

**Decentralised Land Administration and Women's Land Rights in
Uganda: An Analysis of the Legal Regime, State Institutional
Arrangements, and Practice**

Research Report

Submitted by

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Dedication

To my heavenly Abba FATHER and JESUS CHRIST my personal LORD and SAVIOUR WHO gives me the strength and skills to work. The doors that YOU open no one can close and the doors YOU close, no one can open.

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Abbreviations

ALC(s)	Area Land Committee(s)
CLAs	Communal Land Associations
CAO	Chief Administrative Officer
DLO	District Land Office
DPU	District Planning Unit
DTPC	District Technical Planning Committee
LC(s)	Local Council(s)
LSSP	Land Sector Strategic Plan
MGLSD	Ministry of Gender, Labour and Social Development
MISR	Makerere Institute of Social Research
MLHUD	Ministry of Lands, Housing and Urban Development
MWLE	Ministry of Water, Lands and Environment
NRM	National Resistance Movement
RC(s)	Resistance Council(s)
RDC	Resident District Commissioner
SCTPC	Sub-County Technical Planning Committee

Executive Summary

Key Findings

Legal Framework for Land Administration

The Constitution of the Republic of Uganda, 1995, and the Land Act, 1998, form the legal framework for land administration. The Constitution of Uganda, 1995, the Land Act, 1998, and its subsequent amendments present important innovations compared to their predecessors. First, **they changed land ownership from the state to the citizens of Uganda and recognised four tenure systems.** The Constitution of Uganda, 1995, vested land ownership directly in the citizens of Uganda (Article 237[1]) in accordance with the following land tenure systems – (a) customary; (b) freehold; (c) mailo; and (d) leasehold (Article 237[3] of the Constitution and Section 3 of the Land Act, 1998). For the first time in Uganda, the Constitution, 1995, and Land Act, 1998, gave formal recognition to customary land tenure which had traditionally been outside the realm of the law. Secondly, the Constitution of Uganda, 1995, (Article 237 (4) [a]) and the Land Act, 1998, Section 5[1]) provide for the **registration of customary land rights** all Uganda citizens owning land under customary tenure to acquire certificates of ownership. Thirdly, the Constitution of Uganda, 1995, provides for the **conversion of both customary and leasehold land tenures to freehold** (Articles 237[5] & 237[6]).

In addition, increase of **tenure security of tenants/ ‘bonafide’ occupants:** The Constitution of Uganda, 1995 (Article 237(8), the Land Act, 1998, and its subsequent amendments (Land Amendment Act, 2007, and 2010) provide security of occupancy for lawful or *bonafide* occupants of mailo land, freehold or leasehold land; this is particularly important for women as only 16% own the land they cultivate.

Importantly is the **protection of women’s land rights.** The Constitution of Uganda, 1995, Land Act, 1998, and National Land Policy have paid greater attention to gender equity, by embracing the principle of non-discrimination, abrogating customary norms, outlawing land sales without consent of both spouses, and providing for women’s representation in land administration. Section 28 of the Land Act, 1998, makes **any customary action which deprives women of rights illegal:** “Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally shall be in accordance with the custom, traditions and practices of the community, concerned; except that a decision which denies women or children or persons with disability access to ownership, occupation or use of any land imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.” **Prevention of the Dispossession of Matrimonial Property without Spousal Consent:** Section 40 (1) of the Land Act, 1998, makes any transfer of household land subject to spouse’s approval by requiring spousal consent and other consents prior to carrying out transactions on household lands and prohibits the disposal of land without the consent of the vendor’s spouse and children. Where any transaction is entered into by a purchaser in good faith and for value without obtaining consent, the transaction is void but the purchaser has the right to claim from any person with whom he or she entered into the transaction any money paid or any consideration given by him or her in respect of the transaction. The Land Act, 1998, further stipulates for spouses or children of majority age to lodge a caveat on the certificate of title or certificate of customary ownership of the person who is owner of the land to indicate that the property is subject to the requirement of consent. Although these requirements are not property rights, they do give people the power to approve or disapprove a transaction with the result that any transaction that is carried out without their consent is void. On the other hand, the Land Act, 1998, stipulates

that consent shall not be unreasonably withheld Section 40 (5). Where the consent is withheld, a person aggrieved by the withholding of the consent may appeal to the Land Tribunal and the Tribunal shall require the spouse or children of majority age or the Committee as the case may be, to show cause why they cannot give consent and may, in its discretion, dispense with the consent Section 40 (6).

Land Administration Institutions

Both the Constitution of Uganda, 1995, and the Land Act, 1998, decentralised land administration from the centre (Uganda Land Commission) to the district and sub-district institutions consisting of: District Land Boards for each district (operating independently of the Uganda Land Commission and not subject to the direction or control of any person or authority) and Area Land Committees, Land Committee for each parish, Land Committee for each gazetted urban area, and Land Committee for each division of a city; District Land Office for comprising of the offices of the District Physical Planner, District Land Officer, District Valuer, District Surveyor and District Registrar of Titles to provide technical services to the District Land Board.

Women's Representation and Participation on Decentralised Land Administration Institutions: Findings reveal that women's representation and participation on District Land Boards and Area Land Committees was low. While the Constitution of Uganda, 1995, and Land Act, 1998 (Section 58[3]), requires at least one third of the District Land Board members to be women, statistics from the Ministry of Lands, Housing and Urban Development indicates that only 28.6% (16 out of 56) District Land Boards met the required one third female membership; 35.7% (20 out of 56) of the District Land Boards had less than one third female members; 33.9% (19 out of 56) had 40% female membership; exceptionally, 1.8% (only 1 out of 56 District Land Boards [Mpigi District]) had more female members (60%) than male members. Only 2 District Land Boards (Bushenyi and Kasese) had female chairpersons. Further analysis shows that participation of women in District Land Board meetings was low; for instance, in only 3 out of the 9 meetings of Lira District Land Board meetings did women's attendance exceed 30%. Similarly, in Mukono District Land Board meetings only 14 out of the 36 meetings did women's attendance exceed 30%.

More than half of the 13 sampled Area Land Committees had more than 30% women members; 3 had 20% women members; 2 had 25% women members; 6 had 40% women members; while 2 had 50% women members. However, women who were part of District Land Boards and Area Land Committees were not active in protecting women's rights. Female members particularly on Area Land Committees did not know what to do; they are just there to fill the requirement for women representation. Members of Area Land Committees, especially, had limited or no knowledge on gender, and women's land rights stipulated in the Constitution of Uganda, 1995 and in the Land Act, 1998, such as the spousal consent clause. The training received from Ministry of Lands in preparation for their responsibilities did not include gender analysis or women's land rights. The training of ALCs ranged from one day to one week. Some Area Land Committees reported receiving no training at all but a briefing on the day of swearing in.

Despite formal legal recognition of women's land rights, is no one's responsibility. No government institution is mandated with responsibility of protecting women's land rights and ensuring the implementation and enforcement of these legal provisions. The mandated roles of decentralised land administration institutions do not include the protection of women's land rights. More importantly, District Land Boards only control the allocation of public land and not private or customary.

Land Dispute Resolution

In the main, decentralisation of land administration and management in Uganda has been accompanied by localisation of land dispute resolution mechanisms. The Constitution provided for the establishment of District Land Tribunals, which were disbanded after two years of existence,

Several **land dispute resolution institutions** co-exist without clear coordination mechanisms. Parties to land disputes tend to choose these channels which they deem more favourable to their cause (“forum shopping”):

- Chief Magistrate’s Courts: Data from Magistrate’s Court in Mukono District shows a high level of disputes over land. About 83.7% of court cases handled by the Magistrate’s Court in Mukono in 2007 were land-related; this number reduced to 48.8% in 2008.
- Local Council II and III Courts.
- Family and clans.
- Resident District Commissioner.
- District Land Boards.

Land conflicts are between neighbouring; individuals and institutions (local government, churches, schools, hospitals); squatters and landlords/ladies; brothers and sisters over land inheritance; co-wives; relatives and orphaned children; buyers and the public. The causes of land disputes are a result of: multiple sales of the same land; boundary disputes; conflicting claims over inheritance; competing land claims by returnees (formerly internally displaced persons) and by new occupants; conversion of land from communal to individual; selling/ transferring of land without public notice; selling and buying land without proper documentation; friend lending land to another and both die resulting in their children fighting over land; lack of proper boundary demarcation; trespass on land.

Recommendations

- Give **legal recognition** to all the different ‘marriage’ arrangement (civil marriage, polygamy, and consensual unions) existing in Uganda.
- **Land Administration**
 - Ministry of Lands, Housing and Urban Development improve implementation and enforceability of the spousal consent clause, particularly, verification of all the necessary consent.
 - Mainstream gender land concerns in the overall implementation of the Policy and Law.
 - **Develop Gendered Implementation Guidelines** by the Ministry of Lands, Housing and Urban Development together with the Ministry of Gender, Labour and Social Development to facilitate and ensure women’s active and effective participation such as quorum rules requiring a minimum presence of women in District Land Board and Area Land Committee meetings.
 - **Overall Supervision and Coordination of Decentralised Institutions**, as well as monitoring of performance in delivery of land services: (i) Professional supervision of decentralised bodies for professional accountability; and, (ii) Performance measurement standards in land administration institutions.
- **Institutional Strengthening of Local Land Administration and Conflict Resolution Bodies** to protect women’s land rights:
 - Allocating functions and responsibilities for promoting women’s land rights among various tiers of decentralised governance.
 - Ministry of Lands, Housing and Urban Development in conjunction with the Ministry of Local Government should develop checks and balances against opportunism by local

leaders and local elites and make local land administration institutions more accountable both upwards to central government but also downwards to the people they are meant to be serving to ensure transparency of land transactions, binding ethical codes, efficient and speedy transactions, and lower transaction costs.

- Capacity building and awareness-raising of the District Technical Staff, District Land Boards, and Area Land Committees) to address women's rights enshrined in the Constitution of Uganda, 1995, Decentralisation Law, 1997, and Land Act, 1998.

■ **Areas for Further Research**

- To what extent are women in practice able to claim the formal rights defined in the legislation.
- Why gender-sensitive land laws and policies are not having the necessary impact and how this can be addressed.
- The impact/effect of decentralising land administration, conversion of (formalising) customary land tenure into freehold tenure, land titling and registration on women, tenants, and other marginalised groups' informal entitlements (derived/ secondary land rights).

Land touches upon issues of equity, investment, financial markets, governance, local government revenue, gender conflict, environmental sustainability, and the productivity of the economy.

Land is local and the final battle for the access to land takes place at local level (Haldrup Karin, 2002).

Local government is in a unique position to contribute to the global struggle for gender equality and can have a great impact on the status of women and the status of gender equality around the world, in its capacities as the level of governance closest to the citizens, as a service provider and as an employer... (International Union of Local Government Authorities (IULA). 1998a. IULA Worldwide Declaration on Women in Local Government, November 1998.1 www.iula.org).

1. Introduction

1.1 Background

Land is one of the most important factors of production for agrarian economies in Sub-Saharan Africa. Land is the primary means of generating a livelihood for most of the poor in rural areas and a key asset and resource for those living in peri-urban areas. As an important asset, it constitutes a main vehicle for investment, wealth accumulation and transfer between generations.

In many parts of the world, appreciation of land with increased population density is also a source of corruption, land conflicts, and lack of transparency. For these reasons, the distribution of land and other productive assets will affect not only productive outcomes in rural areas but also the ability of the poor to access credits, make investments, and benefit from the rule of the law (and gain confidence in the state) in general. Rural livelihoods are a key concern today as post-colonial countries in southern and eastern Africa propose changes in their natural resource policies and practices, including the regulation of land rights.

The way in which landownership is assigned and secured and gender issues integrated into this framework can determine (a) a household's ability to produce its subsistence and generate market surplus; (b) its social economic status; (c) its incentive to exert non-observable efforts, make investments, and use resources in a sustainable way; (d) and its ability to self-insure and/or access financial markets.

It has long been known that the extent of tenure security provided by the state and in particular the level of protection afforded to the weakest, is a critical determinant to enable the poor to make best use of the land. In the context of Africa however, it is now recognised that, award of full title is often not cost-effective, not always sufficient (and in many cases not even necessary) to increase households' level of tenure security.

In Uganda like in many African countries, rights to access, control and ownership of land is a determining factor in overall living conditions. It is essential to every day survival, economic security and physical safety for women, children and orphans. It is the most critical factor in women's empowerment and struggle for equality in gender relations. Women's reliance on land, for economic security and survival is only deepening as the number of women-headed and children-headed households increases in number. With a high illiteracy rate among women, women find it difficult to seek for other employment; they find agriculture as the only possible source for their livelihood and that of their children (Eilor and Giovarelli, February 2002).

¹ This declaration has been ratified e.g. by: Federation of Colombian Municipalities, National Union of Local Governments (Costa Rica), Municipal Association of Guatemala, Association of Local Authorities and 23 Municipalities in Namibia, Ministry of Local Government, Youth and Sport (Seychelles), Swaziland National Association of Local Authorities, Uganda Local Authorities Association, Urban Councils Association of Zimbabwe.

Agriculture is the mainstay of Uganda's economy, contributing 51% of the Gross Domestic Product (GDP), 90% of export earnings and 80% employment of the labour force. This is in comparison to manufacturing, which contributes only 4% to GDP and industry which contributes 10% (Eilor and Giovarelli, February 2002, citing Uganda Convention Status Report). Eighty five percent (85%) of the population is rural and agriculture, primarily in small holdings, is the predominant economic activity. Women play a significant role in agriculture. Women are the majority of the small-scale farmers; women account for 90% of food crop production and 70% of cash crop production. Ninety three percent (93%) of the rural women were farmers and produce about 80% of agricultural produce and provide 70 – 80% of the agricultural labour on both cash and food crop fields (Rugadya, Obaikol and Kamusiime, August 2004; Republic of Uganda, February 2004; Rugadya, February 2004). Given this central role women play in agriculture production in Uganda, protection of their land rights has implications for agricultural productivity. Therefore, there is need to strengthen their land rights in all tenures to ensure commitment to productivity and economic growth.

Strengthening women's land rights is important both for potential gains to agricultural productivity and for household-level human capital investments. Independent and effective land rights for women are vitally important for family welfare; food security and children's nutrition; children's schooling, especially girls; gender equality in intra-household decision-making, income pooling; economic efficiency and poverty alleviation (Republic of Uganda, February 2004; The World Bank, June 2005). Ikdahl, Hellum, Kaarhus, Benjaminsen, and Kameri-Mbote (July 2005) point out that increased control by women over land and other assets could have a strong and immediate effect on the welfare of the next generation and on the level and pace at which human capital and physical capital are accumulated. Even beyond increasing bargaining power within the household, land rights may empower women to participate more effectively in their immediate communities and in the larger civil and political aspects of society (The World Bank, June 2005).

Land is a particularly critical resource for women when the household breaks down – as a result of male migration, abandonment, divorce, polygamous relationships, or death. In both urban and rural settings, independent real propriety rights under these circumstances can mean the difference between dependence on natal family support and the ability to form a viable self-reliant, female-headed household. Indeed, women's rights within marriage may afford them greater claims on the disposition of assets upon divorce or death of the husband. Women with stronger land rights are less likely to become economically vulnerable in their old age in the absence of other forms of social security (World Bank, June 2005).

1.2 Research Problem

Increasingly in Sub-Saharan Africa the context within which women's human rights are to be protected and realised is one of decentralised or decentralising states (MacLean, May 2003). As decentralisation becomes more common, local bodies increasingly have the task of ensuring that land rights are respected.

Decentralisation is urged because it is argued that local level governance structures can administer and deliver services more efficiently than the central government. It is also seen as enhancing equality and democracy, giving citizens more opportunities to participate in, influence and monitor decision-are such as efficiency, equity, service provision and development.

Access to services and resources for development is in many ways the bottom line for assessing the impacts of decentralisation. Whether the emphasis is on enhancing democratic citizenship or

making service delivery more responsive and efficient, the ultimate test is whether the lives of poor people improve as a result of greater access to more appropriate services and increased access to and control over resources for development. For women, who frequently occupy subordinate positions in both the private and public spheres the issue of access is especially important.

The proponents of decentralisation argue that over centralisation of the economy and political decision-making stifle human initiative and change and hinder socio-economic development. Decentralisation is a way to promote a more democratic and participative society (Byrne and Schnyder, June 2005). One of the major arguments in favour of decentralisation is that it facilitates citizen participation by bringing the state “closer” to local communities, which may involve the creation of new participatory processes and mechanisms (or sometimes the revival of traditional ones) designed to promote more active engagement of communities in local government. Decentralisation is advocated on the grounds that lower tiers of the state (or in the case of privatisation, private firms) can administer services or engage in development efforts more effectively and efficiently than the central state because they are closer to the people who use and benefit from them (MacLean, May 2003).

The rationale for decentralisation is linked to subsidiarity, the principle that the lowest level of government can perform functions efficiently and effectively should be the one to do so; that the administration of public resources should be brought as close to the people as possible. However, this local level of government must also be able to justify their greater degree of autonomy by demonstrating transparency, accountability, capacity and the political will to deliver local services in a participatory manner (Byrne and Schnyder, June 2005). Proximity is supposed to allow for greater responsiveness as a result of better access to information about local preferences, needs, and conditions (MacLean, May 2003, quoting Smith 1985:28). Decentralisation is also supposed to allow local resources to be mobilised more effectively.

Development and social justice activists in community organisations, local and international NGOs, CSOs, as well as research and academic communities are often attracted to decentralisation because they believe it can enhance equity and democracy. From the perspective of development discourses that emphasize sustainability, justice and agency, the primary rationales for decentralisation fall under ‘empowerment’. Decentralisation normally understood as political devolution, or democratic decentralisation – is advocated because it is supposed to give citizens better opportunities to participate in, influence, and monitor decision-making and resource allocation, empowering them to gain more control over the public decisions that affect their well-being.

In relation to gender issues, the decision to engage in a process of decentralisation was often rationalised with reference to the supposedly greater opportunities for representation and participation at local levels of governance. With decentralisation the local level of governance is taking on increasing importance as a service provider and access to the political system and is thus a key arena in the struggle for women’s political empowerment (Byrne and Schnyder, June 2005).

The main rationale for sector decentralisation is improved responsiveness and accountability to local people’s needs and local conditions, as well as greater cost-efficiency through a reduction in waste and greater ease in cost-recovery. In the case of land, it is assumed that the nearer the administration and management may be located to landholders, the more accessible, useable and used, cheaper, speedier and generally more efficient the system will be (Wily, 2003). Since women make up half the population of Uganda (51%) and also play a the central role in

agriculture production, the responsiveness argument should mean that women gain better access to more appropriate services or better managed resources once these become local responsibilities.

