAWOU is an indigenous umbrella for women organizations formed in 1992. It is an affiliate of International Council of Women, has a consultative status with United Nations Economic and social council (ECOSOC) and collaborates with several networks, international NGOs and development partners. The vision of NAWOU is to have a unified body of women organisations with skills and capacity for self-sufficiency.
4.	Minority Rights Group International	Minority Rights Group International (MRG) is an international NGO with around 130 partners in over 60 countries. It campaigns ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard. . We have consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission for Human and Peoples' Rights.
5.	URDT	The Uganda Rural Development and Training program was established in 1987 as an indigenous non-governmental organization. It has since its inception been committed to facilitating integrated, self-generating development of the rural communities and economies in Kibaale District, one of the marginalized areas in Uganda. URDT program areas include Gender and HIV/AIDS, Human rights (with specific focus on Domestic violence and Child rights) and a Land Information Center among others
6.	Legal Aid Project Uganda Law Society	The Legal Aid Project (LAP) was established by the Uganda Law Society in 1992. Its vision is to have a, society where all Human Rights are respected, promoted and defended to ensure access to justice for all is a reality irrespective of gender, age, ethnicity, and religion or socio-economic status. LAP has branches in Kabarole, Kabale, Masindi, Jinja, Gulu and Luzira with its head office in Kampala.

7.	ULA	<p>The Uganda Land Alliance is a consortium of 44 national and international NGO's as well as individuals, lobbying and advocating for fair land laws and policies that address the land rights of the poor, disadvantaged and vulnerable groups and individuals in Uganda. It was set up in 1995 as a non-governmental, independent autonomous legal entity and registered as a company limited by guarantee.</p> <p>Its vision to have a Ugandan society where there is equitable access and control over land and the poor women, men and children are actively participating to eradicate poverty.</p>
8.	FIDA (U)	<p>The Uganda Association of Women Lawyers (FIDA), is a voluntary, non-governmental, non-political and non-profit making organisation established to address the status of women in Uganda. It focuses on family law concerning maintenance, inheritance, affiliation, marital disputes, and land and property rights. FIDA emphasizes problem resolution through providing legal advice, counseling and mediation, but will also take action in court if necessary.</p>
9.	CSO Coalition on Social Security Reform	
10.	FHRI	<p>The Foundation for Human Rights Initiative (FHRI) is an independent nongovernmental, non-partisan and not-for-profit human rights organization. Established in 1991. The organization has observer status with the African Commission on Human and Peoples Rights. FHRI seeks to enhance the knowledge, respect and observance of human rights, promote exchange of information and best practices through training, education, research, legislative advocacy and strategic partnerships in Uganda</p>
11.	CEEWA -U	<p>CEEWA was born at the fifth African NGO Forum held in Dakar, Senegal in 1994 in one of the workshops that observed that the economic policies were adversely impacting on women yet nothing much was being done to address the concerns. CEEWA was therefore formed to be a torchbearer for African Women Economic Empowerment with national chapters in different countries.</p> <p>CEEWA-U was started in 1995 and traces its origin from the preparatory meetings for the UN Fourth World Conference on Women, Beijing- China 1995. Its mission is to promote the economic empowerment of women in the development process through advocacy, training, research and documentation and information dissemination</p>
12.	LEMU	<p>The Land Equity Movement of Uganda, is a movement which aims to unite the efforts of local people, local Government, local civil society organisations, students, elders, volunteers, and anyone with contribution to make land work for the poor. LEMU brings together everyone, individuals and organisations, committed to poverty eradication and to fighting for equitable economic development.</p>
14	AWEPON	<p>The African Women's Economic Policy Network (AWEPON) is a faith based Non-Governmental Organisation (NGO), not-for-profit legally registered in Uganda, with active membership in 22 countries across Africa. As a network though, AWEPON was first mooted at the 1994 United Nation's NGO regional preparatory conference that was held in Dakar, Senegal. The founding principle for the network was that women have the fundamental right to shape economic policies that impinge on their lives</p>

MEMORANDA OF UNDERSTANDING BETWEEN MISR AND COLLABORATING NGOS

I This Memorandum of Understanding sets out the terms and conditions for a contribution of USD..... from Makerere Institute of Social Research-MISR to

This contribution is provided under the “Securing Women’s Access to land” Programme coordinated by MISR and funded by IDRC through ILC. This contribution equivalent to US\$ shall cover the venue, meals and a token for facilitation to and an additional US\$ or 50% deposit for participants’ accommodation.