An underlying problem is that of equity, and the inequitable power relations inherent in socially entrenched African land relations, not least those between men and women, and between both powerful private land owners and indigenous land holding authorities and their subjects or tenants and migrant groups. As market relations spread, and governments seek to promote investment and growth by intervening in land, social differentiation and growing inequality inevitably accompany capitalist development. These can at best be attenuated, but not entirely prevented by more nuanced, informed, decentralised and participatory approaches to the design of land allocation and administration systems. The degree to which these approaches can protect the poor and vulnerable in practice is not known, and may well depend on the degree to which complementary reforms can achieve effective voice, representation, and social and economic empowerment of the poor. In the face of this reality, there is a certain note of pessimism amongst the more reflective, analytical critiques of contemporary tenure reforms. At the same time it is clear that African politicians seek to grasp the nettle of real-politique in promoting reforms which have the potential both to facilitate rural economic growth and development, while preserving a degree of equity, aware that there will of course be both winners and losers. An unstated conclusion is that Africa's contemporary land reforms are becoming an arena of struggle to secure livelihoods and models of economic development which fairly include the poor and vulnerable, and which are gender-equitable (Quan, Tan and Toulman (eds.), 2004).

Contemporary decentralisation is changing the relationship between citizens and the state, and is having an impact on the entitlement of citizens to certain rights – in this case, on women's entitlement, as citizens, to the protection and realisation of their rights, as set out in international and national legislation. Both women's livelihoods and the fulfilment of their land rights are inextricably bound to whether decentralised systems facilitate their full participation and access, and provide quality service delivery.

While Government of Uganda laws and policy are committed to gender equality, there is a lack of knowledge on the practices of localised land administration regarding women's land rights. Therefore, this study set out to investigate **the local government land administration systems and processes to establish how the principles of gender equity and women's land rights and entitlements defined in Uganda's laws and policies are translated into local land administration and implementation processes and the implications for the construction and reconstruction of women's social citizenship at the local level.** How women's land rights are administered, adjudicated, and protected in the context of decentralised land administration; whether decentralising land administration promotes or inhibits the realisation of women's land rights. Does decentralisation of land management make land more or less accessible to women? Does decentralisation create opportunities and benefits or disadvantage women to own land?

1.3 Objectives of the Study

Specifically this Study sought to:

- 1) Examine Uganda's legal and policy framework governing decentralised land administration and the attention given to women's land rights.

- 2) Map out decentralised land administration institutions and actors/actresses, their authority, functions and responsibilities; and, the gendered patterns of representation and participation.
- 3) Understand the actual practices making up decentralised land administration and the gender issues: staffing, processes/ procedures and criteria for land access, allocation, demarcation, alienation of land, fee structures, and land dispute resolution mechanisms. Whether women and men are treated differently and if so, how and why; awareness of the legal provisions on women's land rights.
- 4) To identify facilitators and barriers to the realisation of women's land rights under localised land administration – accessibility, and perception on the quality of land service delivery.

1.4 Key Terms

Land Rights

Land rights are defined as rights of access to land and use of it) and control rights over land (to make decisions about, derive income from, to pass by inheritance, to partition, to transfer, sell or bequeath land) and land ownership (Daley and Hobley, September 2005).

Land rights are claims that are not just legally, but also socially recognised and which are enforceable by an external legitimising authority. Control over land is concerned with guaranteeing access and enforcing rights, regulating the use of land, overseeing mechanisms for redistributing access (e.g. trans-generationally), and resolving disputes over claims to land. It is often located within a hierarchy of nested systems of authority, with many functions located at local or lower levels (Cousins and Claassens, 2006).

A 'right' signifies a power that society allocates to its members to execute a range of functions in respect of any given subject matter; where that power amounts to exclusive control one can talk of 'ownership' of 'private property'. Control occurs primarily for the purposes of guaranteeing access to land for production purposes (Ibid).

Cousins and Claassens (2006) note that rights are derived from accepted membership of a social unit, and can be acquired via birth, affiliation or allegiance to a group and its political authority, or transactions of various kinds (including gifts, loans, and purchases). They are somewhat similar to citizenship entitlements in modern democracies. To them, land rights are embedded in a range of social relationships and units, including households and kinship networks and various levels of 'community'; the relevant social identities are often multiple, overlapping and therefore 'nested' or layered in character (e.g., individual rights within households, households within kinship networks, kinship networks within local communities, etc).

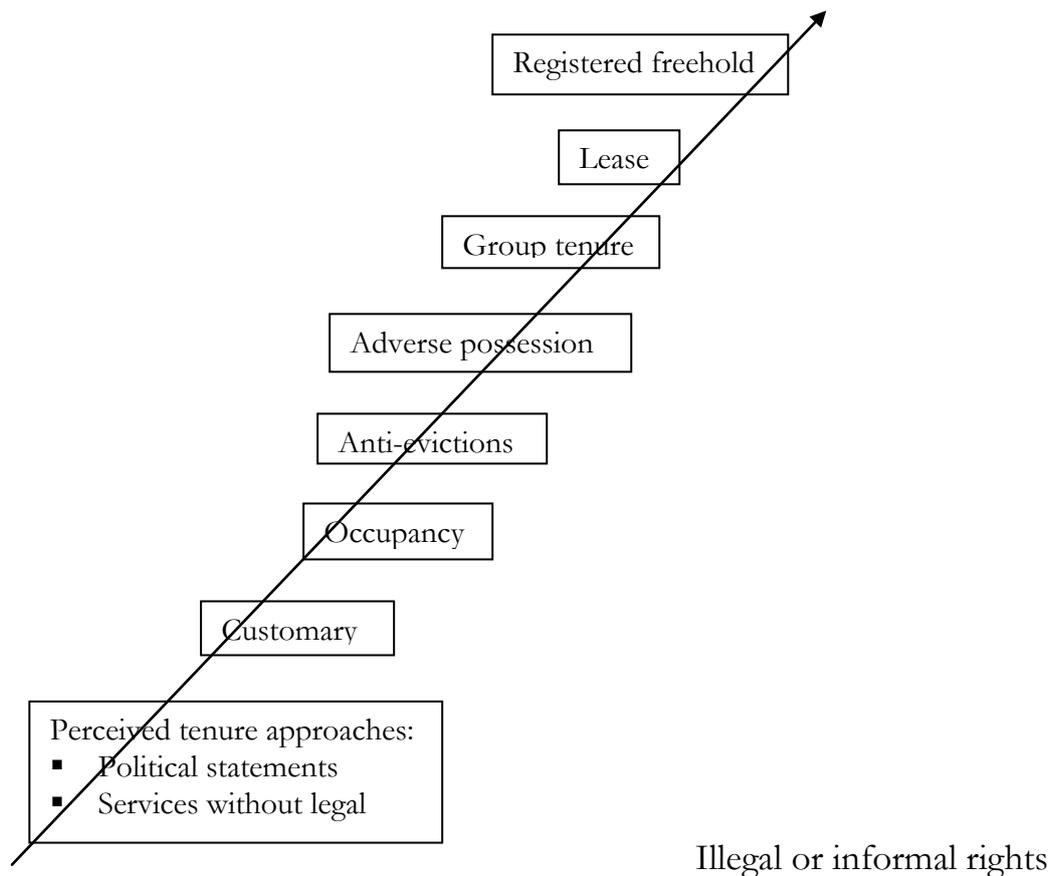
The need to tackle gender issues in land and property rights is now widely recognised in the debates for land reform. The issues of women's land rights is of critical importance not only to the land reform process but also to wider poverty reduction strategies through both production and social welfare impacts (Rugadya, February 2004 citing Bosworth, 2003²). The question of gender and land rights is a very sensitive one particularly because it involves relinquishing powers and privileges by the holders of those rights to those who do not possess these rights. The cornerstone of social and economic gender equality is equal rights for both men and women to hold and use property (Rugadya, February 2004).

² Bosworth Joan. 2003. "Country Case Study – Uganda", in Land Policy and Administration, World Bank Institute.

Land rights confer direct economic and social benefits as a key input into agricultural production, a source of income from rental or sale, and as collateral for credit (The World Bank, June 2005). As Augustinus Clarissa and Klaus Deininger (2005) rightly point out, the types of useful rights for the poor include anti-eviction rights, occupancy rights or the right of possession, adverse possession rights and family/group rights (Diagram 1 below):

Diagram 1: Continuum of Rights

Legal or formal rights



Land Tenure

Durand-Lasserve and Selod (April 14, 2007) refer to land tenure as a bundle of rights. Burns, Grant, Nettle, Brits, and Dalrymple (2007) elaborate further by referring to land tenure as ‘the way in which the rights, restrictions and responsibilities that people have with respect to land are held.’ While Ikdahl, Hellum, Kaarhus, Benjaminsen, and Kameri-Mbote (July 2005) refer to land tenure as possession or holding of the rights associated with each parcel of land. Land tenure designates the rights individuals and communities have with regard to land, namely the right to occupy, to use, to develop, to inherit, and to transfer land. It ordinarily has at least three dimensions namely, people, time and space. In so far as people are concerned, it is the interaction between different persons that determines the exact limits of the rights any one person has to a given parcel of land. These rights are not absolute since there are rules that govern the manner in which the person with tenure is to utilise their rights. While the time aspect of tenure determines the duration of one's rights to land, spatial dimensions limit the

physical area over which the rights are to be exercised. The spatial dimension of tenure may be difficult to delineate in exclusive terms since different persons may exercise different rights over the same space at different times. Tenure systems represent relations of people in society with respect to the essential and often scarce land. They are culture-specific and dynamic, changing as the social, economic and political situations of groups change. Under both African and western systems of land holding, for instance, ownership can be sub-divided and lesser interests can and are frequently held by different persons simultaneously. Land tenure should thus primarily be viewed as a *social relation* involving a complex set of rules that governs land use and land ownership. While some users may have access to the entire 'bundle of rights' with full use and transfer rights, other users may be limited in their use of land resources. 'Security of tenure' can be interpreted as referring to the recognition and protection of such rights (Ibid).

Security of Tenure

Adams (2001) defines tenure security as "occupation and usufruct rights, free from threat of eviction, with access to productive land and natural resources are essential for rural livelihoods". The kind of security a person needs depends partly on his/ her social status and place in local social networks, partly on what he produces and the investment required to do so. Security requirements therefore differ, calling in turn for varied responses. Indeed, it is not the land itself one possesses, or a particular resource, but rights (prerogatives, obligations) over a certain portion of land or certain resources. Security of tenure depends not so much on the nature of the rights one holds (appropriation, private ownership, temporary cultivation, etc.) as on knowing that such rights will not be unreasonably contested and that, if they are wrongfully challenged, they will be recognised and strengthened. So it is possible to hold title and be insecure (if a stronger party prevents one from enjoying one's rights), or to be secure on borrowed land, even if the contract is short-term, provided that one has a good relationship with the grantor and the contract is renewed year after year. Therefore, it is more helpful to think in terms of making rights secure, i.e., in terms of the process whereby rights are recognised and guaranteed.

Land Administration

Land administration covers institutions and processes associated with land rights regulation, among which the recording of rights is prominent (Wily, 2003). Burns, Grant, Nettle, Brits, and Dalrymple (2007) define land administration as a system implemented by the state to record and manage rights in land which may include the following major aspects:

- Management of public land;
- Recording and registration of private rights interests in land;
- Recording, registration and publicising of the grants or transfers of those rights in land through, for example, sale, gift, encumbrance, subdivision, consolidation, and so on;
- Management of the fiscal aspects related to rights in land, including land tax, historical sales data, valuation for a range of purposes, including the assessment of fees and taxes, and compensation for state acquisition of private rights in land, and so forth; and
- Control of the use of land, including land-use zoning and support for the development application/approval process.

To them (ibid) a land administration involves the processes of determining, recording, and disseminating information about tenure, value, and use of land when implementing land management policies. The land administration function comprises of land tenure, land value, land use, and land development. Typically, a land administration system is comprised of textual records that define rights and/or information, and spatial records that define the extent over which these rights and/or information apply. In most jurisdictions, land administration has evolved from separate systems to manage private rights in land and manage public land. The

term 'land administration' can cover a much wider range of systems, from formal systems established by the state to record rights in land to informal community-administered systems. To them (OpCit), notaries, lawyers, private surveyors, and other intermediaries play a significant role in many land administration systems. While for Wily (2003) land administration covers institutions and processes associated with land rights regulation, among which the recording of rights is prominent.

Land administration, according to Okoth-Ogendo (1999), has five components – juridical, regulatory, fiscal, cadastral and conflict resolution. The juridical component of land administration seeks to ensure that property rights created under a tenure regime are clearly defined and boundaries are maintained. The regulatory component refers to the authority to design, prescribe, enforce and guarantee the integrity of performance standards in land resource management (e.g. zoning, land quality assurance, land market controls). The fiscal dimension refers to land valuation, taxation and the assessment of land resources for fiscal development and revenue collection. The cadastral element refers to the ability to retrieve information on who owns what interest in land, identification of parcels on maps, and monitoring of land use changes. The conflict resolution component is complex and is derived from informal mediation fora, traditional courts, administrative tribunals, land boards and civil courts.

In the Ugandan context, land administration entails the mobilisation of institutional mechanisms and personnel for land delivery, registration and titling, demarcation and survey, land information and inventory services and land market regulations. Land administration includes the laws and regulations necessary for creating property rights (and the associated restrictions and requirements imposed by the state or the community), mobilisation of institutional mechanisms and personnel for land delivery, registration and titling, for resolving land disputes, demarcation and survey, land information and inventory services and land market regulations. They must be responsive to local requirements and conditions, and be capable of evolving over time to deal with different needs and priorities (Republic of Uganda, February 2004).

Decentralisation

Decentralisation is defined as “any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy”. Three forms of decentralisation are commonly identified: administrative decentralisation or deconcentration; fiscal decentralisation; democratic decentralisation or devolution.

MacLean (May 2003) defines decentralisation refers to political and administrative reforms that transfer varying amounts and combinations of function, responsibility, resources, and political and fiscal autonomy to lower tiers of the state (e.g. regional, district, or municipal governments, or decentralised units of the central government). Decentralisation may also transfer functions and responsibilities to quasi-state or private institutions. In the contemporary context, decentralisation is frequently associated with privatisation in areas such as service provision. Decentralisation is also linked to new forms of interaction between a variety of institutional actors (including NGOs, community groups, women’s groups, etc.) at the local level, often characterised as “partnerships”.

Decentralisation is any transfer of political power, responsibility and resources away from central to regional and lower levels of government (local governments). Decentralisation also means a real transfer of power not to local government, but to the private sector. Decentralisation is seen as one way to improve governance by bringing decision-making closer to the people affected by the decision (and thus enhancing empowerment, access, and accountability) (Byrne and Schnyder, June 2005).

Decentralisation takes different forms (administrative, political, fiscal):

- Political decentralisation (sometimes called “democratic decentralisation”) refers to the devolution of decision-making power to sub-national political authorities. This process may create new tiers of government or it may change the way existing sub-national tiers of government are formed and structured (e.g., from appointed to elected mayors or state governors). Political decentralisation aims at improving the active participation of the population in political decision-making processes.
- Administrative decentralisation refers to the transfer of specific public functions to lower tiers of the state. Administrative decentralisation distributes the responsibilities to fulfill public duties among governmental authorities on various state levels. Such decentralisation can take several forms:
 - a) Deconcentration: transfer of limited functions and powers (such as decision-making, planning, and management in specific areas, such as health, education, or community development to regional/local administrative offices/units to local administrative offices of central government that are distributed throughout the country (sector decentralisation).
 - b) Devolution: the downward transfer of political, administrative and fiscal powers and responsibilities to sub-national (local, provincial or regional) units of government that have a specified degree of autonomy from the central government.
 - c) Delegation transfers limited functions, responsibilities and powers to agencies outside main governmental hierarchies or to non-governmental bodies that are accountable to the central government, but not entirely controlled by it, such as public corporations, housing authorities, and regional development corporations.
 - d) Divestment/ privatisation or market decentralisation transfers power, responsibilities or functions from the public to the private sector. Divestment involves the transfer of responsibilities outside of the sphere of government.
- Fiscal decentralisation refers to how responsibility for expenditures and allocations is distributed across the different levels of a decentralised system. Fiscal decentralisation can be achieved through either transfers from the central state, or through sub-national revenue generation. Sub-national revenue generation may include local tax collection, fines and fees, the acquisition of debt, the receipt of development assistance from donors, cost recovery by charging user fees for services, privatising functions, or promoting “co-financing” or “co-production” in which local people contribute money or labour to help provide services and infrastructure. Fiscal decentralisation is an essential component of each form of decentralisation. A decentralised unit cannot accomplish its duties independently unless it has access to required resources and has the power to make financial decisions.

Important to note in these definitions is the centrality of the concept of power. Decentralisation is about government power and within which institution it is situated. A process of decentralisation, as an activity that modifies the fundamental structures of state power, is a highly political process, which creates winners and losers along the way.

From the perspective of public policy, decentralisation is a requirement for a greater administrative efficiency. From a political perspective, decentralisation can be understood as a response to the growing tensions and social conflicts produced by the inability of the state (in the

broader sense) to satisfy the demands of society. Decentralisation becomes the search of appropriate institutional mechanisms aimed to a greater participation of the citizenry in public affairs, a wider and stronger link between the state and civil society, and a way to solve social problems close to where they exist.

Decentralised land management refers to devolving responsibilities for the day to day administration/ management of land matters to district/ local government institutions (Republic of Uganda, July 2, 1998).

2. Research Methodology

2.1 Conceptual Framework for Analysing Women's Land Rights under Decentralised Land Administration

This Study is anchored in Kabeer's Social Relations Approach to institutional analysis. The Social Relations Approach analyses existing gender inequalities in the distribution of resources, responsibilities, and power. Kabeer uses the term 'social relations' to describe the structural relationships that create and reproduce systematic differences in the positioning of different groups of people. Such relationships determine who we are, what our roles and responsibilities are, and what claims we can make; they determine our rights, and control that we have over our own lives and those of others. Social relations produce cross-cutting inequalities (such as gender, class, race, ethnicity, etc.), which ascribe each individual a position in the structure and hierarchy of their society. Social relations change; they are not fixed or immutable, e.g., changes at the macro level can bring about change in social relations.

The framework concentrates on the relationships between people and their relationship to resources and activities – and how these are re-worked through 'institutions' such as the state or the market. According to her, the underlying causes of gender inequality are not confined to the household and family but are reproduced across a range of institutions, including the state, the market place, the community, family/kinship and international community. Kabeer defines an institution as a framework of rules for achieving certain social and economic goals. Institutions ensure the production, reinforcement, and reproduction of social relations and thereby perpetuate social differences and inequalities (in roles, responsibilities, claims and power).

The Social Relations Approach states that all institutions possess five distinct, but inter-related dimensions of social relationships: rules, resources, people, activities, and power. Examining institutions on the basis of their rules, practices, people, distribution of resources, and their authority and control structures helps you understand who does what, who gains, who loses (which men and which women).

- 1) Rules (official and unofficial): how things get done. What rules do is to allow or constrain the following: What is done? How it is done. By whom it will be done. Who will benefit.
 - The location, character, purpose and powers of formally localised land administration institutions.
 - The nature and character of land rights that result from decentralising land administration – How are men and women's land rights defined and administered?
 - The ways in which land rights are held, transacted, and managed.
 - The kinds of men and women's land rights recognised by District Land Boards and Area Land Committees.
 - Types of land transactions.
 - Land allocation procedures.
 - The identification of property holders, that is, who has what rights in the bundle of rights associated with land. More than one person may hold rights to a particular parcel of land. Or, if there is more than one parcel different people may have rights to different parcels – the process and methodology for identifying rights holders on the ground and the actual formalisation and adjudication of land rights – issuing and acquiring land titles (titling guidelines and procedures). Who are considered legitimate landed property holders?

- Adjudication and registration systems and processes – Rules and procedures regarding titling and registration.
- 2) Activities: what is done? Who does what? Who gets what? Who can claim what?
 - Who is involved in local land administration? – The roles played by men and women in the land administration processes: composition of District Land Boards and Land Committees (men and women representation); the participation of women and men in District Land Boards and Tribunals and other land committees. The quality of women's representation and their mandate..
 - 3) Resources: what is used, what is produced? These may be human resources (for example labour, education, and skills), material ones (food, assets, land or money), or intangible ones (information, political clout, good will, or contacts).
 - Awareness of gender and land issues as well as knowledge of the local customs and practices affecting men and women and the legal rights of women.
 - 4) People: who is in, who is out, and who does what? Institutions deal with people and are selective about: Who they allow in and whom they exclude. Who is assigned various resources, tasks, and responsibilities? Who is positioned where in the hierarchy? The selection reflects class, gender, and other social inequalities.
 - Accessibility, availability and affordability of land administration and management institutions to men and women – cost of registration (time and money) and duration of registration process; location of services (such as registration offices); the scheduling of activities and location of meetings, transport costs; requirements for documentation.
 - 5) Power: who decides and whose interests are served? Institutions embody relations of authority and control. Few institutions are egalitarian, even if they profess to be. The unequal distribution of resources and responsibilities, together with the official and unofficial rules which promote and legitimise this distribution, ensures that some institutional actors have authority and control over others. These individuals then promote practices which entrench their privileged positions, and they are most likely to resist change.
 - Under formally localised land administration and management, where are land rights vested?
 - Who decides what rights for whom?
 - Duties and powers of formally localised land administration and management institutions.
 - Participation in meetings by gender.
 - Participation in the formal adjudication processes and in registration of land rights by gender.
 - Constraints to women realising their land rights.

2.2 Study Districts

The field research was conducted in Lira and Mukono districts that were purposively selected to reflect/ represent the different historical, cultural, and socio-economic contexts, and legal traditions. Mukono District's proximity to Kampala (Uganda's capital city) makes land more valuable, as it fosters land demand for residential purposes, setting up education institutions or for the cultivation of crops to be sold in the nearby urban markets. As Durand-Lasserve and Selod (April 14, 2007) point out land and tenure issues in rural and urban areas may differ. The function of land in urban areas has specific economic and social features: land as an asset, role of land in development strategies of the private sector, land as an inflation-proof area of investment

for savings, land as a catchment area for idle funds, etc. Customary norms and practices tend to change as populations move from rural to urban areas. Related to rural/urban differences is the issue of the market economy and its impact on property rights, particularly notions of individual ownership. In urban areas, as the market economy exerts its influence, there is a tendency for land rights to become more individualized (less communal), for families to become more nuclear (less extended), for land rights to be acquired through purchase (rather than inheritance), and for customary practices to become less prevalent. More opportunities may exist for both wife and husband to own land they have acquired together, for women to purchase land, and for both daughters and sons to inherit land rights.

Lira District is a post-conflict transition area and as Baranyi and Weitzner (May 2006) rightly argue, there are certain features that are qualitatively different/ so unique about war-affected or war-threatened societies. First, what is different is the scale of problems. Warfare often aggravates existing problems of insecure land tenure and access. It also generates new land-related challenges. Warfare can undermine customary or statutory rights to land ownership and access, and further weaken judicial or traditional instruments for the management of land-related disputes.

2.3 Data Collection Methodologies

A qualitative approach was used to gather data at the field level:

1. In-depth semi-structured interviews were conducted with 26 key expert informants – members of District Land Boards, Lira and Mukono District technical staff in the District Land Departments, Mukono District Chief Magistrate and Mukono District Magistrate’s Court Clerk.
2. Informal individual interviews using open-ended unstructured questions were also conducted with 5 members (2 men and 3 women) of the general public seeking to access land services at Mukono District Land Department/ Offices.
3. Fourteen focus group discussions were held with members of Area Land Committees with members (11 in Lira District and 3 in Mukono District) to gather their views and experiences of decentralised land administration. The selected Area Land Committees represented from urban, peri-urban and rural areas.
4. Observations of proceedings of two (2) LC III Court Sessions to resolve Land Disputes in Mukono District.
5. Analysis of:
 - Government of Uganda legal and policy documents and reports including Constitution of The Republic of Uganda, 1995; The Land Act, 1998; The Land (Amendment) Act, 2004; The Land (Amendment) Act, 2010; (draft) National Land Policy, September 2009; and Land Regulations, 1999.
 - Minutes of Lira and Mukono District Land Board meetings with regard to land allocation decisions made by the District Land Boards (percentage of men women, joint men and women, institutions allocated district public land).
 - Mukono District Chief Magistrate’s Court records to assess extent of land related court cases vis-à-vis other court cases.

- Records of Mukono District Chief Magistrate's Court land-related cases vis-à-vis other civil cases from 2008 when the Chief Magistrates' Courts were mandated to handle land cases.
- Land related literature, i.e., gender issues in land and resource tenure systems; women's land rights, land legislation and programs in Eastern and Southern Africa, decentralised land administration and management.

3. A Look at Uganda's Land Administration System

3.1 Historical Approaches to Land Administration Reform in Uganda

Pre-Colonialism – 1900

Until 1900, the prevalent mode of land tenure in Uganda was customary tenure. This meant that customary rules of about 140 major ethnic groupings governed access to, utilisation of and parting with land in a given ethnic area. Land relations in pre-colonial Uganda may be classified in a number of ways, some of which are unique to particular communities:

The first were relations based on feudalism in the kingdoms of Buganda, Busoga, Bunyoro and Toro. An essential feature of this system was that access to land was controlled by an oligarchy in which political power in society was exclusively vested. Security of tenure for land users was, therefore, based on continuous loyalty to that oligarchy. The payment of tribute in the form of produce and gifts was therefore not unusual and, indeed, a requirement as evidence of that loyalty. At the time of colonisation, this system of land relations was fully established in and unique to the kingdoms of Buganda, Bunyoro, Busoga and Toro. What colonialism did, therefore, was merely to legitimise an intricate system of political relationships based on land that had been in existence for centuries. This is the context in which the Uganda Agreement 1900 and the laws that were subsequently made to govern the relationships between the nobility and their tenants in Buganda, Toro, Ankole and Busoga must be read (Republic of Uganda, February 2004).

The second were systems based on territorial control in which access to land resources were governed by a complex network of reciprocal bonds within families, lineages and larger social units. The primary function of those organs, rather, was to protect and guarantee individual and community rights as prescribed by custom. As long as such bonds remained, any individual or group of individuals could secure access to the resources of that community. This system of land relations continues in operation in all of the arid and semi-arid regions of Uganda, such as Karamoja.

The third were the systems of land tenure prevalent in the non-feudal sedentary communities. Because these communities were and still are agricultural or semi-agricultural, land relations were defined not only by the network of social relations prevalent in each community, but also by the specific uses to which parcels of land occupied by individual families, clans or lineages were put. Tenure relations, therefore, recognized individual rights as well as community obligation in virtue of access to such rights. Most of the riverine communities in Uganda and much of the south can be classified under this system. Common to all three systems of land relations was the fact that radical title to land was always vested in the community as a corporate entity rather than in the political organs through which control of the territory or the resources of the land was exercised or mediated.

Colonialism (1900) – 1975

During this period, reforms to land administration and regularisation of land holdings to aimed to increase tenure security. Four major tenure systems (*mailo*, freehold, leasehold and customary) came into existence.

Through a series of agreements made with traditional rulers and their functionaries the British authorities granted a number of large private estates called 'Mailo' to the native' ruling class in Buganda as freehold titles and native freeholds in Toro and Ankole that were broadly equivalent to the English freehold. This ignored the customary ownership claims of those actually living on

the land, by mistakenly equating the property rights of the local rulers (i.e. rights to administer land) with those of the English lords under the feudal and post-feudal systems (i.e. all rights to land as personal property). The conflicts which this created between the customary land owners and those given legal ownership continues to this day (Adams and Palmers, June 2007). The effect of these agreements was not only to legitimise the feudal system of land tenure then in existence, but also to firmly confer upon feudal overlords absolute control over land, which they never had under customary law. The location of radical title to such land arguably was, by implication appropriated to the colonial government.

For the rest of Uganda, all land was expressly declared to be crown land meaning that the British authorities now held radical title to such land and all land users became, at the stroke of the pen, tenants of the British crown. Thus being holder of radical title, the colonial government proceeded to grant a limited number of freehold estates to selected individuals and corporations.

In the second instance by virtue of political sovereignty, the British authorities now asserted the right to control the management and use of land, a power that was previously vested either in communities or in the political functionaries of such communities. These changes were accompanied by an elaborate system of land administration, which included, in the case of Buganda, a system of land registration purporting to confer indivisible title to the Buganda King, his Princes and other landlords.

Upon the attainment of independence in 1962, Government of Uganda retained the system of land tenure introduced by the colonial government until 1975.

The Land Reform Decree, 1975 (Decree No. 3 of 1975)

In 1975 the Government of President Idi Amin issued a decree 'The Land Reform Decree' (Decree No. 3 of 1975) which brought radical changes in respect of land and property relations: The Decree declared all land in Uganda to be public land and provided that access would henceforth be on the basis of leasehold tenure only. The Decree vested all land in the State to be held in trust for the people of Uganda and to be administered by the Uganda Land Commission.

The Land Reform Decree reduced the tenure systems from four (leasehold, customary, mailo and freehold) to two (leasehold and customary). The Decree abolished all freehold interests in land except where these were vested in the State in which case these were transferred to the Land Commission. It also abolished the Mailo system of land tenure and converted them into leasehold of 99 years where these were vested in public bodies and to 999 years where these were held by individuals with effect from 1st June 1975. Consent from the Uganda Land Commission was required before one would transfer his leasehold.

All laws that had been passed to regulate the relationships between landlords and tenants in Buganda, Ankole and Toro were also abolished. Elsewhere customary land users became tenants at sufferance of the state (i.e. although they may have come onto land and occupied it lawfully, by this law; their continued stay thereon became unlawful) and the land they occupied could be allocated to other people. It became unlawful for one to acquire fresh customary tenure without permission from the Uganda Land Commission. A customary tenant was restricted in transferring his customary interest – could not transfer the interest without notice to the Uganda Land Commission. Tenants became liable to eviction by lessees on conversion after a notice of not less than six months (Rugadya, 7th June 2007; Republic of Uganda, February 2004; Busingye, 2002).

The Land Reform Decree, 1975, persisted until 1995 when a new Constitution was enacted that repealed the Decree and restored the systems of land tenure that were in existence at independence.

3.2 Legal and Policy Framework Governing Decentralised Land Rights Administration in Uganda

Constitutional and statutory provisions at the national level provide an enabling environment for gender equity, within which local level negotiations over power, rights and changing social values can be accommodated and directed towards more equitable outcomes. The right to equality between men and women is enshrined in the Bill of Rights of the Constitution of the Republic of Uganda of 1995. Secondly, the Land Act, 1998, includes a commitment to the principle of gender equity. Thirdly, the Government of Uganda is committed to ensuring that a ‘gender perspective’ is embedded in all its policies and programmes through the National Gender Policy.

The Constitution of the Republic of Uganda, 1995, Land Act, 1998, Land (Amendment) Act, 2004, Land (Amendment) Act, 2010, as well as the draft National Land Policy, 2009, form the legal and policy framework for decentralised land administration.

3.2.1 Constitution of the Republic of Uganda, 1995

Salient features in the Constitution pertaining to land administration are:

Decentralised Land Administration and Dispute Resolution

Both the Constitution of Uganda, 1995, and the Land Act, 1998, decentralised land administration from the centre (the Uganda Land Commission) to the district and sub-district created institutions – District Land Board for each district, Land Committees, District Land Offices, and District Land Tribunal independent of the state or judiciary. The Land Act, 1998, also provides for the appointment of adhoc mediators in appropriate circumstances to assist the Land Tribunals in resolving disputes. The key elements include the decentralisation of services, the devolution of decision making, planning and monitoring responsibilities to local governments, and the review of the balance between public and private sector provision of services (Republic of Uganda, 1995 & August 1998).

Right to Own Property and Protection against Deprivation of Property

Article 26 of the Constitution of Uganda, 1995, provides for the fundamental right of each person to own property and protects the right of every person not to be deprived of property. Article 26(1) specifically states that: “Every person has a right to own property either individually or in association with others.” Article 26(2) explicitly states that: “No person shall be deprived of property or any interest in or right over property of any description” On the basis of Article 26 of the Constitution, women can hold land on an equal basis with men acquired land through purchase, inheritance, gift or divorce.

Article 31 spells out the rights of family: Article 31(1) of the Constitution guarantees “Men and women of the age of eighteen years and above, have the right to marry and found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.” Article 31(2) directs Parliament to “make appropriate laws for the protection of the rights of widows and widowers to inherit property of their deceased spouses and to enjoy parental rights over their children.”

Land Ownership

Shifting Land Ownership from the State to the Citizens of Uganda

The Constitution of Uganda, 1995, brought about fundamental changes in land holding arrangements in Uganda by shifting land ownership from the state and vesting it in the citizens of Uganda: Article 237 (1) of the Constitution of Uganda, 1995, and Article 3 of the Land Act, 1998, (in break from the past), declares that “*land in Uganda belongs to the citizens of Uganda*”, making Uganda the first State in Sub-Saharan Africa to vest its “radical title” in its Citizens.

This provision embodies a significant shift in the balance of power in state–people property relations. The state no longer held absolute title to land in Uganda. Government can only acquire land in the public interest under Article 237(2)(a). However, Government retains control of the natural resources in the country. Article 237(2)(b) provides that “the Government or local government as determined by Parliament by law, shall hold in trust for the people and protect, natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any other land to be reserved for ecological and tourist purposes for the common good of all citizens (Republic of Uganda, 1995 and 1998).

Legal Recognition of Customary Land Rights as One of Four Land Tenure Systems (Customary, Freehold, Leasehold, and Mailo)

The Constitution vests all land in the citizens of Uganda according to four land tenure systems – customary; freehold; *mailo*; and, leasehold:

*Land in Uganda shall be owned in accordance with the following land tenure systems – (a) customary; (b) freehold; (c) mailo; and (d) leasehold*³ (Article 237(3) of the Constitution and Section 3 of the Land Act, 1998).

For the first time in Uganda, the Constitution of Uganda, 1995, and Land Act, 1998, gave legal recognition to customary land tenure which had traditionally been outside the realm of the law. Only three types of tenure (freehold, leasehold and *mailo*) were previously acknowledged. Customary tenants were regarded as occupiers of crown land. As such, they were merely tenants on sufferance from the state who could evict them after a three month notice period and compensation for any developments on the land. All land had been vested in the State under the Uganda Land Commission and it was common for politicians and government officials to award themselves leases of large portions of land to the detriment of customary occupiers who were given neither notice nor compensation. Under these circumstances, customary tenants faced extreme insecurity (Mwebaza, 1999). Recognition of customary land tenure was significant given that 80% of land in Uganda is owned (Republic of Uganda, September 2009).

Provision for the Conversion of (Formalising) Customary and Leasehold Land Tenures to Freehold

The Constitution of Uganda, 1995, provides for the conversion of both customary and leasehold tenures to freehold. Article 237(4)(b) of the Constitution of Uganda, 1995, states that “land

³ Mailo tenure includes land that is held in perpetuity with full power of ownership and has its roots in the allotment of land under the 1900 Uganda Agreement. Mailo tenure separates ownership of land from occupancy rights. The holder’s freehold rights are subject to the customary and statutory rights of those persons in occupation of the land and their successors at the time that the tenure was created. Customary tenure is characterised by local customary regulation and management and includes community ownership. Freehold tenure is registered land held in perpetuity with full powers of ownership. Leasehold tenure is created by contract or by operation of law and gives the tenant exclusive possession usually for a defined period and in return for rent (Eilor and Giovarelli, February 2002).

under customary tenure may be converted to freehold land ownership by registration.” Section 10 (1) of the Land Act, 1998, stipulates that “any person, family, community or Association holding land under customary tenure on former public land may convert the customary tenure into freehold tenure in accordance with the provisions of this Act.”

According to Article 237(5) of the Constitution of Uganda, 1995, “Any lease which was granted to a Ugandan citizen out of public land may be converted into freehold...” This is expounded in Section 29 (1) of the Land Act, 1998, which states that “Any lease which was granted to a Ugandan citizen out of former public land and was subsisting on the coming into force of this Act may be converted into freehold...” The Land Act, 1998, conditions the conversion of leasehold into freehold on the District Land Board satisfaction “that there were no customary tenants on the land at the time of acquisition of the lease [Section 29 (1) (b)]; that if there were any customary tenants on the land at the time of acquisition whose tenancy was disclosed, those tenants were duly compensated” [Section 29 (1) (c)].

Recognition of Security of Occupancy on Land Short of Full Title

Article 237(8) of the Constitution of Uganda, 1995, grants secure rights of occupancy and use in perpetuity: “... the lawful or *bonafide* occupants of mailo land, freehold or leasehold land shall enjoy security of occupancy on the land.”

Certificate of Customary Ownership

Uganda has sought to formalise customary rights through the issue of customary titles or certificates. Article 237 (4) (a) of the Constitution of Uganda, 1995, stipulates that “all Uganda citizens owning land under customary tenure may acquire certificates of ownership in a manner prescribed by Parliament. Section 5 (1) of the Land Act, 1998, declares that “any person, family, or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with the provisions of this Act.”

3.2.2 The Land Act, 1998: In Search of Tenant Security

Uganda enacted a new land law (the Land Act, 1998) that came into force on July 2nd 1998 to operationalise the principles laid down in the Constitution of Uganda, 1995. Article 237 (9) of the Constitution of Uganda, 1995, set a deadline of “within two years after the first sitting of Parliament elected under this Constitution for Parliament to enact a law – (a) regulating the relationship between the lawful or bona fide occupants of land ... and the registered owners of that land; (b) providing for the acquisition of registrable interest in the land by the occupant (Republic of Uganda, 1995).

The Land Act, 1998, provides for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental matters (Republic of Uganda, 1998).

Tenant by Occupancy

The Land Act, 1998, provides for security of occupancy for tenants or family members who use and occupy land but whose rights do not amount to ownership:

A tenant by occupancy on registered land shall enjoy security of occupancy on the land [Section 32 (1)]. For the avoidance of doubt the security of tenure of a lawful or bona fide occupant shall not be prejudiced by reason of the fact that he or she does not possess a certificate of occupancy [Section 32 (9)].

A tenant by occupancy may apply to the registered owner for and be issued with a certificate of occupancy ... in respect of the land which he or she occupies ... [Section 34 (1)].