II Purpose of the contribution:

The contribution is to facilitate in organising a one day national programme launch workshop scheduled to take place on Wednesday 30th January 2008. task will be to:

Invite 20 participants (two from each organisation) working on women land rights issues in Kenya and stakeholders from key sector ministries.

Locate and book a venue for the workshop

Arrange and cater for meals for the workshop

Book for full board accommodation for participants

Identify and facilitate for a rapporteur

In liaison with MISR work out a program for the day

Produce a proceedings report -to be forwarded to MISR within 5 days after the workshop

III Financial terms:

..... shall maintain and submit accountability in respect to this contribution -to be forwarded to MISR together with the workshop proceedings report.

IV Liability:

In the event that the one day national launch workshop is called off, MISR shall have the right to terminate this Memorandum of Understanding. If terminated, shall return to MISR within 5 days the funds not used or committed irrevocably at the date of notice of such termination. If the process of termination reveals that the funds have not been expended in accordance with this Memorandum of Understanding, the whole contribution shall be refunded to MISR.

Abby Sebina Zziwa – Coordinator MISR

Date: _____

– Coordinator GrootsKenya

Date: _____

CALL FOR CONCEPT NOTES

Uganda

Makerere Institute of Social Research is pleased to announce availability of small grants under a regional program titled "Securing women's access to land: Linking Research and Action." The program is funded by IDRC through ILC. The thrust of this program is to build capacity for lobbying and advocacy for transformative strategies to address the continuing gender imbalances in accessing, control of land and other natural resources.

The funds under this program are competitive and are awarded to conduct action oriented research in the three countries of Uganda, Kenya and Rwanda. Makerere Institute of Social Research-MISR is responsible for administering the grant as well as build research capacity of grantees.

Background

Access to and control of land and other natural resources is crucial for the livelihood needs of rural poor households, but major social, political, and institutional challenges prevent the rural poor from gaining secure tenure rights – and such challenges are more pronounced for women.

So far, the legal reforms to address gender inequality in Uganda have not translated into changes in practice due to weak implementation mechanisms and persistence gender bias.

In Uganda, major advances have been made in research and policy but these have not been effectively translated into action to promote transformative strategies. The challenge is to support civil society to seek compliance and implementation by government of commitments they have taken in global arenas and often reflected in national legislation.

The objectives of the program are:

1: Supporting action-oriented research and advocacy projects in producing credible evidence in Sub-Saharan Africa through a small grants program jointly coordinated with sub-regional research institutions.

2: To influence the formulation and implementation of policies relevant to women's access to and control over land in Sub-Saharan Africa, through national and regional advocacy based on research results.

3: To refine the research & action agendas on women's access to and control over land by strengthening multi-stakeholder dialogue and partnerships at the regional and global level.

During the one- day program launch workshop held in Kampala the Research themes from the EA scoping study were re-caste into the following possible research areas;

The gap between statutory law and their implementation

Contradiction between statutory and customary laws in relation to women's interest and rights in land.

Effects of the imbalance in women's access and control over land and the proceeds there from on their access to other resources and livelihoods

Evaluation of the implementation of gender provisions in the legal and policy frameworks

The gendered implications of social/economic changes on livelihoods strategies, specifically the role of access to land for food security, access to services, identity/status.

I Concept Note Guidelines and Conditions

The concept notes must be endorsed by the head of the organization.

Concept notes should be not more than five (5) pages and accompanied with the institutional profile.

Collaboration among CSOs/CBOs is encouraged.

All applicants should be willing to collaborate with MISR in the execution of the research.

All concept notes should be forwarded to MISR not later than **February 29th, 2008**

II CONTENT OF THE CONCEPT NOTE

Title of the Research: the title should be sufficiently descriptive to reflect the nature of the proposed work. It is also desirable that the title does not exceed two lines.