Tenants may assign, sublet or pledge, create third party rights after consent from the registered owner: *A tenant by occupancy may, ..., assign sub-let, or pledge, create third party rights in, sub-divide and undertake any other lawful transaction in respect of the occupancy [(Section 35(1). A tenancy by occupation may be inherited [(Section 35(2).*

Tenants by occupancy are given the first option to purchase if the registered owner is selling: *The owner of the land who wishes to sell the reversionary interest in the land shall, ..., give the first option of buying that interest to the tenant by occupancy [(Section 36(2).*

On the other hand, a tenant is required to give first option to the registered owner in case of a sale of his interest: *A tenant by occupancy who wishes to assign the tenancy shall, ..., give the first option of taking the assignment of the tenancy to the owner of the land [(Section 36(1).*

The Land Act, 1998, also provides for a tenant by occupancy to acquire registrable interest by application to the registered owner: *A tenant by occupancy ... may, ... acquire any of the following registrable interests in respect of the land he or she occupies – (a) freehold;)b) mailo; (c) lease; or (d)sub-lease [Article 39 (1)].*

Protection of Women’ Land Rights

The important provisions of the Land Act (1998) are the ones on the protection of women’s land rights.

Principles:

Section 6 (1) (g) of the Land Act, 1998, asserts that “On receipt of an application for a certificate of customary ownership, the Committee shall – safeguard the interests and rights in the land which is the subject of the application of women, absent persons, minors and persons with or under disability.”

Section 28 of the Land, Act, 1998, makes any customary action which deprives women of rights illegal:

Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally shall be in accordance with the custom, traditions, and practices of the community, concerned; except that a decision which denies women or children or persons with disability access to ownership, occupation or use of any land or imposes conditions which violate Articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.

Procedures:

Spousal Consent in the Transaction of Conjugal Property/ Restrictions on Transfer of Land by Family Members

The Land Act, 1998, protects the land rights of women, children, and orphans by requiring their consent to the disposal of matrimonial land cushion these groups against potential social and economic impacts of the land markets. Furthermore Section 40 of the Land Act, 1998, makes any transfer of household land subject to spouse’s approval by requiring spousal consent and other consents prior to carrying out transactions (selling, leasing or giving away land) on household lands, prohibits the disposal of land without the consent of the vendor’s spouse and children; and, creates civil liabilities if these protections are violated.

According to Section 40 (1) “No person shall –

- (a) sell, exchange, transfer, pledge, mortgage or lease any land; or
- (b) enter into any contract for the sale, , transfer, pledge, mortgage or lease any land;
- (c) give away any land inter vivos, or enter into any other transaction in respect of land –
 - (i) in the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
 - (ii) in the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent majority age;
 - (iii) in the case of land on which the person ordinarily resides with his or her dependent children below the age of majority, except with the prior written consent of the Committee;
 - (iv) in the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with the prior written consent of the Committee.”

Section 40 (3) “Where consent is required to be given by a person other than the Committee ..., the consent shall be given to the Committee by the person giving the consent.”

Section 40 (4) “Where any transaction is entered into by a purchaser in good faith and for value without notice ..., the transaction shall be void but the purchaser shall have the right to claim from any person with whom he or she entered into the transaction any money paid or any consideration given by him or her in respect of the transaction.”

To enforce the consent clause a caveat is provided for. The caveat in effect creates a registrable interest under the law. According to Section 40 (7) “The spouse or children of majority age, not being the owners of any land ..., may lodge a caveat on the certificate of title or certificate of customary ownership of the person who is owner of the land to indicate that the property is subject to the requirement of consent”

Section 40 (8) “The Committee may, on behalf of the children below majority age or orphans below majority age and not being owners, take action similar to that described in subsection (7) of this section.”

The Land Act, 1998, introduced first rights of refusal to transaction without consent of spouses and children on family land. Although these requirements are not propriety rights, they do give people the power to approve or disapprove a transaction with the result that any transaction that is carried out without their consent is void (Republic of Uganda, February 2004). The rule requiring spousal consent is positive from a human rights perspective; it strengthens women’s rights to land, and offers protection in situations where they have a property right that is not formalised. Protecting the wife’s interest in the property can be a way to ensure recognition of her unpaid work. This type of legal protection is more important for women in the context of increased commoditisation of land.

However, several questions arise in respect to the consent clause: Does the consent clause effectively protective of women’s land rights? How well is it enforced? How easily may this be sidestepped? How consistently is it applied? First, **the Consent Clause recognises only legally married couples as legitimate spouses, not consensual couples**. While the Land Act, 1998, caters for legal wives to some extent, it does not assign the responsibility for protecting land rights of widows, divorcees, and women in co-habitation (Republic of Uganda, September 2009).

Secondly, **women's rights to land and domestic violence must be considered together**. As Verma (January 2007) rightly points out, the Consent Clause must be viewed in light of the existence of gender-based violence; whether consent is gotten through agreement or violence is a matter which is often not considered. While the consent rights are important in the Land Act and must be protected, we need to question the extent to which consent can be practiced. What does consent mean when it is gotten through violent means; that is, when husbands resort to violence and physical abuse to coerce consent from their wives. Consent is not consent, when derived by coercion or violence, it means very little for the empowerment of women in defending their rights to land. Statistics on domestic violence in Uganda reveals that violence against women is widespread: some estimates say that more than half of the women in the country have suffered domestic violence at the hands of their partners. The Human Rights Watch Report (August 2003) documents widespread rape and brutal attacks on women by their husbands in Uganda. The Human Rights Watch Report revealed that apart from being subjected to physical, emotional and psychological abuse, many women are victims of marital rape. It links the increase in cases of new infection with HIV in Uganda to domestic violence and spousal rape; 34 of the 50 women interviewed by Human Rights Watch confessed that their husbands physically forced them to have sex. A 2006 study by the Uganda Law Reform Commission indicating that 66% of both men and women respondents had experienced domestic violence (CEDOVIP, 2007). In August 2007, the Uganda Bureau of Statistics published a report yielding similar data that 68% of ever-married women aged 15 to 49 years had experienced some form of violence inflicted by their spouse or intimate partner (Uganda Bureau of Statistics, August 2007). The United States Department of State reported in its Country Reports on Human Rights Practices for 2007 that 60% of men and 70% of women in Uganda condone "wife beating". Statistics published by the United Nations Children's Fund (UNICEF) in its 2008 report shows that 77% of women aged 15 to 49 years feel that spousal violence is justified for a variety of reasons, such as if the woman burns food or refuses sexual relations (UNICEF, December 2007; The New Vision 28 Sept. 2007).

Another important issue is the **verification of the necessary spousal consent**. The difficulty of identifying all the people who need to consent especially in cases of polygamy that involves multiple wives and children (including those born out of wedlock). It is also almost impossible to verify that all the necessary consents have been obtained. Polygamy complicates legislation requiring written consent of spouses for disposition of property; it also complicates provisions on inheritance of land. We established during our interviews with ministry and district officers that despite the existence of the Consent Clause in practice, husbands were taking loans and even selling their matrimonial homes and land without consent of their wife or children's consent. A Ministry of Lands, Housing and Urban Development Official noted incidents reported to the where husbands and wives impersonating their spouses by getting people from the streets who masqueraded as their spouses 'consented' to the sale of family land. The Officer noted that 25% of cases reported to the Ministry were by women against their husbands forging their wives' signatures in a bid to sell the titled matrimonial home and family land. He pointed out that verification was supposed to be done by the District Land Officers. We also established that members of Area Land Committees were not taking into consideration the wife's consent or lack of it in land sales/ transfers instances:

A woman is considered the rightful owner of the land if she bought it using her own money and has the land title in her names (Focus Group Discussion, Area Land Committee members).

Respondents made the observation that:

District officials were only concerned about verifying the rightful owner of the land and not spousal consent. There is no provision for the spouse to co-sign transfer forms. Secondly, there is only provision for the names of the owners of the land on the land title. The land title has no provision for the next kin even wife/husband; so in case of death, the spouse has to go to court and give notice to the public. There should be provision for the spouse's names to appear on the land title. Even the banks are not concerned about the spousal consent but only the land title. Sometimes women are given eviction notice when they were not aware that the husband had sold the land or mortgaged it.

The Law is helping but men use tricks and give the land title to money lenders who sell off the land without the wife's consent. This happens mainly with couples who have conflicts. The women don't have the money to fight off money lenders. While this not only affects women but also men, most victims are women.

Worse still, Section 40 (2) of the Land Act, 1998, requires that spousal and other consents stipulated in Section 40 (1) shall not apply to any transfer of land by a mortgage. Further, Section 40 (5) stipulates that "a consent ... shall not be unreasonably withheld. The Land Act, 1998, gave District Land Tribunals discretion to dispense with the consent for the disposal of land if they determined that consent has been 'unreasonably' withheld. Section 40 (6) elaborates that "where the consent ... is withheld, a person aggrieved by the withholding of the consent may appeal to the Land Tribunal and the Tribunal shall require the spouse or children of majority age or the Committee as the case may be, to show cause why they cannot give consent and may, in its discretion, dispense with the consent." Rugadya, Obaikol and Kamusime (August, 2004) argue that this discretion may be influenced by political or social factors and give the husband a go-ahead to dispose of the family land if the wife unreasonably withholds her consent. That although this order can be appealed, few women can afford the fees and expenses involved. This leaves a lot of room to undermine the limited occupancy rights given to the woman.

Most importantly, who is pushing the agenda for women's land rights? On the question of who is responsible for ensuring compliance to women's rights, A, Ministry of Lands, Housing and Urban Development Officer pointed out that *the Land Inspectorate of the Ministry of Lands, Housing and Urban Development is supposed to ensure adherence; yet the Ministry relies on district staff to comply with the provisions of the Land Act. However, the Law does not protect 'trespassers' (squatters), the majority of whom are women.* According to another Ministry of Lands, Housing and Urban Development Officer, *the Ministry protects the rights of all people; enforcement is general.*

Worryingly, the consent clause in Land Act, 1998, is contested under a new law the Mortgage Law in Uganda. The Land Act stipulates that consent must be obtained from spouses and children in the event of sale, lease, mortgage or rental of family land and property. The new Mortgage Bill has the potential of superseding (and therefore negating) the consent clause in the Land Act. Bankers in the financial community see the consent clause as a burdensome clause that impedes the flow of market transactions, and are arguing for its "removal". In effect, if the new Mortgage Act is passed in Parliament in the form that bankers are arguing, it will override the consent clause in the Land Act. This will be a huge step backwards for women's rights pertaining to land.

Provisions to Ensure Women's Representation on Land Administration Structures

The Land Act, 1998, provides for female representation on land administration bodies – Uganda Land Commission, District Land Boards and land Committees:

- Section 48 (4) requires that at least one of the five members of the Uganda Land shall be a woman. However, this is less than the one-third female representation stipulated by the Constitution of Uganda, 1995.
- Section 58 (3) requires at least one third of the minimum of five members of the District Land Board to be women.
- Section 66 (2) requires Land Committees to have at least one woman out of the four members.
- District Land Tribunal though not a requirement of law is in practice constituted with at least one woman out of three members.

3.2.3 *The Land (Amendment) Act, 2004*

The Land (Amendment) Act, 2004 amended section 40 of the Land Act, 1998, and repealed children consenting to the sale of family land to only provide for consent of spouses.

The cost of creating a decentralised land administration system far exceeded the resources available. The Land (Amendment) Act, 2004, also reduced the number of the prescribed land administration institutions from Land Committees at the parish level to the sub-county and scrapped sub-county and village land boards.

The Land (Amendment) Act increased the bargaining power of tenants by controlling ground rents and protecting them from eviction. The Land (Amendment) Act protects tenants from eviction thus strengthening their tenure security. And to prevent landlords from exploiting their tenants, Government of Uganda imposed limits on the amount of ground rent that could be charged by the landlord. These have had a positive impact on equity in the short term. However, restrictions on land rental are likely to reduce landlords' investment incentives and willingness to rent out. As a consequence, they will constrain access to land for farming and housing reducing access to land by the landless and extremely poor.

3.2.4 *The Land (Amendment) Act, 2010*

The Land (Amendment) Act, 2010, sought to curb escalating land conflicts and evictions due to public outcry on land grabbing, forceful evictions and grave associated crimes by explicitly forbidding eviction of tenants without a court order. While the Constitution of Uganda, 1995, and the Land Act, 1998, provided for the security of occupancy of the lawful and bona fide occupants, there have been widespread evictions of these categories of tenants in utter disregard of their interest in the land (Republic of Uganda, 28th December 2007, January 11, 2008, & 12th February 2010).

The principle objective of the Land (Amendment) Act, 2010, was to enhance the security of occupancy of the lawful and bona fide occupants/ tenants on registered land and persons on customary land, as a way to address widespread evictions; particularly as these evictions did not follow the right procedures of giving tenants the first option to buy the land, let alone be compensated, and where there was an attempt to compensation, it was not adequate; the evictions were sometimes carried out at night in a brutal and secret manner (Republic of Uganda, January 11, 2008).

The Law lacked sanctions to punish the offenders who defaulted the provisions of the Land Act, 1998, hence the need to create the law to address that. The penal provisions that have attachment on land are inadequate to handle evictions because most of the evictions derive from

civil proceedings. At the height of the rampart evictions, the Chief Justice, in the spirit of combating evictions issued a Practice Direction No 1 of 2007 (Legal Notice No. 1 of 2007) on issues of orders relating to evictions (Republic of Uganda, March 2008). It emphasized the following:

- i) The need to visit the locus in quo in all cases leading to eviction.
- ii) To hear cases in the presence of all parties, their witnesses and advocates if any.
- iii) To ensure that in event of eviction, there is a just and equitable date on which the occupant shall vacate and also determine the date on which demolition shall be carried out.

According to the Ministry of Lands, Housing and Urban Development (April 2010 Poster):

It is a known fact that: women and children form the majority of tenants on registered land; and, children have previously been vulnerable to and suffered the negative and inhuman consequences of illegal land evictions by unscrupulous individuals. The land (Amendment) Act, 2010, therefore:

- 1) *Serves the interests of both land lords and tenants whose rights and obligations are now better defined and strengthened.*
- 2) *Minimises the conflicts and creates harmony between landlords and tenants.*
- 3) *Protects the rights of the vulnerable tenants who contribute the majority population in Uganda from untold suffering and becoming landless.*

The Land (Amendment) Act, 2010, asserts that lawful or bona fide occupants can only be evicted only by Order of Court, and only for nonpayment of ground rent: *A lawful or bona fide occupant shall not be evicted from registered land except upon an order of eviction issued by a court and only for non-payment of the annual nominal ground rent; ... for a period of not less than six months after the date of order by which the person to be evicted shall vacate the land* This Clause is similar to Section 11 of the repealed Envujjo and Busuulu Law, 1928, which allowed for tenants to be evicted only by Court Order (Republic of Uganda, January 11, 2008).

Additionally, “a change of ownership of title effected by the owner by sale, grant and succession or otherwise shall not in any way affect the existing lawful interests or bona fide occupant and the new owner shall be obliged to respect the existing interest” (Republic of Uganda, 12th February 2010).

Furthermore, as a result of years of the war in Northern Uganda, land disputes have arisen due to displacement and resettlements, which the Law seeks to address (Republic of Uganda, January 11, 2008).

3.2.5 (Draft) Land Policy, 2009

The **Vision** of the National Land Policy is: **“A reformed land sector contributing to the transformation of Uganda from a subsistence-agrarian economy to a modern economy within 30 years”**.

Policy Goal and Objectives of the National Land Policy

The **Goal** of the National Land Policy is: **“to ensure sustainable utilisation and management of Uganda’s land resources for wealth creation, poverty reduction and overall socio-economic development”**. The objectives of the National Land Policy are to:

1. Stimulate the *contribution of the land sector* to overall socio-economic development, wealth creation and poverty eradication in Uganda;
2. Harmonize and *streamline* the complex *tenure regimes* in Uganda for equitable access to land and security of tenure;

3. *Clarify* the complex and ambiguous *constitutional and legal framework* for sustainable management and stewardship of land resources;
4. *Resolve historical injustices* to achieve balanced growth and social equity;
5. Reform and streamline *land rights administration* to ensure efficient, effective and equitable delivery of land services;
6. Ensure *sustainable utilization and management of environmental*, natural and cultural resources on land for national socio-economic development
7. Ensure planned, environmentally-friendly, affordable and well-distributed *human settlements* for both rural and urban areas, including infrastructure development;
8. Harmonize all land-related policies and laws, and *strengthen institutional capacity* at all levels of Government for sustainable management of land resources.

Guiding Principles

The principles below underpinned and guide the National Land Policy:

1. Land policy must guarantee the right to own land either individually or in association with others;
2. Land policy must address all the multiple social, cultural, economic, ecological and political functions of land;
3. Land must be productively used and sustainably managed for increased contribution to economic productivity and commercial competitiveness;
4. Use and development of land must contribute to poverty reduction, as land is a basic resource central to the overall development agenda of Uganda;
5. Access to land by all Ugandans must reflect concern with equity and justice irrespective of gender; whether through the market or through any system of inheritance, customary or statutory;
6. Management of land resources must contribute to democratic governance, peace-making and security, by nurturing institutions and procedures for resolution of land disputes and conflicts;
7. Management of land resources must mitigate environmental effects, reverse decline in soil quality and land quality;
8. Land policy must guide the development of policies in other productive sectors; it is an important determinant of the health and vitality of all sectors and sub-sectors which depend on land for productivity;
9. Land sector operations must be fully costed, financed and provided with adequate support services infrastructure;
10. Civil society organizations and the private sector must work hand in hand with government actors to achieve the vision, goal and objectives of the land sector.

The National Land Policy recognises Government attempts to redress women's inability to own or inherit land due to restrictive practices under customary land tenure or are not economically (and adequately) endowed to purchase rights in the market by outlawing discriminatory cultures, customs and practices in land ownership, occupation and use, and further requiring spousal consent to transactions involving family land in the Constitution of Uganda, 1995, and Land Act, 1998 (Republic of Uganda, September 2009).

The draft policy has also addressed the complexity and ambiguity in the constitutional and legal framework, governing the land relations between the Government and the citizens (who are the owners of all land in Uganda). It is, thus, proposed that citizens exercise their residual authority over land collectively through the Parliament. It is further proposed that Government should hold and manage public land, government land and public trust natural resources in strict conformity with the generally acceptable principles of the public trust doctrine (Ibid).

This draft policy also proposes measures to overhaul the moribund and dysfunctional land administration and land management system and structures through the creation of a National Land Agency or Authority and thus, divesting most of the land administration functions. Essential reforms for stemming off escalating land conflicts and land evictions have necessitated a recommendation for re-institution of Land Tribunals and creation of a special division in the Magistrates Courts, and the High Court, for handling land disputes. Additionally, pressure for resolution of disputes will be relieved by the formal acceptance of the dual operation of both customary system and statutory system in land rights administration, land dispute resolution and land management by legally empowering customary authorities to perform these functions (Opcit).

Under this Policy, the Ministry responsible for lands will continue to perform residual roles including policy formulation and implementation, resource mobilization, standard setting and quality control, and monitoring and evaluation. Implementation of the Land Policy requires building of in-house capacity. It is proposed that the National Land Policy Secretariat be transformed into the Land Reform Unit to plan and implement the proposed measures and interventions working in partnership with all other stakeholders.

3.2.7 Conclusion/ Loopholes in National Legislation that Discriminate against Women's Land Rights

Government of Uganda has signed various international conventions and declarations aimed at protecting and advancing the rights of women including the: Universal Declaration of Human Rights; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that is committed to equal access to land and other property (Articles 14, 15 and 16); Vienna Declaration and Programme of Action; Beijing Declaration and Platform for Action which set out its goals as gender equality, development and peace and constituted an agenda for the empowerment of women., and the twenty-third special session of the General Assembly (also known as Beijing + 5), as reaffirmed in the Declaration adopted by the Commission on the Status of Women (Beijing +10). The Beijing +5 document emphasizes that it is the duty of states regardless of their political, economic and cultural systems to protect all human rights and fundamental freedoms. The Platform also recognises that women face full barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability. The continental framework includes the Protocol to the African Charter on Human and People's Rights on the Rights of Women and the New Partnership for Africa's Development (NEPAD). By signing these documents, Government of Uganda has reaffirmed gender equality as a fundamental human right and acknowledged the benefits to be gained if gender is embraced in all sectors of development.

The Constitution of the Republic of Uganda, 1995, is committed to gender equality and women's rights. Basic principles of equality and non-discrimination are stated in Article 21. Article 21 (1) declares that: "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law". The Constitution prohibits discrimination on the ground of sex: "... a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability" (Article 21 [2]) (Republic of Uganda, 1995).

Article 32, that provides for affirmative action in favour of marginalised groups (women inclusive): According to Article 32 (1): "... the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history,

tradition or custom, for the purpose of addressing imbalances, which exist against them.” Article 32 (2): “Parliament shall make relevant laws, ..., for the purpose of giving full effect to Article 32 (1).”

While Article 33 that provides for the rights of women: Article 33 (1) stipulates that “Women shall be accorded full and equal dignity of the person of men.” Article 33 (2) mandates “The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.” Article 33 (3) provides that “The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.” Article 33 (4): “Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.” Article 33 (5): “Without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.” Article 33 (6) delegitimises customary laws and practices that discriminate against women: “Laws, cultures, customs or traditions which are against the, dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.” Article 33 (6) is backed up by Article 2 (2): “If any other law or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom, shall, to the extent of the inconsistency, be void.”

Uganda adopted the National Gender Policy, 1997, therefore providing a policy framework within which gender should be mainstreamed in development. The Policy commits the Government to ensure that all sectors of development take into account and address gender inequalities that permeate the make-up of Ugandan society. This Policy pronounces Government’s strategy to development, and it is an affirmation and commitment to addressing gender inequalities which cut across the social, legal, cultural, economical and political spheres. The Policy puts forth strategies to promote gender equality in the public and private arenas. Through this Policy Uganda undertakes to ensure gender equality in all sectors of development and commits Uganda to undertaking measures that promote equal opportunities for men and women and boys and girls. This Policy calls for removal of all barriers (constitutional, institutional, legal, and socio-cultural) through enactment of laws, setting up of structures, coordinating efforts that will increase education, training and awareness-creation in Uganda (Republic of Uganda, 1997).

Despite these pro-women legal provisions, gender bias exist against advancing women’s land rights at three levels:

1. **Substantive level:** gender bias within the laws themselves (**de jure direct discrimination**)
2. **Structural level:** refers to the organisations, institutions and systems that interpret and enforce the law (**indirect discrimination**)
3. **Cultural level:** *the beliefs and attitudes of those within the justice/legal system that privilege male perspectives and prerogatives* (**de facto discrimination**)

De Jure Direct Discrimination

Although the Constitution of Uganda, 1995, and the Land Act, 1998, guarantees women equality with men, family laws and succession laws directly discriminate against women.

Succession Act and Amendment Decree, 1992

The Succession Act and Amendment Decree, 1992, grant women (both widows and daughters) inheritance rights. The Land Act only deals with land within a marriage or family situation. For

widows and orphans, the Succession Act and the Succession (Amendment) Decree; No. 22 of 1972 applies.

The Succession Act stipulates that if a man dies intestate (where there is no will) all of his property (except his residential holding) is distributed as follows (Section 28 (1) (a):

- Children (both boys and girls) receive 75%, shared equally.
- Wives/ widow(s) receive 15% of the estate, shared equally. The widow retains the matrimonial home where she is expected to live with the children until either she dies, remarries or leaves voluntarily.
- Dependant relative(s) receive 9%, shared equally.
- Customary heir receives 1%.

The allocation of 15% to the surviving wife in intestate succession effectively discriminates against women.

For residential holdings under the Succession Act:

- The spouse and minor children have the right to occupy any residential holding and to continue cultivating land adjoining the house.
- If an orphan is entitled to occupy the residential holding, the guardian can occupy the holding with the orphan and cultivate the attached land.

Again under the Succession Act, residential holdings and the land immediately adjoining the holding are protected, but women only have the right to occupy their house and adjoining land (Schedule 2, Paragraph 1). To other property, including other plots of land, spouses only have the right to share 15%. Moreover, the right to occupy is quite limited. Widows and widowers must farm the land, cannot cut down trees, cannot erect or change buildings, and cannot use land for other purposes (Schedule 2, Paragraph 7). Widows have no right to sell land.

Eilor and Giovarelli (February 2002) come to the conclusion that the land grabbing is not actually illegal. Generally widows and orphans are left with their residential holding, but other land used to sustain the family is taken from them by their husband's or father's relatives.

Marriage, Divorce and Adoption Rules, 1998

Under the Marriage, Divorce and Adoption Rules (1998), separated and divorced women have no legal rights to land or property that was acquired during their marriage.

Indirect Discrimination

- Uganda's family code neither permits nor prohibits polygamous marriages, but legislation limits the number of wives a man may legally register to one, thus leaving his other wives with no legal claims to his land in case of death or divorce.

Gaps in legislation facilitate titling to one household head: Article 23 (2) of the Land, Act, 1998, stipulates states that "For the purpose of holding land under customary tenure, a family shall be deemed to be a legal person represented by the head of the family."

De Facto Discrimination

Discrimination may occur in practices even in the face of gender sensitive legislation, for example, because of socio-cultural or socio-economic factors). In Uganda, national legislation specifically guarantees women's rights, but often tradition and customary norms regulate rural life and deny women their assured rights.

The Social Embeddedness and Social Legitimacy of Land Rights

Land rights are claims that are not just legally, but also socially recognised and enforceable by an external legitimised authority, be it a village-level institution, or some higher level judicial or executive body of the state, and embedded in existing social relationships and authority systems. Values represented by the traditional rules governing land use and land allocation are deeply engrained in society. Control over land is often located within a hierarchy of nested systems of authority. Rights are derived from accepted membership of a social unit, and can be acquired via birth, affiliation or allegiance to a group and its political authority, or transactions of various kinds, including gifts, loans, and purchases (Cousins and Claassens, 2006). It is important to note that gender relations are not limited only to relations between husbands and wives but also embrace other kin and non-kin relationships. So we must bear in mind the social and cultural complexity of the land question, particularly the fact that for many communities land relations are also social relations. The underlying feature of both statutory and customary laws is that the processes by which claims are negotiated are socially embedded, and thus subject to gendered power relations. This raises the questions about how far the constitutional protection of women's rights can protect women's socially-embedded land rights in practice. An underlying problem is that of equity, and the inequitable power relations inherent in socially entrenched African land relations, not least those between men and women, and between both powerful private land owners and indigenous land holding authorities and their subjects or tenants and migrant groups. As market relations spread, and governments seek to promote investment and growth by intervening in land, social differentiation and growing inequality inevitably accompany capitalist development. These can at best be attenuated, but not entirely prevented by more nuanced, informed, decentralised and participatory approaches to the design of land allocation and administration systems. The degree to which these approaches can protect the poor and vulnerable in practice is not known, and may well depend on the degree to which complementary reforms can achieve effective voice, representation, and social and economic empowerment of the poor. In the face of this reality, there is a certain note of pessimism amongst the more reflective, analytical critiques of contemporary tenure reforms in this volume. At the same time it is clear that African politicians seek to grasp the nettle of real-politique in promoting reforms which have the potential both to facilitate rural economic growth and development, while preserving a degree of equity, aware that there will of course be both winners and losers. An unstated conclusion is that Africa's contemporary land reforms are becoming an arena of struggle to secure livelihoods and models of economic development which fairly include the poor and vulnerable, and which are gender-equitable. (Quan, Tan and Toulman (eds.), 2004).

Particularly with women's land rights, it is imperative to distinguish between the *legal* recognition of a claim and its *social* recognition and between recognition and enforcement. Nominal legal land rights may thus be heavily contested if they clash with firmly entrenched local perceptions of what is socially legitimate, as the case on clashes over legitimacy in Lampung, Indonesia shows:

Under a previous policy of 'transmigration', transmigrants in Indonesia were given land and services as inducements to move from areas of high population density and land pressures into areas of much lower population density. They became targets of retribution by local populations and organised their own militias to fight back. At root was a fundamental clash of views: transmigrants in Lampung claimed their land rights as state-issued land rights, while indigenous Lampungese claimed the primacy of their indigenous rights that were overruled by the previous regime. These differences were being contested within the power vacuum that had arisen since the fall of the Suharto regime, with both groups "vying for power and influence over resources and the social life of Lampung" (Daley and Hobley, September 2005)

Alternatively, however, such a clash might create the possibility of change not only in the prevailing allocation of resources and related rights, but also in the fundamental ideology and social meanings tied up therein. Establishing the social legitimacy of new claims to resources then requires contestation, although not all cases will be accepted as socially legitimate ones for contestation in the first place (Daley and Hobley, September 2005). Agarwal (1994) thus identifies three key struggles: those to “establish the legitimacy of a need, those to interpret how that need should be satisfied, and those to secure satisfaction of the need”.

It is in this context that women need support in pursuing their land claims, especially if their claims are not considered locally as socially legitimate. There is a role here for ‘civil society’. However, there is also a role for donor organisations to use appropriate tactics to help open up the space (within country) for new claims to be legitimately contested. This might be through making tactical decisions to fund research on which to build policy evidence and dialogue, as well as through seizing opportunities to work with governments on their preferred programmes (Deininger pers. comm. 2005). However, there are limits as to how effective such an approach can be, if, as in Uganda, where women’s groups had been very effective in the late 1990s in arguing for changes to a new Land Bill to enhance women’s land rights, an amendment dealing with land ownership rights between spouses was proposed and published for parliamentary debate, yet it did not appear in the published Land Act. It has since become known as the ‘lost amendment’. The speaker ruled that the amendment had never been passed and argument continues over what happened in the final stages of parliamentary debate; what seems likely is that the claims of women for rights to own land were not yet accepted as socially legitimate claims in Uganda (Whitehead and Tsikata 2003).

Hornby (15 May 2006) argues that statutory interventions are clearly not sufficient on their own to shift rural women’s bargaining capacity. She highlights how difficult it is for governments to change local practices through legal intervention given the depth of institutionalisation of traditional systems and argues that women need to call both on processes embedded within customary systems to assert claims as well as legal rights and instruments available to them. A question Whitehead and Tsikata (2003) raise is what will women lose or gain by giving up some customary law claims in order to pursue them through statutory claims that may deliver privatised, individual rights at odds with the social environment?

3.3 Government Institutional Framework for Decentralised Land Administration

Decentralised land administration in Uganda is implemented within the decentralisation framework spelt out in the Local Governments Statute No. 8 of 1993, enshrined in the Constitution of Uganda, 1995, and amplified in the Local Governments Act, 1997. Both the Constitution of Uganda, 1995, and Local Governments Act, 1997, provides the legal basis for decentralisation and the devolution of functions, powers and services from central government to local governments (district councils and from district councils to lower councils). Decentralisation is intended to transform the system of local governance by progressively delegating planning and decision making to district, sub-county and community level, and hence enabling local communities and institutions to take responsibility for the management and development of their economic, social and natural environment.

The preamble of the Constitution of Uganda, 1995, under National Objectives and Directive Principles, Democratic Principles II (iii) stipulates that:

The State shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

Article 176 of the Constitution of the Republic of Uganda, 1995, provides that:

The system of local government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative units.

(a) the system shall be such as to ensure that functions, powers and responsibilities are devolved and transferred from the Government to local government units in a co-ordinated manner;

(b) Decentralisation shall be a principle applying to all levels of local government and in particular, from higher to lower local government units to ensure people's participation and democratic control in decision-making.

The Local Government Act, 1997, gave effect to the decentralisation and devolution of functions, powers and services. Article 4 of the Local Government Act, 1997, states that:

(1) The system of Local Government shall be based on the District as a unit under which there shall be lower Local Governments and Administrative Units.

*(2) The Local Governments in a District rural area shall be-
The District Council;
The Sub-county Councils.*

*(3) The Local Governments in a City shall be-
the City Council;
the City Division Councils.*

*(4) The Local Governments in a Municipality shall be-
the Municipal Council;
the Municipal Division Councils.*

(5) The Local Government in a town shall be the Town Council.

3.3.1 Uganda Land Commission

Article 238(1) of the Constitution of Uganda set up the Uganda Land Commission, and referred to in Section 47 of the Land Act, 1998, as a body corporate ... consisting of a Chairperson and not less four other members appointed by the President with approval of Parliament (Article 238(2) of the Constitution of Uganda, 1995 and Section 48 (1) of the Land Act, 1998). And at least one of the members must be a woman (Section 48 (4) of the Land Act, 1998). The members of the Commission hold office for a period of five years and are eligible for re-appointment for a further one term (Article 238 (4) of the Constitution of Uganda, 1995 and Section 49(1) of the Land Act, 1998).

The functions of the Uganda Land Commission (Article 239 of the Constitution of Uganda, 1995, and Section 50 of the Land Act, 1998) are to:

1. Hold and manage any land in Uganda which is vested in or acquired by the Government of Uganda in accordance with the provisions of the Constitution.
2. Where applicable, hold and manage any land acquired by the Government abroad; except that the Commission may delegate the management of such land to Uganda's missions abroad.
3. Procure certificates of title for any land vested in or acquired by the Government.

4. Perform such other functions as may be prescribed by or under the Land Act, 1998, or any other enactment.

3.3.2 District Land Boards

District Land Boards were established by Article 240(1) of the Constitution of Uganda, 1995, and elaborated in Sections 57 and 58 of the Land Act, 1998,:

There shall be a District Land Board for each district. The Board shall be a body corporate body” Subject to a minimum membership of five, the Board shall consist of the following persons:

- a) *Chairperson;*
- b) *One member representing municipal councils.*
- c) *One member representing urban councils.*
- d) *One member from each county in the district.*

Composition of Mukono District Land Board by Gender:

1) Chairperson	Man
2) Representative Urban Council	Man
3) Representative of Nakifuma County	Woman
4) Chairperson Mukono County	Woman
5) Member Buvuma County	Man
6) Representative Buikwe County	Man

(Field notes).

Members of District Land Boards are appointed to represent counties by the District Council on recommendation of the District Executive Committee (Section 58 of the Land Act, 1998) with the approval of the Minister responsible for lands [the names of District Land Board members are forwarded to the Ministry of Lands, Urban Development for vetting and approval (Field notes)]. They hold office for five years and are eligible for re-appointment for a further one term (Section 59(1) of the Land Act, 1998).

Article 241(1) of the Constitution of Uganda, 1995, and Section 60(1) of the Land Act, 1998, spell out the functions of the District Land Board as follows:

- a) Hold and allocate land in the district which is not owned by any person or authority.
- b) Facilitate the registration and transfer of interests in land.
- c) Take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority.
- d) Cause surveys, plans, maps, drawings, and estimates to be made by or through its officers or agents.

- e) Compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed (in consultation with the technical officers in the district).
- f) Review every year the list of rates of compensation referred to in (e) above (in consultation with the technical officers in the district).
- g) Deal with any other matters connected with land in the district in accordance with laws made by Parliament.

Section 60(2) of the Land Act, 1998, further stipulates that: “A Board within a district may, in the performance of its functions..., do so under the name of the institution of traditional leader or cultural leader in relation to that district.” In the performance of its functions, a District Land Board is independent of the Uganda Land Commission and shall not be subject to the direction or control of any person or authority but shall take into account national and District Council policy on land, and the particular circumstances of different systems of customary land tenure within each district (Article 241(2) of the Constitution, 1995, and Section 61(1) of the Land Act, 1998).

However, the functions and responsibilities of District Land Boards do not include protection of women’s land rights. More importantly, the jurisdiction of district land boards is restricted to district public land and they have no power of adjudication on individual/private land processes - hence women’s land rights cannot be protected at this level.

Dealings in mailo land are purely private. It is between the registered owner and the buyer; it is their business or between them and their agents who could be men or women. In case of conflict is when the District staff come in (In-depth Interview with Member of Mukono District Land Board).

A respondent in Mukono District argued that “People have not grasped the role of women. As women they should fight for women’s rights. What they handle are issues that are forwarded to the Board but not women’s issues. This is because they have not been trained. The Women’s Council is supposed to handle women’s issues in the District Council; they should agitate for women’s issues. The land issue has not been raised by them. Maybe they don’t know what to do. They are not assertive or aggressive.”

Important to note is the fact that both Lira and Mukono districts did not have gender officers; instead Lira District had a Senior Community Development Officer while Mukono had three Community Development Officers (Field notes).

Women’s Representation and Participation in District Land Boards

While the Constitution of Uganda, 1995, and Land Act, 1998 (Section 58[3]), requires at least one third of the District Land Board members to be women, statistics from the Ministry of Lands, Housing and Urban Development indicates that only 28.6% (16 out of 56) District Land Boards met the required one third female membership; 35.7% (20 out of 56) of the District Land Boards had less than one third female members; 33.9% (19 out of 56) had 40% female membership; exceptionally, 1.8% (only 1 out of 56 District Land Boards[Mpigi District]) had more female members (60%) than male members. Only 2 District Land Boards (Bushenyi and Kasese) had female chairpersons (Table 9 in Appendix). According to Mr. Odyek Ogwal, Chairperson of Lira District Land Board (In-depth Key Informant Interview, October 2008) “Lira District Land Board managed to get only 2 women out of a Board membership of 7

instead of 3 because the women could not meet the criteria for appointment – women who could articulate issues in English and interpret the Land Act, 1998.”

Further analysis shows that participation of women in District Land Board meetings was low; for instance, in only 3 out of the 9 meetings of Lira District Land Board meetings did women’s attendance exceed 30%. Similarly, in Mukono District Land Board meetings only 14 out of the 36 meetings did women’s attendance exceed 30%.

Section 63(4) of the Land Act, 1998, stipulates that the quorum at any meeting of District Land Board is three. The quorum is not dependent on the total number of members on a District Land Board - 2 out of 56 District Land Boards had four members; 32 District Land Boards had five members; 18 District Land Boards had six members; 2 District Land Boards had seven members; 1 District Land Board District Land Boards had nine members; while 1 District Land Board had 10 members (Table 9 in the appendix). Not only was the quorum not dependant on the total number of members per District Land Board but the Land Act, 1998, nor the Guidelines on the Management of Land and other Related Issues under the Land Act, 1998, specify the minimum number of women per meeting implying that women might not even be present in meetings as was the case during the Lira District Board meeting that was held on 7th December 2008. Data shows that women’s participation in both Lira and Mukono District Land Board meetings was low. An analysis of female member’s attendance of District Land Board meetings in Lira District shows that in only 3 out of the 9 meetings did women participation exceed 30% (Table 1 below).