The problem and Rationale: A clear statement of the general problem (s) or issue(s) at hand to which the research will contribute should be explicitly stated. It should also indicate the relevance of the research to securing women's access and control of land and other natural resources and how the results will contribute to lobbying and advocacy, and policy/law reform and change of attitude and practices.

Facilities Available for undertaking the research: The applicants should show how the CSO/CBO will contribute to the progress and completion of the undertaking and should indicate the collaborative *linkages* with MISR.

For further information, please contact

Abby Sebina-Zziwa @utlonline.co.ug or asebina@misr.mak.ac.ug

George_Bogere@Yahoo.com OR allenkisambu@yahoo.co.uk

Kenya

Makerere Institute of Social Research is pleased to announce availability of small grants under a regional program titled "Securing women's access to land: Linking Research and Action." The program is funded by IDRC through ILC. The thrust of this program is to build capacity for lobbying and advocacy for transformative strategies to address the continuing gender imbalances in accessing, control of land and other natural resources.

The funds under this program are competitive and are awarded to conduct action oriented research in the three countries of Uganda, Kenya and Rwanda. Makerere Institute of Social Research-MISR is responsible for administering the grant as well as build research capacity of grantees.

Background

Land issues in Kenya are inseparable from national geo-politics, history and socio-cultural realities. The freehold tenure and other land holding systems introduced by colonialists largely excluded the option of women owning or inheriting land. These systems were imposed from above and disregarded the context specificity of customary norms and laws. Today, legal plurality is an important part of the landscape in Kenya with customary and statutory laws not as isolated, separate and essentialist legal domains, but rather, the overlapping of different legal domains.

Kenya has no National Land Policy in force yet but there is a draft land policy in circulation presently. This draft must first be debated by the Kenyan people before being ratified by parliament. This is where the opportunity for CSOs and academics to promote the women's agenda lies.

There are well established NGOs and research organizations in Kenya who are actively working on gender and land rights issues, the majority of which are advocacy and lobbying organizations. There is room to improve their efficacy through capacity strengthening on systematic gender analysis and land rights especially where critical gaps in knowledge have been identified or where further research is required to understand contemporary dynamics.

The Objectives of the Program are:

1: Supporting action-oriented research and advocacy projects in producing credible evidence in Sub-Saharan Africa through a small grants program jointly coordinated with sub-regional research institutions.

2: To influence the formulation and implementation of policies relevant to women's access to and control over land in Sub-Saharan Africa, through national and regional advocacy based on research results.

3: To refine the research & action agendas on women's access to and control over land by strengthening multi-stakeholder dialogue and partnerships at the regional and global level.

During the one- day program launch workshop held in Nairobi the Research themes from the EA scoping study were re-caste into the following possible research areas; The efficacy of legal and policy frameworks: gaps between policy and implementation; advocacy of existing framework, overlap between statutory and customary laws/practice.

Review and development of gender sensitive indicators of government programs.

Linkages between control to land and other resources (including natural, financial resources).

The gendered implications of social, cultural, political and economic changes on livelihoods.

I Concept Note Guidelines and Conditions

The concept notes must be endorsed by the head of the organization.

Concept notes should be not more than five (5) pages and accompanied with the institutional profile.

Collaboration among CSOs/CBOs is encouraged.

All applicants should be willing to collaborate with MISR in the execution of the research.

All concept notes should be forwarded to MISR not later than March 20th 2008.

II Content of the Concept Note

Title of the Research: the title should be sufficiently descriptive to reflect the nature of the proposed work. It is also desirable that the title does not exceed two lines.

The problem and Rationale: A clear statement of the general problem (s) or issue(s) at hand to which the research will contribute should be explicitly stated. It should also indicate the relevance of the research to securing women's access and control of land and other natural resources and how the results will contribute to lobbying and advocacy, and policy/law reform and change of attitude and practices.

Facilities Available for undertaking the research: The applicants should show how the CSO/CBO will contribute to the progress and completion of the undertaking and should indicate the collaborative *linkages* with MISR.