Table 1: Attendance of District Land Board Meetings by Gender in Lira District

Date of Meeting	District Land Board Members			District Technical Staff		
	Female	Male	Percentage of Female Representation	Female	Male	Percentage of Female Representation
11 th and 12 th April 2006	2	5	28.6%	1	3	25%
21 st March 2007	2	4	33.3%	1	3	25%
30 th & 31 st October 2007 and 1 st November 2007	1	5	16.7%	1	4	20%
14 th and 15 th March 2008	2	5	28.6%	1	3	25%
5 th and 6 th May 2008	2	4	33.3%	1	6	14.3%
1 st and 2 nd July 2008	1	4	20%	0	3	0%
2 nd , 3 rd and 6 th October 2008	1	4	20%	1	3	25%
7 th December 2008	0	3	0%	1	3	25%
18 th , 19 th and 22 nd December 2008	2	4	33.3%	1	3	25%

Source: Minutes of District Land Board Meetings.

Table 2: Attendance of District Land Board Meetings by Gender in Mukono District

Date of Meeting	District Land Board Members			District Technical Staff		
	Female	Male	Percentage of Female Representation	Female	Male	Percentage of Female Representation
18 th March 1999	3	4	42.9%	–	–	–
4 th May 1999	3	5	37.5%	1	–	100%
2 nd June 1999	3	5	37.5%	1	–	100%
29 th July 1999	3	5	37.5%	–	1	–
14 th October 1999	3	5	37.5%	1	–	100%
16 th December 1999	1	4	20%	3	1	75%
20 th April 2000	3	5	37.5%	1	–	100%
30 th June 2000	2	5	28.6%	1	1	50%
28 th September 2000	2	5	28.6%	–	1	–
2 nd November 2000	2	5	28.6%	1	3	25%
7 th December 2000	2	5	28.6%	–	1	–
15 th February 2001	1	6	14.3%	–	1	–
29 th March 2001	2	5	28.6%	1	1	50%
24 th May 2001	2	5	28.6%	–	1	–
27 th September 2001	3	5	37.5%	–	1	–
12 th November 2001	2	5	28.6%	2	2	50%
12 th February 2002	2	5	28.6%	1	1	50%
10 th April 2002	2	4	33.3%	2	–	100%
25 th & 26 th April 2002	2	5	28.6%	2	1	66.7%
29 th & 30 th May 2002	2	5	28.6%	2	–	100%
26 th & 27 th June 2002	2	5	28.6%	2	–	100%
30 th and 31 st July 2002	2	5	28.6%	2	–	100%
29 th August 2002	2	5	28.6%	1	1	50%
26 th September 2002	2	5	28.6%	1	–	100%
29 th November 2002	3	5	37.5%	2	–	100%
19 th December 2002	2	5	28.6%	1	–	100%
12 th February 2003	2	5	28.6%	2	1	66.7%
27 th March 2003	2	5	28.6%	2	–	100%
10 th June 2003	2	5	28.6%	2	–	100%
26 th June 2003	2	4	33.3%	2	1	66.7%
31 st July 2003	2	4	33.3%	1	1	50%
25 th September 2003	1	4	20%	1	1	50%
23 rd October 2003	1	4	20%	–	2	–
27 th November 2003	2	4	33.3%	1	2	33.3%
18 th December 2003	2	4	33.3%	1	2	33.3%
5 th January 2004	2	4	33.3%	3	5	37.5%

Source: Minutes of 1st – 36th Mukono District Land Board Meetings.

Section 63 (5) of the Land Act, 1998, stipulates that “any decision of the Board shall be arrived at by consensus and, in case of a contentious issue, by a majority vote.” A former Secretary to Mukono District Land Board asserted that “it is rare for land issues to be voted; they are handled by fact. The member of a particular area/ town council has the final say to defend his/her area” (field notes). The implications for women’s land rights is issues not receiving attention/ being ignored if the majority of members present do not see them as worthy to address.

Verma (January 2007) writing about both Kenya and Uganda points out that numbers do not tell the entire story. Having women on land boards does not change the underlying norms and behaviours. Power relations still privilege men, and women often find it difficult to make progressive decisions that protect the rights of other women. By doing so, they face an uphill battle, but also they face resistance and backlash from men board members. *The tacit assumption that female members will advocate gender equality in proceedings and decisions on land, and that they may serve as role models and diminish the barriers for women to approach, and benefit from services of land institutions.* She argues that it is not evident that District Land Boards are effective in supporting women's land rights, because of the dominance of men and because women sitting on the boards are embedded in cultures that does not recognise them or give them voice. She quotes a respondent who exclaimed about women Land Board members as, "that's it, they are only sitting on the boards, they don't have the power to do anything else but sit". Increased numbers on the board doesn't mean as much when the culture of the board is comprised of an "old-boys network", where women are afraid to speak or to assert themselves for fear of being labelled or stigmatised. This is especially an issue when women come from the areas where they are representing their constituencies, and must continue to live in these areas. Therefore, beyond ensuring one third women on the boards, it is also necessary to begin thinking about institutional change that empowers like-minded women to make decisions that are more equitable and support vulnerable women in ensuring their rights to land.

Ahikire (2007), on the other hand, argues that while the gender capacity of institutions does not always necessarily correspond to the numbers of women therein although the question of numbers cannot be discounted completely. She (Ibid) writing on women in local councils and the politics of presence points to the need to understand women's presence in formal politics in a new way – as new energies brought into the political space by social groups that used to be excluded. Although one cannot argue that female representatives are better placed and can represent women and gender interests better than men, their presence and participation tend to expand possibilities and expectation of community leadership ... and spaces for inclusion and exclusion. She (Opcit) argues that in Uganda, the women's quota for local government worked to break down the masculine face of public affairs in local politics. That on its own, decentralisation and the associated transfer of power to people to elect leaders would not have achieved substantial women's public presence.

3.3.3 Land Committees

Section 65 (1) of the Land Act, 1998, established "a Land Committee for each parish consisting of a Chairperson and three other members appointed by the District Council on the recommendation of the Sub-County Council" while Section 65 (2) of the Land Act, 1998, further stipulates that "There shall be for each gazetted urban area and each division in the case of a city, a Land Committee consisting of a Chairperson and three other members appointed by the Council on the recommendation of the Urban Council, and in the case of a city, on the recommendation of the City Division Council." An amendment to the Land Law, 1998, moved these institutions from the parish level to the higher sub-county level (Land (Amendment) Act, 2004). Members of land committees hold office for a period of three years and may be eligible for re-appointment for a further term (Section 65 (4) of the Land Act, 1998).

Section 66 (1) of the Land Act, 1998, stipulates that "a person shall qualify for appointment as a member of the land Committee if – (a) he or she is thirty years of age or more; (b) he or she has not been convicted of an offence involving moral turpitude; and (c) in case of the Chairperson, he or she is able to speak and write English. The lack of qualifications for Land Committee

members is in favour of women who are illiterate or semi-literate and would not have qualified appointment.

Process of Selection of Area Land Committees Members

According to Mr. Umaru Kakonge, Ntenjeru Sub-County Recorder/ Secretary to Ntenjeru Area Land Committee (In-depth Interview, 5th May 2009), members of the Area Land Committee are identified and appointed by the Local Council III Executive and their names forwarded to the District Council for approval. The process involves Sub-County Councils selecting members of ALCs then forward to the District Council for approval through the Chief Administrative Officer (CAO). The CAO brings the matter to the attention of the District Land Board in writing to the Secretary of the District Land Board who in turn notifies the Secretary/ Clerk to the District Council in writing. The District Council appraises members of the ALC individually. Upon approval of the members of the ALC, the Clerk to the District Council writes to the Secretary of the District Land Board, who in turn writes to the Sub-County Council with attention to the CAO (Field notes).

In Mukono District, members of ALCs were chosen by virtue of their being staunch supporters of the National Resistance Movement (ruling/ incumbent political ruling party); general understanding of the area; past experience in a public office; willingness to volunteer for community work; good behaviour; and, ability to speak and write English and/or Luganda (Focus Group Discussions with Area Land Committee members).

In Lira District, the criteria for selecting ALC members were: level of educational level (at least Uganda Certificate of Education (UCE)/ Senior Four), integrity, public relations, criminal records, gainful employment/ income-generating activities, be holders of non-political posts and not be actively involved in any political party; elderly; knowledgeable about land matters in the area and the Land Act; and, responsibilities in a public office in the past (Focus Group Discussions with Area Land Committee members, In-depth Key Informant Interview).

Women’s Presence on Area Land Committees

The Land Act, 1998, requires that at least one of the four members of the land Committee shall be a woman (Section 66[2]) while the quorum of the Committee is three (Section 68[3]). However, the one-quarter (25%) women representation is in contravention to the constitutional provision of obligatory ‘gender balance’ in institutions of governance (Objective VI of the National Objectives and Directive Principles of State Policy stipulates that “The State shall ensure gender balance and fair representation of marginalised groups on all constitutional and other bodies” (Republic of Uganda, 1995).

A sample of 13 Area Land Committees from Lira and Mukono Districts found that 3 had 20% female membership; 2 had 25% female membership; 6 had 40% female membership while 2 had 50% female membership (Table 3 below):

Table 3: Women’s Representation on Area Land Committees as per May and June 2009

Area Land Committee	Number of Men	Number of Women	Percentage of Women Representation
Alo Sub-County, Lira District	3 (previously 4 but one did not take up responsibility)	1	25% (previously 20%)
Amach Sub-County, Lira	3	2	40%

District			
Lira Sub-County, Lira District	4	1	20%
Adekokwok Sub-County, Lira District	3	2	40%
Okwang Sub-County, Lira District	3	2	40%
Central Division, Lira Municipality, Lira District	2	2	50%
Orum Sub-County, Lira District	3	2	40%
Ojwina Division Council, Lira District	2 (previously 3 one died)	2	50% (previously 40%)
Adyel Sub-County, Lira District	4	1	20%
Barr Sub-County, Lira District	3	2	40%
Ntenjeru Sub-County, Mukono District	3	2	40%
Nakisunga Sub-County, Mukono District	4	1	20%
Mukono Town Council, Mukono District	3	1	25%

Source: Field notes.

Section 68(5) of the Land Act, 1998, stipulates that “a decision of the Committee shall be reached by consensus and in case of a contentious matter by a majority vote.”

Roles of the Area Land Committees as Understood by ALC Members in Mukono and Lira District

- Check and validate claims – formal surveys and checking of all rival claims to land for those who want land titles.
- Assist District Land Board to inspect and verify ownership of the land and its boundaries within their respective sub-counties in order to avoid land conflicts. A member of Mukono District Land Board pointed out that *“without the presence of ALCs, the Board cannot not handle any land matters due to meagre resources that District Land Boards cannot make field visits but depend on the information that ALCs provide. Members of th District Land Board make spot field visits if they are in doubt of the information provided by the ALCs.”*
- Notify the public – 21 days before the approval of leasing/ titling process, and land sale before recommending buyer and seller to the District Land Board for processing of land title.
- Recommend applicants to District Land Board for issuance of land titles through endorsing applicants’ forms.
- Assess applicants of public land and decide whether their applications should be considered or not. The District Land Board decision to allocate public land is based on recommendations of the Area Land Committee.
- Act as go-between District Land Board and the local people.
- Act as go-between land owners and occupants who want to get land titles.
- Witnesses the buying and selling of land, i.e., signing on land agreements.

- Sensitise people about land issues such as leasing of land; the Land Act and their land rights; how to handle land conflicts.
- Encourage local people to get land titles.
- Verify accessibility of land.
- Settle/ resolve land disputes.

However, none of the roles include the protection of women's land rights.

Constraints Faced by ALCs in Performing their Roles

Discussions with members of the ALC revealed their main constraints as:

- Limited or no knowledge on land rights issues.
- No facilitation (transport and salaries) from Government; hence loss of interest in their work. Lack of facilitation had resulted in meetings not being held regularly as required. ALCs members pointed out that "District is supposed to transmit money to the sub-county upon sell of land in that sub-county, but does not. This money would facilitate ALCs carry out their work."
- ALC members not knowing their roles and responsibilities and are not adequately equipped by local governments to carry out their roles.
- Some ALC members were illiterate (could not read or write in either the local language or English). The Land Act is in English; many ALC members who can read cannot interpret it.
- Political interference from all levels.

Area Land Committee Members' Awareness of Women's Statutory Land Rights

Understanding of women's statutory land rights by both women and men members of Area Land Committees was minimal or non-existent. Many ALC members were unaware of women's legal land rights stipulated in the Constitution of Uganda, 1995 and in the Land Act, 1998, such as the spousal consent clause.

Specifically, female members did not know what to do; they are just there to fill the requirement at least one third women representation and there were not helping the women access their land rights.

The training received in preparation for their responsibilities did not include gender analysis or women's land rights. The training of ALCs ranged from one day to one week and covered: the Land Act, 1998; the roles and responsibilities of ALCs and how to carry them out; requirement for one-third membership on ALCs to be female; how to sensitise local people on the importance of land titles and their land rights; the land titling process; how to fill land application forms; how to demarcate land boundaries; types of land tenure systems; leasing of land and who to give leases and freeholds; procedure/ process of resolving land conflicts; use of wetlands; the need for ALC members to separate themselves from politics. Some Area Land Committees reported receiving no training at all but a briefing on the day of swearing in (Focus Group Discussion with Area Land Committee members).

Gendered Identity and Citizenship: ALC Members' Beliefs and Attitude towards Women's Land Rights

Central to the endemic land issue is the question of identity and its link to citizenship. The concept of *citizenship*, should understood not only as a status or identity, but also and importantly, as a practice and a process through the exercise and claiming of rights, and through participation in governance. Various defined in terms of ethnicity, class, or gender, concerns relating to identity underlie questions about who belongs and on what basis, which provides normative criteria that shape who gets resources. The effect that cultural norms and values

appear to play in the power dynamics that shape local resource allocation. This has potential application to women on customary land under traditional governance structures, where membership to the group constitutes the primary means of defining citizenship, which brings with it entitlement to access land and other natural resources (Hornby, 15 May 2006 quoting Cousins Ben. 2005. *Tenure Reform in South Africa: Titling versus Social Embeddedness*. Forum for Development Studies, No. 2, 2005).

Women may have legal rights on paper but such rights are meaningless unless they are both socially recognised and enforced. The reality of local land administration is that local or customary beliefs about women owning land continue to play a key role. The land rights of women are challenged by their social identity. Even when laws exist to protect women, social conventions make it difficult for them to realise their rights in practice. Although Uganda's national legislation guarantees land rights for men and women, customary norms and practices show a strong bias against women owning land. Society understands women's land rights in terms of family/men's rights. Land entitlements are attached to citizenship. 'Laws' governing forms of citizenship shape how people identify with territory (residence-based citizenship) or ethnicity (ethnic based citizenship). These identifies are very important for access to resources. Gendered local citizenship is constructed around land ownership as exemplified by the following quotes from in-depth key informant interviews and focus group discussions with members of ALCs:

Local Gendered Identities and Citizenship around Land Rights

While the law sees men and women as equals, the mentality is that land belongs to men:

The word “mukyala” means “visitor” (someone who came to visit); “how can a visitor own land?” (Focus Group Discussion, Area Land Committee).

Muvuala – muvubuka – mukazi – mukyala; mulenzi – muvubuka – musajja – mutaka (A woman’s lifecycle progresses from a girl, adolescent, single woman to ‘visitor’ (married woman) while a man’s lifecycle progresses from a boy, adolescent, man to landlord (mutaka) (In-depth key informant interview).

Land belongs to men alone because women can move away anytime (Focus Group Discussion, Area Land Committee).

Muttijja na bano. Abo bakyala, bajja kukyala (You fuss over women). Those women came to visit) [this signifies women being accorded only access rights] (In-depth key informant interview).

Omukala si mutaka nsi; bijja bigereke (A woman is not a ‘landlord’; it is divinely ordained!) (In-depth key informant interview).

I brought her alone (she came empty-handed without land); leave land alone (Focus Group Discussion, Area Land Committee).

Under ancestral land tenure, land belongs to the clan and to the man. Land is passed on from generation to generation (In-depth Key Informant Interviews).

The practice is that when a father dies, the family gives land to the men. Culturally, the girl child does not get land, so when distributing property, the girls do not get any. The clan sits and decides who gets land. The wife does not belong to that family; she was not there when the man acquired property either through purchase or inheritance (Focus Group Discussion, Area Land Committee).

Traditionally you cannot own land where you were not born. Traditionally, women access land through their husbands, fathers or male children. In case of death of both the husband and wife, male children take over control. In instances where the couple have only female children, the husband’s family/ relatives marry them off and take the land. However, if the children have produced children while still in their parents’ homes, the male grandchildren can take their grandparents’ land! However, you can own land through purchase from anywhere! (Focus Group Discussion, Area Land Committee).

Local attitudes to women gaining rights in land independently of their membership of and obligations to male-headed households are very important. These local attitudes include those of women themselves. Many married women never feel they own the plots they have been occupying for many years, not even when they become widows, and they always refer to a male person (usually the eldest son) as the owner of the plot. This may harm them, particularly if their husbands die while their children are still minors, since the usurpations of land that have not been formally registered, belonging to people who know little. Women often do not see themselves as entitled to their spouse’ land as demonstrated by a widow in Mukono District who was asked to show her share of the inheritance: *Kati mama ewawo wa? Nz’ eno siwafe, najje kufumba, najja ku kyalayo bukyazi (mum, where is your portion of the (Mum, where is your portion of the land? This is not my home. I only came to ‘cook’, I just came to ‘visit’) (In-depth key informant interview).*

The way the issue of co-ownership of family land has been perceived in Mukono is that in case of divorce the woman takes half the land. Spousal co-ownership of land will increase instability in marriage as women will keep on marrying and divorcing up to 5 times in order to acquire land. If she marries and divorces 5 times she ends up owning more land than the men she has been married to (In-depth key informant interview).

3.4 Delivery of Land Services

Under Land Sector Strategic Plan (LSSP), 2001 – 2011,⁴ the delivery of land services⁵ is primarily through decentralised structures – decentralisation of services and the devolution of decision-making, planning and monitoring responsibilities to local governments. Land administration and management are the responsibility of districts through their councils, District Land Boards, and Land Officers and of sub-counties through their Sub-County Chiefs and Sub-County Land Committees in collaboration with LC2 and LC3 and traditional authorities in the execution of their role). The formal systems for land dispute resolution are the Local Council 2 and 3 Courts, and Land Tribunals at district level. Informal, traditional systems of mediation are encouraged.

The institutional framework for implementation of LSSP is a three-tier structure: (i) National; (ii) Region or district; and, (iii) Sub-county and below. These 3 tiers correspond to the main decision-making levels in the decentralised system as provided under the Local Government Act, 1997. The three main functions of these tiers in relation to the land sector are:

3.4.1 Policy/ Planning and Allocation

At national level the key responsibility rests with the Ministry of Lands, Housing and Urban Development through the Directorate of Lands and the Planning and Quality Assurance Department.

At region/district level, responsibility for policy/ planning and allocation lies with the District Land Office (DLO), the District Planning Unit (DPU), District Technical Planning Committee (DTPC), and the District Council. The District Council is responsible for overall policy development, planning and allocation, while the District Land Office, DPUU and DTTC is responsible for harmonizing district land sector planning and allocations with the national LSSP. Implementation of district land policy in relation to land allocation is performed by the District Land Boards, which are autonomous from the District Councils.

At sub-county level and below, these responsibilities are borne by the LC3 Executive Committee, the Sub-County Technical Planning Committee (SCTPC), and the Sub-County Chief/ Recorder. Together they are responsible for interpretation of national and district land policies, and allocation for land administration and management activities.

⁴ LSSP was developed to provide the operational, institutional and financial framework for the implementation of sector wide reforms and land management including implementing the provisions on land contained in the Constitution of Uganda, 1995, and the Land Act, 1998 (LSSP, 2001). Implementation of LSSP builds upon the decentralisation policy by developing clearly demarcated roles between Central and local governments, defining financing and reporting procedures and providing mechanisms for conflict resolution. LSSP aims to facilitate the decentralisation of land services, the devolution of land management, and empower communities and districts to make better use of land resources. Under the Decentralisation Policy and Local Government Act, 1997, functions, powers and services are being devolved from the centre to local governments in order to increase local accountability and enhance service delivery. LSSP was designed to remove barriers to increased land utilization, to broaden land services to rural areas and customary land, to address inequality, tenure insecurity and inequitable systems and processes, to strengthen the land rights of the vulnerable, and of women, to empower local governments and communities to make and implement their own policies and plans for their land, and to provide an appropriate and supportive framework for sound environmental and natural resource management (LSSP, 2001). The Land Sector Strategic Plan recognises the vulnerability in relation to security of tenure of women. One of its strategies is to mainstream gender in all land sector activities.

⁵ Delivery of Land Services consists of procedures and modalities for receipt and processing of receivable land rights under the provisions of the law (Republic of Uganda, February 2004).

3.4.2 Technical Services and Land Management

National Level

Much of the implementation of LSSP is devolved to lower levels of government, with Ministry of Land, Housing and Urban Development (formerly Ministry of Water, Lands and Environment [MWLE]) retaining the roles of inspection and monitoring, technical advice, support, supervision and training, in line with the Local Government Act. Within MLHUD responsibility for these functions lies with the Directorate of Lands (comprising of the departments of Land Registration, Survey and Mapping, Land Valuation, Physical Planning(planning for land use, and Land Administration/ Inspectorate). In addition a Strategic Policy and Planning Unit was established.

District Level

At the district/ regional level technical services are provided through the **District Land Office**. The Land Act, 1998, Section 60(6) stipulates that “each District Council shall have a District Land Office comprising the offices of the District Physical Planner, the District Land Officer, the District Valuer, the District Surveyor and District Registrar of Titles.” The District Land Office is to provide technical services to the District Land Board.

Mukono District Land Management Department offers the following services:

- Mailo tenure registration.
- Leasehold registration.
- Mapping and surveying authorisation.
- Checking and registration.
- Housing, physical and urban planning.

Table 4: Composition of Mukono District Land Management Department (headed by the Land Officer) by Gender

Position	Gender of Officer
Land Officer	Male
Land Registrar	Female
Physical Planner	Male
Surveyor	Male
Land Valuer	Male
Cartographer	Male

Source: Field notes.

Table 5: Composition of Lira District Land Management Department (headed by the Land Officer) by Gender

Position	Gender of Officer
Land Officer	Male
Physical Planner	Female
Surveyor	Male
Land Valuer	Male
Cartographer	Male
Records Officer	Female

Source: Field notes.

Sub-County Level

The primary technical service situated at the sub-county level is certification and recording of subsequent transactions, which is the responsibility of the Sub-County Chief/ Recorder. A Sub-County Land Committee assists the District Land Board in demarcation, inspection and recommending the issuance of certificates according to its role under the Land Act, 1998. In 2009, Mukono District had 28 Area Land Committees. In their operations, both the Recorder and the Land Committee collaborate with lower levels of government (LC1 and LC2).

Secretary to the District Land Board

The District Service Commission appoints a Secretary to the District Land Board who is a public officer (Section 62 (1) of the Land Act, 1998) with knowledge and experience in matters relating to land (Section 62 (2) of the Land Act, 1998). The Secretary to the Board conducts all correspondence of the Board, keeps records and custody of the seal of the Board, and performs such other functions as the Board may direct (Section 62 (3) of the Land Act, 1998).

Office of the Recorder for each Sub-County or Division in a City

Section 69(1) of the Land Act, 1998, established a Recorder for each sub-county, each gazetted area and each division in the case of a city, who is answerable to the Board. In the case of – (a) a rural area, the Sub-County Chief is the Recorder; (b) a gazetted urban area, the Town Clerk is the recorder; (c) a division of a city, the Assistant Town Clerk in-charge of the division is the Recorder (Section 69[3] of the Land Act, 1998). The Recorder is responsible for: keeping records relating to certificates of customary ownership and certificates of occupancy (Section 69[2]) (Republic of Uganda, August 1998).

Formal Land Registration and Titling in Uganda

According to Burns, Grant, Nettle, Brits, and Dalrymple (2007), it takes 227 days, 13 different procedures and costs 6.9% of the property value to formally register the property transaction in Uganda.

Systematic Demarcation/ Adjudication, Registration and Titling

The Ministry of Lands, Housing and Urban Development is piloting systematic land adjudication, registration and titling in Rukarango Parish in Ntungamo District; Madigandere Parish, Luwuka County in Iganga District; Mbungoko Parish in Mbale District; and, Byanswa in Kbaale District.

Where no previous records exist, to establish a registry through systematic and community-based processes of demarcation and adjudication, pilots for the latter in Uganda illustrate that use of transparent procedures to do so, that draw on local expertise, can greatly reduce the potential for conflicts, strengthen the rights of women and others who traditionally had only weak land rights, and provide a basis for land transfers (Quan, Tan and Toulman [eds.], 2004).

The process involves:

- Sensitisation of the entire community.
- Surveying and categorising of land as individual or family.
- Demarcation of every household's land in the presence of ALCs.
- Registration and titling of land. In case of family land, MLHUD includes women's names and signatures/ thumbprints. In polygamous families where the wives are located on the same land, all the wives names and signature/ thumbprints appear on the land title. Where

wives are on different pieces of land, only the name of the wife residing on that plot is registered (In-depth Key Informant Interview).

Analysis of the application forms shows that inclusion of spouse's names on the forms is not required. Members go by the information provided on the forms and not beyond.

Sporadic (Demand Driven) Adjudication and Registration

Sporadic methods cater for on-going transaction registration processes in the operation of the land market.

The Cost of Land Registration and Titling

- Ug. Shs. 10,000/= for transfer forms.
- 10% of the value of surveyed land paid to the Uganda Revenue Authority.

In Mukono District

1. Leasehold tenure – Premium money, which is, 10% of the value of land to be leased.
2. Freehold – registration fees of Ug. Shs. 20,000/= plus 50,000/= legal fees.
3. Customary – registration fees of Ug. Shs. 20,000/= plus Ug. Shs. 40,000/= fees paid at the Gombolola (Sub-County).

Corruption considerably increase the cost of registering and transacting land. For example, registering a land transaction requires at least 250 days and payment of official fees equivalent to 39% of the property value. Such high transaction costs force people into informality with all its undesirable consequences.

The Study found that registration was not accessible to low-income groups because of lack of information and high costs, many of which are illegal – for example, paying land officers to process applications and providing transport for technicians to demarcate land.

We don't know who is who in the Land Office – brokers, thieves, District staff. District officers connive with land brokers to steal; brokers (who are mainly men), masquerade as land owners. The land officers know which land has been sold and which land has not benn sold. Land is sold two or three times; the rate is inflated and the buyers do not receive receipts. We are told that it is an issue of trust. Sometimes are we are told that the documents got lost when the officers were transferred. The government arrangement of registering land at the district is good, but it is the individual officers who are looking for where to get money.

While the District Land Office is accessible. However, the major problem is that we are not told the process. The land owner sells and tells the buyer to go to lands to make land transfers. (Informal interview with women seeking land services at Mukono Land Department)

Time Taken to Register and Title Land

The official time for registering land is two weeks. However, the Study found slowness in registering land transactions. While the official duration was two weeks, respondents seeking land services from Mukono District Land Office stated that the process of titling land took a long time, often between 3 to 8 years. Some reported having the land resurveyed because the documentation could not be traced in the Land Office. To them,

The Land Officer is very busy. It was easier in Kampala than it is now. When we come to the Land Office, we spend the whole day (Informal interview with women seeking land services at Mukono Land Department).

Women Registering Land

Statistics from a Study by MISR indicates an increase in land registration of mailo, freehold, and leasehold at national level (particularly in Central Uganda) and by women specifically having sufficient economic clout were purchasing land. While the number of women registering land is increasing, it is still very low (Tables ... and ... below). This pattern of land registration in all tenures reflects the highly unequal gender structure of land rights, with women's rights generally limited to access while men are more likely to have ownership rights (Republic of Uganda, 2001).

Table 6: Patterns of Land Registration by Tenure in Uganda, 1980 – 2002 both National General and Women

Year	Mailo/ Freehold			Leasehold		
	General National	Women Nationwide	Women as a % of National	General National	Women Nationwide	Women as a % of National
1980 – 1986	5,676	957	16.9%	7,691	720	9.4%
1987 – 1991	11,061	2,102	19%	12,352	1,366	11.1%
1992 – 1997	15,002	3,164	21.1%	14,358	1,037	7.2%
1998 – 2002	14,698	3,006	20.5%	12,277	1,720	14%

Source: MISR

Mr. Odyek Ogwal, Chairperson of Lira District Land Board (In-depth Key Informant Interview, October 2008) confirmed the above findings stating that women comprised 20% of the people registering land compared to 30% joint men and women; and, 50% men. The physical planner in Lira District made an observation that women registering land interests were increasing mainly in the urban centres. Secondly, women applying to register land were mainly educated, business women and always above 30 years of age (most of these were single, divorced or widowed women) while rural women do not bother with processing land titles as long as they can access land for farming. That women who registered land had actually bought it as opposed to inheriting it. A popular option was for parents in Mukono District, particularly women, was to buy land and register it in their son's names. Wives purchasing and registering land in children's names. In Mukono, women have bought land and registered it in the names of their sons' names was less threatening and acceptable to husbands. However, once some turned 18 years, they sold the land. A case in point is a widow whose son, immediately after completing university education, threatened the mother with rape if she didn't sell the land she had registered in his names and give him half the proceeds. She reported the matter to the Local Council I Court which ruled that the mother sells the land and shares/ gives half the proceeds with the Son.

Another case was a couple that registered land and the matrimonial home in their oldest son's names. On turning 18 years, the boy wanted to sell the matrimonial home and land and demanded five million Uganda shillings from his parents. The couple sought advice of Officers from the Ministry of Land, Housing and Urban Development (MLHUD) who advised them to give the boy the five million so that he signs the land transfer forms into the parents' names (Key Informant Interview with an Official from Ministry of Lands, Housing and Urban Development).

In both Mukono and Lira District, women were secretly (without their husband’s knowledge) buying land as security against landlessness as clan land belonged to men (field notes).

We are buying land as surety in case anything happens. However, when men come to know that women are buying land, they refuse to pay children’s school fees. If land is jointly registered, it is the woman’s money; it is the men fleeing the women. The men take it as their property and not the women. The women have no say; if they (men) sell the land, they (women) don’t know what happens to the money. (Informal interview with women seeking land services at Mukono Land Department).

Women are buying land separately; in case the man marries another woman I have security (Informal interview with women seeking land services at Mukono Land Department).

The challenges faced by women in registering land, particularly in Mukono, are:

- Officers in the District Land Office are not readily available.
- Inefficiency in the district administration.
- Corruption at the districts – no standard fees; applicants are not issued receipts after making payments.
- Poor records management at the District Offices.
- Lack of land surveyors.
- District officials ignoring the spousal consent clause. The forms for the land title have no provision for the spouse to co-sign.
- Illiteracy – women are taken advantage of and cheated, for example if she is selling 40 X 50, what is recorded is 40 X 100. This is coupled by lack of information for the illiterate.

Table 7: Kampala District, Eastern, Western, Central, Northern, 1980 - 2002

Years	Kampala District		Eastern		Western		Central		Northern	
	Mailo/ Freehold	Leasehold								
1980 – 1985	3,008	348	0	1,800	106	1,972	5,561	3,328	1	591
1986 – 1991	6,174	2,793	11	2,619	241	2,954	10,809	5,841	0	938
1992 – 1997	9,230	3,920	21	2,146	245	3,100	14,814	7,669	4	1,441
1998 – 2002	9,508	3,781	36	1,753	212	2,848	14,139	6,753	0	923

Source: MISR

Mukono District Land Officer pointed out that “anyone can easily access land in Mukono, irrespective of gender or tribe, because where land has a high value and there are people who are always willing to sell and buy land; the seller is looking for the buyer offering the highest price.

Women’s Access to Allocation of Public Land by Lira and Mukono District Land Boards’

Gender of Applicants for Leaseholds from District Land Boards

A review of the statistics from minutes of District Land Board meetings reveals that men as individuals have applied for and received more than 55% of the land titles issued compared to women (see Tables 6 – 9).

Table 8: New Application for Leasehold in Lira District

Year	Male	Female	Joint Male and Female	Institution	Total
2007	31 (70.5%)	3 (6.8%)	5 (11.4%)	5 (11.4%)	44 (100%)
2008	118 (67%)	13 (7.4%)	22 (12.5%)	23 (13%)	176 (100%)
2009	27 (67.5%)	9 (22.5%)	-	4 (10%)	40 (100%)
Total	176 (67.7%)	25 (9.6%)	27 (10.4%)	32 (12.3%)	260 (100%)

Source: Minutes of Lira District Land Board Meetings.

Table 9: New Application for Leasehold in Mukono District

Year	Male	Female	Joint Male and Female	Institution	Other	Total
1999	8 (88.9%)	-	1 (11.1%)	-	-	9 (100%)
2000	11 (61.1%)	4 (22.2%)	-	2 ((11.1%)	1 (5.6%)	18 (100%)
2001	2 (40%)	3 (60%)	-	-	-	5 (100%)
2002	31 (55.4%)	16 (28.6%)	3 (5.4%)	6 (10.7%)	-	56 (100%)
2003	39 (54.9%)	22 (31%)	5 (7%)	5 (7%)	-	71 (100%)
Total	91 (57.6%)	45 (28.5%)	8 (5.1%)	13 (8.2%)	1 (0.6%)	158 (100%)

Source: Minutes of Mukono District Land Board Meetings.

A member of an Area Land Committee in Mukono argued that the reason why there were more men applicants than women applicants was because women were not aware of the availability of public land (field notes).

Issuing of land leases by the District Land Board is based on the applicant's capacity to develop the land (money); in most case land investors are men (In-depth Interview with Member of Mukono District Land Board). The District Land Board process in allocating/ leasing public land is:

- 1) An individual(s) or institution(a) makes an application to the District Land Board.
- 2) The District Land Board forwards application to the Area Land Committee under which the land in question is located for verification.
- 3) Members of the Area Land Committee inspect the land in question and make recommendation to the District Land Board on whether the land is occupied and should therefore not be allocated or free for allocation.
- 4) If land is unoccupied, the Area Land Committee signs the freehold grant.
- 5) The recommendation is forwarded to the District Land Board either by the applicant or Area Land Committee.

Cost of the land is determined by the District Land Valuer depending on the size of the land, its economic value/ benefits. Mukono District, for instance, does not have a standard, so there are no fixed rates.

Table 10: Lease Extension/ Renewal in Lira District

Year	Male	Female	Joint Male and	Institution	Total
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					Female				
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	
2007	35	89.7%	3	7.7%	-	-	1	2.6%	39
2008	45	64.3%	10	14.3%	2	2.9%	13	18.6%	70
2009	20	64.5%	7	22.6%	1	3.2%	3	9.7%	31
Total	100	71.4%	20	14.3%	3	2.1%	17	12.1%	140

Source: Minutes of Lira District Land Board Meetings.

Table 11: Lease Extension/ Renewal in Mukono District

Year	Male	Female	Joint Male and Female	Institution	Total
1999	16 (84.2%)	2 (10.5%)	-	1 (5.3%)	19 (100%)
2000	18 (81.8%)	3 (13.6%)	1 (4.5%)	-	22 (100%)
2001	10 (71.4%)	2 (14.3%)	-	2 (14.3%)	14 (100%)
2002	22 (75.9%)	4 (13.8%)	-	3 (10.3%)	29 (100%)
2003	25 (73.5%)	6 (17.6%)	1 (2.9%)	2 (5.9%)	34 (100%)
Total	91 (77.1%)	17 (14.4%)	2 (1.7%)	8 (6.8%)	118 (100%)

Source: Minutes of Mukono District Land Board Meetings.

Table 12: Conversion of Leasehold to Freehold in Lira District

Year	Male		Female		Joint Male and Female		Institution		Total
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	
2007	1	25%	-	-	-	-	3	75%	4
2008	20	74.1%	5	18.5%	-	-	2	7.4%	27
2009	4	80%	1	20%	-	-	-	-	5
Total	25	69.4%	6	16.7%	-	-	5	13.9%	36

Source: Minutes of Lira District Land Board Meetings.

Table 13: Consent of Transfer of Ownership in Lira District

Year	Male Vendor - Male Purchaser	Male Vendor - Female Purchaser	Female Vendor - Male Purchaser	Male Vendor - unspecified	Institution Vendor - Male purchaser	Institution Vendor - Institution Purchaser	Total
2007	2	1	1	1	-	-	5
2008	2	1	1	-	-	2	6
2009	2	-	1	-	1	-	4
Total	6	2	3	1	1	2	15

Source: Minutes of Lira District Land Board Meetings.

Table 14: Sub-Division of Leasehold in Mukono District

Year	Male	Female	Joint Male and Female	Institution	Total
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1999	1 (50%)	1 (50%)	-	-	2 (100%)
2000	4 (80%)	-	1 (20%)	-	5 (100%)
2001	1 (50%)	1 (50%)	-	-	2 (100%)
2002	15 (78.9%)	4 (21.1%)	-	-	19 (100%)
2003	-	1 (50%)	-	1 (50%)	2 (100%)
Total	21 (70%)	7 (23.3%)	1 (3.3%)	1 (3.3%)	30 (100%)

Source: Minutes of Mukono District Land Board Meetings.

Procedures for Application for Certificate of Customary Ownership

Section 7 (2) of the Land Act, 1998, stipulates that “Where an application has been submitted to the Committee, a notice ... shall be published and posted in a prominent place in the parish and on the land which is the subject of the application –

- (a) Specifying the location and approximate area of the land.
- (b) Requiring all persons who claim any interests in the land or in any adjacent land which may be affected by the application, including in respect of any adjacent land, claims as to the boundaries of that land, to attend a meeting of the Committee at a specified time and put forward their claims and the time specified shall be not less than two weeks from the date on which the notice is published and posted as required by this subsection.
- (c)

3.4.3 Land Dispute Resolution

i. Land Dispute Resolution Institutions

National level: the High Court, Court of Appeals and Supreme Court.