For further information, please contact

Abby Sebina-Zziwa: para@utlonline.co.ug or asebina@misr.mak.ac.ug

George Bogere: george_bogere@yahoo.com

Allen Kisambu: allenkisambu@yahoo.co.uk

Rwanda

Makerere Institute of Social Research is pleased to announce availability of small grants under a regional program titled "Securing women's access to land: Linking Research and Action." The program is funded by IDRC through ILC. The thrust of this program is to build capacity for lobbying and advocacy for transformative strategies to address the continuing gender imbalances in accessing, control of land and other natural resources.

The funds under this program are competitive and are awarded to conduct action oriented research in the three countries of Uganda, Kenya and Rwanda. Makerere Institute of Social Research-MISR is responsible for administering the grant as well as build research capacity of grantees.

Background

The post conflict era has challenged women to be empowered and quickly organize themselves into councils and associations. Some women lobbied and advocated for their rights in the drafting of the 1999 law (Republic of Rwanda, 1999). In addition to technical and political reasons that characterize lengthy enactments of the land law and other laws included "culture" and "men's unwillingness to include or ratify women's rights". Another issue for women in the post conflict era is to "bridge the gap" between customary laws which are still widely practiced in Rwanda and statutory laws. The ongoing land reforms present an opportunity for the civil society to in put in the process.

Where as there is potential the existing organizations to host and/or bolter future research on women and land rights, there is need for capacity strengthening in terms of gender analysis and research on gender and land rights to improve their efficacy.

The Objectives of the Program are:

1: Supporting action-oriented research and advocacy projects in producing credible evidence in Sub-Saharan Africa through a small grants program jointly coordinated with sub-regional research institutions.

2: To influence the formulation and implementation of policies relevant to women's access to and control over land in Sub-Saharan Africa, through national and regional advocacy based on research results.

3: To refine the research & action agendas on women's access to and control over land by strengthening multi-stakeholder dialogue and partnerships at the regional and global level.

During the one-day program launch workshop held in Kigali, the Research themes from the EA scoping study were re-caste into the following possible research areas; The efficacy of legal and policy frameworks: gaps between policy and implementation; overlap between statutory and customary laws/practice.

Development of gender sensitive indicators and identification of gender based policy implementation challenges.

The Linkages between Women's ability to control land and other resources as well as between natural resources and other resources and services e.g. extension and credit.

The gendered implications of social/economic changes (HIV/AIDS, migration, conflict, etc) on livelihoods strategies.

I Concept Note Guidelines and Conditions

The concept notes must be endorsed by the head of the organization.

Concept notes should be not more than five (5) pages and accompanied with the institutional profile.

Collaboration among CSOs/CBOs is encouraged.

All applicants should be willing to collaborate with MISR in the execution of the research.

All concept notes should be forwarded to MISR not later than **April 18th 2008**.

II Content of the Concept Note

Title of the Research: the title should be sufficiently descriptive to reflect the nature of the proposed work. It is also desirable that the title does not exceed two lines.

The problem and Rationale: A clear statement of the general problem (s) or issue(s) at hand to which the research will contribute should be explicitly stated. It should also indicate the relevance of the research to securing women's access and control of land and other natural resources and how the results will contribute to lobbying and advocacy, and policy/law reform and change of attitude and practices.

Facilities Available for undertaking the research: The applicants should show how the CSO/CBO will contribute to the progress and completion of the undertaking and should indicate the collaborative *linkages* with MISR.

For further information, please contact

Abby Sebina-Zziwa: para@utlonline.co.ug or asebina@misr.mak.ac.ug

George Bogere: george_bogere@yahoo.com

Allen Kisambu: allenkisambu@yahoo.co.uk

Lists of participants and their respective organizations

No	Name of Participant	Designation	Organization	Contact
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Annex II: Participants' Assessment and Adjustment of Themes from the Scooping Study

Broad theme from Scooping Study	Kenya	Rwanda	Uganda
	Re-wording/ Changes	Re-wording/ Changes	Re-wording/ Changes
1. The continuing gap between legal frameworks/policy and their implementation;	<i>The efficacy of legal and policy frameworks: gaps between policy and implementation and the contradictions between statutory and customary laws/practice.</i>	<i>The efficacy of legal and policy frameworks: gaps between policy and implementation and the contradictions between statutory and customary laws/practice.</i>	<i>The gap between statutory law and their implementation Contradiction between statutory and customary laws in relation to women's interest and rights in land</i>
2. Gender-sensitive indicators for measuring the impact of policies and programmes need to be developed (quantitative and qualitative);	<i>Review and development of gender sensitive indicators in government programs.</i>	<i>Development of gender sensitive indicators and identification of gender based policy implementation challenges.</i>	<i>Evaluation of the implementation of gender provisions in the legal and policy frameworks.</i>
3. The linkages between access to land and other resources as well as between natural resources and other assets, such as services (extension) and credit;	<i>Linkages between control of land and other resources (including natural, financial resources).</i>	<i>The Linkages between Women's ability to control land and other resources as well as between natural resources and other resources and services e.g. extension and credit.</i>	<i>Effects of the imbalance in women's access and control over land and the proceeds there from on their access to other resources and livelihoods</i>
4. The gendered implications of social/economic changes (de-agrarianization, HIV/AIDS, migration, conflict etc.) on livelihoods strategies, specifically the role of access to land for food security, access to services, identity/status.	<i>The gendered implications of social, cultural, political and economic changes on livelihoods.</i>	<i>The gendered implications of social/economic changes (HIV/AIDS, migration, conflict, etc) on livelihoods strategies.</i>	<i>The gendered implications of social/economic changes (HIV/AIDS, migration, conflict, etc) on livelihoods strategies.</i>

Source: National Program Launch Workshops 2008

Annex III: Coverage of studies under SWAL in East Africa

• Title of the Project	Name of the Organization	Relative theme	Sources of Information	Total # of participants in the research (respondents)
• Securing Women’s Land Rights: Assessing Gender gaps in the implementation of existing Laws in Bugesera District, Eastern Province, Rwanda	• Rwanda Women’s Network [RWN]	Gap between legal provisions & implementation	• magistrate’s courts, • land administration offices, • local administration offices, • women, men & community,	• 50 women HH interviews • 9 women narrators • 8 Key Informants (males & females)
• Assisting Kayole Young Widows in Regaining Control over Family Land	• Young Widows Advancement Program – Kenya • [YWAP]	Implications of social/economic changes (, HIV/AIDS/ migration on livelihoods	• , • grantee organization records • women, men & community, • local leaders (men and women),	• 108 Widows living in Kayole Estate – 8 of whom were followed up in Rachuonyo and Siaya Districts
• Women’s Gains from the Implementation of Succession Law in Uganda: Voices from Wakiso and Mukono districts	• Uganda Land Alliance [ULA]	Impact of policies and programs	• Records from the AGM (2007) women and men benefactors local administration offices, & community,	• 39 Women benefiting from the OAG • 10 sub-county Chiefs • 45 narratives • 2 In-depth interviews with district administrators
• Voices of Women’s Aspirations over Land and Land Matters: The Case of Kibaale District, Uganda	• Uganda Rural Development Training [URDT]	Linkages between access to land and other resources	• women, men & community, • local political and opinion leaders	• 9 Narratives • 39 women in FDGs • 30 Participant observations
• In -roads into the implementation of the Spousal Consent Clause of Land Act of 1998: A Case of Kayunga District.	• Foundation for Human Rights-Uganda [FHRI]	Impact of policies and programs	• magistrate’s courts, • grantee organization records • women, men and youth • local political and opinion leaders	• 75 Key Informants • 62 community (8 technocrats, 15 youth, 17 local leaders, 12 men, 10 women) • 8 Narratives
• Complimenting the State? The contribution of the “Watch dog” groups in protecting women’s land rights in Gatundu district, Kenya	• Groots-Kenya	Implications of social/economic changes (, HIV/AIDS/ migration on livelihoods	• land administration offices, • local administration offices, • grantee organization records • women, men & community, • local political and opinion leaders	• FGDs (27 women & 12 men) • 85 records extracted 30 interviews with widows • 8 KI with provincial administrators