Regional/ district level – District Land Tribunals

Sub-county and below – LC2 and LC3 Courts handle the bulk of cases at parish level and below.

Appeals are to District Land Tribunals which operate on a circuit basis.

Types of Land Disputes/ Conflicts

Land conflicts are between:

- Landlords/ladies and tenants or squatters. An Officer from the Ministry of Lands, Housing and Urban Development made an observation that women’s land was easier target for grabbing, for instance “bona fide occupants to put caveats on land owned by women, yet the women possessed land titles.” Mukono District Community Development Officer noted that land owners sell land after which they bring bona fide occupants to court accusing them of trespassing on their land. Another scenario was when a man dies who is a kibanja holder, the land owner immediately evicts his family on the precept that the late husband owed them money. She (ibid) pointed out that “when women become heirs, they tend to sell it because their brothers harass them or even kill them; the brothers will not allow them to bring their husbands.”
- Tenants.
- Boundary disputes between neighbours.
- Members of the same household (brothers and sisters) over inheritance or disposition of family land.
- Between co-wives.
- Relatives and orphaned children.
- Sellers, buyers and the public.
- Individuals (former land owners, tenants, squatters) and institutions (local government, churches, schools, hospitals) that sought to register land for private enterprises.

Multiple Causes of Land Disputes

Land disputes are a result of: multiple sales of the same piece of land, boundary disputes between households.

- Multiple/ overlapping claims of ownership over the same land. This is exacerbated in situations of armed conflict, where large numbers of women become widowed and children orphaned, and figure among the highest numbers of displaced people. Returnees (internally displaced persons) and by new occupants to the same piece of land. After the end of the armed conflict, competing land claims by returnees and by new occupants have generated disputes. Returnees find that their land is occupied by others and recovering their property may entail displacing the existing occupants. For instance, in Lira District, as women return from Internally Displaced Person (IPD)'s camps, a lot of them were being thrown off their husbands' land. On the other hand, women who were childless and those who had lost their husbands and sons during the war were remained behind in Camps instead of returning to their husbands' land for fear of being chased away" (In-Depth Key Informant Interviews). As the case of Lira District indicates wars can eliminate or displace thousands and sometimes millions of peoples in a few years, leaving their lands vulnerable to occupation by others. The massive return of refugees and internally-displaced persons to their traditional lands in post-war periods generates new conflicts and pressures. The gender dimensions of land tenure are particularly acute in contexts where many men have been killed by war, and where women have survived but cannot secure their inherent land rights due to male-centred tenure systems (Baranyi and Weitzner, May 2006).
- The question of 'nationality'/ 'ethnicity'
- Land fraud from the District Land Office.
- Release of information from the Land Office.
- Selling/ transferring of land without public notice.
- The Local Council I members misuse their powers in issuing land to buyers and sellers hence increasing more land conflicts.
- Selling and buying land without proper documentation.
- Conversion of land from communal to individual.
- Friend lending land to another and both die, their children start fighting.
- Inheritance disputes among families. Intra-family conflicts are mainly related to gender, for example, relatives hiring or selling widows and orphans' land without their consent.
- Land grabs by rich people, military or state agencies.
- Lack of proper demarcation of boundaries. War insecurities resulted in boundary marks being moved or destroyed.
- Trespass on land – cultivating the communal land illegally.

The problem is that buyers of land come with a lot of money and bribe the Local Council I Executive and Police. When the Area Land Committee intervenes, they are accused of assault and imprisoned, then the land is grabbed. It is mainly mailo land.

A case in point is an 80 year old woman who lost land because the LC connived with the buyer. One of the family members (a younger sister) sold father's mailo land. Only one acre demarcated for the bonafide occupants and sold the rest (In-depth key informant interview, Mukono District).

3.5.1 Locus and Form of Land Dispute Resolution Machinery

In the main, decentralisation of land administration and management in Uganda has been accompanied by localisation of land dispute resolution mechanisms. The formal systems for land dispute resolution stipulated by the Constitution of Uganda, 1995 and Land Act, 1998, are the Local Council 2 and 3 Courts, and Land Tribunals at district level. Informal, traditional systems of mediation are encouraged. The Study reveals that in cases of land grabbing, women first went to the clan then LC 2 Court, LC 3 Court and finally Chief Magistrate's Court.

1. *District Land Tribunals*

The Constitution of Uganda, 1995, (Article 243[1]) and the Land Act, 1998, established District Land Tribunals for each district (Section 75), a Land Tribunal for each sub-county and a Land Tribunal for each gazetted urban area, and in case of a city a Land Tribunal for each division (Section 81 & 82) as a decentralised system of dispute resolution with jurisdiction over (a) the determination of disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other authority with responsibility relating to land; and, (b) the determination of any disputes relating to the amount of compensation to be paid for land acquired (Article 243(2). The Chairperson of a land tribunal was to be appointed on the advice of the Judicial Service Commission (Article 243(3). Article 243(5) of the Constitution provided for a right of appeal from a decision of a land tribunal to a court of law (Republic of Uganda, 1995 & 1998). Land Tribunals were independent of the judiciary but with the recourse to ordinary courts.

In mid-2006, there were only 18 District Land Tribunal on a circuit basis for 80 districts. District Land Tribunals were suspended in 2007 (after only two years in operation) by a directive (Practice Direction) from the then Principle Judge, Justice Ogola, to transfer all cases to the Chief Magistrates' Courts (i.e. at District level) (Official, Ministry of Lands, Housing and Urban Development).

Office of the Mediator

In addition, the Land Act, 1998, provides for the appointment of adhoc mediators in appropriate circumstances to assist the tribunals in resolving disputes.

2. *Magistrate's Courts*

The Chief Magistrate observed that the people who report cases to the Chief Magistrate's Courts were dissatisfied with the decisions made in the lower courts (LC II and LC III). Women tended to have disputes with their neighbours, in-laws, and siblings.

Extent of land conflicts: Data from the Chief Magistrate's Court in Mukono District shows a high level of disputes over land compared to other court cases. About 83.7% of court cases handled by the Chief Magistrate's Court in 2007 were land-related; this number reduced to 48.8% in 2008. This validates Burns, Grant, Nettle, Brits, and Dalrymple (2007), who indicate that 48% of plots in Uganda are reportedly being disputed, with roughly half the disputes related to boundaries, and a further 35% related to tenancy issues.

Table 15: Number of Land-related Court Cases vis-à-vis other Civil Cases Handled by the Magistrate's Court in Mukono in 2007 and 2008.

LAND CASES				
Year	Total	Gender of Complainant to Defendant	Cases	Cases

	Number of Land Cases	Male to Male	Male to Female	Female to Male	Female to Female	Other (Companies, schools)	Completed/ concluded	Pending
2007	170	96	11	17	4	42	13	157
2008	63	39	5	7	2	10	22	41
OTHER CIVIL CASES								
Year	Total Number of Civil Cases	Gender of Complainant to Defendant					Cases Completed/ concluded	Cases Pending
		Male to Male	Male to Female	Female to Male	Female to Female	Other		
2007	33	8	3	9	3	10	2	31
2008	66	33	5	6	1	21	22	44

Source: Records of Mukono District Chief Magistrate's Court.

The data above indicates that, generally, more men than women reported/ took cases to Chief Magistrate's Court at the district level. In 2007, 62.9% of the total number of land complainants were men compared to only 12.4% women complaints, and 24.7% institutions. While the percentage of men complainants in other civil cases was 33.3% compared to 36.4% female complainants, and 30.3% institutions. In 2008, 69.8% of the total number of land complainants were men compared to only 14.3% women complaints, and 15.9% institutions. On the other hand 57.6% of complainants of other civil cases were men compared to 10.6% women, and 31.8%. The World Bank (June 2005) explained the trend by women was to avoid having disputes reach the courts, partly because of cost and partly because 'disputants, particularly women, often have unequal powers to acquire legal advice and to sustain their claims.

Nature of Claims: In both 2007 and 2008, the nature of claims brought to the Chief Magistrate's Court were: trespass on land; order for transfer of Certificate of Title; grabbing of land/ other properties of the deceased.

Average Time Taken to Resolve Court Cases: According to Mr. Chemutai (Mukono District Chief Magistrate), the average time taken to resolve land-related court cases (open and close dates) depends on the number of people involved whether it is 1 against 1 or 3 against 7. Burns, Grant, Nettle, Brits, and Dalrymple (2007) put the, dispute resolution time on average at 3 ½ years.

Costs: The major costs in a case are incurred in transporting oneself and witnesses (In-depth Interview, Mukono District).

Judicial Activism as a Means of Securing Women's Land Rights

Judgement of the Court of Appeal in the Julius Rwabinumi versus Hope Bahimbisomwe Case

The Court of Appeal, in its judgment in Julius Rwabinumi versus Hope Bahimbisomwe (Civil Appeal No. 30 of 2007 as decided by Justices A. Twinomujuni, C. N. B. Kitumba and Kavuma) held that matrimonial property is joint property between husband and wife and any property owned individually by the spouses before marriage becomes joint matrimonial property after the fact of marriage. Therefore upon separation, matrimonial property should be equally divided and shared to the extent possible and practicable, irrespective of who paid for what and how much was paid (Republic of Uganda, January 2009). This judgement demonstrates the importance of an independent judiciary to guarantee women's land rights and to eradicate discrimination through legislation.

A Lawyer's Personal Initiative

A lady lawyer when drafting a land sale agreement for the seller (a man) and buyer (a woman) pushed for the seller to include both his and his wife's names on the sale

3. Local Council II and III Courts

Local Council courts are social courts that have lay judges with little or no legal training but are members elected by the local community and who rely on traditional witnesses for evidence. Land disputes are handled at the Local Council II Courts. If the dispute is not resolved, it's then referred to the Magistrate's Court.

Observation of the LC III Court Proceedings of Ntenjeru Sub-County Council in the Case of a Young Woman who Constructed a House on an Old Man's Land

The case was presided over by three lay judges/ members of the LC III Executive comprising the chairperson (male) and two other members (one female and one male). The language of proceedings was Luganda.

The complainant made a verbal statement that was recorded by one of the LC III Court judges and signed by the complainant. The statement was read out by the LC III Court member.

The defendant was asked to take a oath; she was hesitant and was told unless she took the oath, she could not testify.

The complainant cross examined the defendant.

Two LC III Court members received phone calls which they (She and He) answered loudly.

Court called an elderly female witness who moved to a front row site directly facing opposite the Court judge.

Chairperson: Tell the court your names and where you live.

Female witness: You know where I live. (She either failed or refused to state the exact location of her residence. Neither did she state her name)

LC III Court Chairperson: Are you married?

Male court member: She is married.

Female witness: no! I am not married ; I am a 'nakyeyombekedde'. (*Nakyeyombekedde* refers to a single woman who buys land and builds herself a house; it is used in a derogatory way. Musiimenta and Mwiine (June 2009) explain that the term 'nakyeyombekedde' demonises women who think like men, compete with men, and build them house or buy land. Thus, even if culture may not explicitly prohibit women from owning land, the indirect mechanism and dynamics go a long way to discourage women from defying the cultural demands. The opposite of

‘Nakyeyombekedde’ is ‘Akezimbira tekaba kato’ literally meaning that a boy who builds himself a house is a grown up no matter his age”.)

LC III Court Chairperson: How many children do you have?

Female witness: Four.

LC III Court Chairperson: How many boys?

Female witness: Two.

Male court member: What have you come to do?

Female witness: To give evidence on a plot of land.

Male court member: What about the plot of land?

Female witness: I hear understand that this lady constructed a house on land that was not hers.

LC III Court Chairperson: How long have you stayed in the area?

Female witness: 30 years.

LC III Court Chairperson: That is a short time.

Female witness: That is long enough to give birth to you.

LC III Court Chairperson: You are not my mother.

Female witness: I can give birth to you.

LC III Court Chairperson: No you cannot.

Female witness: This period of stay is long enough to know who stays where and their plots of land.

LC III Court Chairperson: It is to know the people who stay in the place not the demarcations of land.

Female witness: You know one of the owners of the neighbouring plot (to the one in contention).

LC III Court Chairperson: During court sessions, the judge is not supposed to know the witness even if they are neighbours. Where was the defendant born?

Female witness: She was born recently.

LC III Court Chairperson: Be specific.

Female witness: I cannot tell the exact date of birth or age of a child I did not give birth to ‘physically’.

LC III Court Chairperson: As a member of the LC I Executive Committee, you did not take your responsibility to stop the defendant from constructing a house on someone else's land or from following procedure because you knew her 'your daughter' personally.

Another female member joined the LC III Court at 12.15 p.m. (three and a quarter hours after its commencement).

The Gendered Nature of LC III Court Proceedings: Observations of Ntenjeru and Nakisunga LC III Court Proceedings in Mukono District

We noted that during LC Court proceedings:

- Female witnesses were asked about their age, marital status, number of children, and where they lived while male witnesses were asked only questions relevant to the case.
- Women were wordier than men (including giving irrelevant information) when answering questions.
- Women used their gender and maternal roles to argue land rights cases. For instance, female witnesses referred to presiding LC Court members by name, gender, and perceived generational/ age gap, i.e., 'mutabani' (son), 'muzukulu' (grandchild).
- Men spoke with more confidence than the women land owners; men spoke in an assertive manner as if they owned the land yet they were the defendants who had grabbed women's land. While women showed lack of confidence when answering questions.
- Men tended to have some knowledge on the law.
- Men answered questions posed by female LC III Committee/ Court aggressively. In cases where women were against men, the women tend to lower their voices (spoke in low voice tones) when confronting men compared to when men were talking to women.

4. Customary / Traditional Mechanisms to Manage Land Disputes

Land disputes on family and clan land are handled by families and clans. In Lira District cultural leaders handled cases widowed women. In Lira District, every clan has a representative of women who have organised themselves into groups under the Wetongs. Originally the Wetongs were organised only during wartime but are now permanent and decided to have women's representatives to handle women's issues, land inclusive. the Lango Female Clan Leaders under the Lango Cultural Foundation. The Lango Cultural Foundation has a 1 group in every sub-county. However, respondents pointed out that they do not have authority to enforce.

In a case of a woman who was thrown off her late husband's land in Lira District, the woman's clan came in and said that their daughter was 'properly' married, therefore, her family will not take her back (Field notes).

5. Resident District Commissioner's Office

Although the Resident District Commissioner's Office is not mandated by law to handle land cases, they are doing so. In Mukono District, the RDC's Office notice board posted a notice

informing the general public that the RDC handles land matters in Nakifuma County (comprising of Nabbale, Kasawo, Nagojje, Ntunda, Seeta Namuganga, and Kimenyedde sub-counties) and Buvuma County (covering the following sub-counties – Nairambi, Busimuzi, Bugaya, and Bweema) while the Deputy RDC handles land matters in Mukono County (consisting of Mukono Town Council, Goma, Nama, Kyanoni, Nakisunga, Ncoome, Ntenjeru) and Buikwe County (in Buikwe, Nyenga, Kawolo, Najja, Najjembe, Lugazi Town Council, Nkokonjeru, Ngogwe, Ssi, and Njeru sub-counties). Further, land matters are handled only on Thursdays unless there is an emergency (a life threatening land dispute).

Many women whose rights are threatened appeal to the RDC to redress the situation. The Study findings reveal that

While the women are supposed to start with the LC I move to LC II then LC III, they normally jump from LCI to the RDC. Most of the women are widows trying to protect their late husband's land. Even when a woman loses a spouse her land is taken away. The LC I Office wants to sell their land and deny women their rights. Maybe the man had so many wives. The RDC's Office summons the LC Is to discuss the land matter and after reaching consensus and settling the dispute, the RDC's Office makes visits to the disputed land. Women are not comfortable using existing land dispute institutions; they either come on their own accord or are sent by the others (concerned about their plight) to the RDC's Office because they are intimidated.

The RDC is more approachable than the Magistrate's Court. The procedure of seeing the Magistrate are long yet with the RDC, you just come early morning, line up and wait (In-depth Key Informant Interviews, Mukono District).

Respondents reported cases of the RDC coming into conflict with law enforcers, for example, a case of the RDC who stopped court brokers from evicting tenants, they ran to Court and got an arrest warrant for the RDC for obstructing justice (In-depth Key Informant Interview, Mukono District Technical Officer).

6. District Land Boards

District Land Boards handle land disputes on public land and only get involved in conflicts on mailo land where there is a public facility (In-depth Key Informant Interview).

4. Concluding Remarks

There is no doubt that Government of Uganda has attempted to address some of the historical grievances faced by women's land rights. The Constitution of Uganda, 1995, and the Land Act, 1998, decentralised land administration to local bodies; provided for women's representation on District Land Boards and Land Committees, strengthens women's land rights by outlawing sales of family land without consent of spouses, and embracing the principle of non-discrimination (prohibiting gender discrimination and declaring discriminatory norms to be unconstitutional). In this context where legal provision for women's land rights, particularly constitutional provisions, treat women more favourably than customary law, decentralised land administration, if appropriately designed, can contribute to improving women's land rights. While the slow pace of implementation makes it hard to draw conclusions about the success of this process, the Ugandan legal model can at least serve as an example of efforts to integrate women's rights issues into legislation. More importantly, the law creates openings for women's land rights.

However, attempts to achieve recognition of women's land rights through national legislation have often remained theoretical, because the legislation is not effectively implemented or has produced only derisory results compared with the magnitude of the need. While the Constitution of Uganda, 1995, and Land Laws guarantee women the same rights as men, but there is a sharp disparity between national laws and local practice (ActionAid, International Food Security Network, and European Community, October 2005).

Decentralised land administration has not particularly assisted women to secure land; it did not create conditions for women and men to access land on an equitable basis largely because the local institutions responsible (both civil and customary) were not transformed. National law and policy statements about promoting women's land rights have not been translated into practice on the ground. Despite the passing of the Land Act in 1998, reforms as a whole are slow. Implementation is proving particularly slow and problematic. Planning failures are usually blamed; ambitious policies and laws and support programmes that are overly-expensive, institutionally too demanding, and too weakly supported by politicians. These are lessons include limiting the impracticality gaps between plans and practice that so bedevil top-down developments (Alden Wily, 2003b).

Women are still under-represented in the land administration structures. More importantly, protection of women's land rights is no one's responsibility. There is no mandated government institution responsible for ensuring the implementation of gender equality clauses in the Constitution of Uganda, 1995, the Land Law, 1998, and the Land Policy, September 2009. The mandated roles of the structures set up for land administration at the district and Sub-County levels do not include the protection of women's land rights.

Further, women often face significant economic, social, political and cultural constraints in acquiring land titles. The implementation of laws and policies protecting women's land rights are constrained by entrenched cultural practices, lack of legal awareness, limited access to courts and lack of resources. These implementation problems are generally more severe in rural areas than in urban areas.

As key informants pointed out:

Decentralisation has not made any difference to women's land rights because women in rural areas still have only access rights to land. The land in the village is clan land with joint ownership by all members but the land in the urban centres is private.

Decentralisation would help if women were knowledgeable about their land rights. Decentralisation per se has not helped women own land because of limited/ no dissemination of information. The problem is women not knowing where to go for land dispute resolution. Women are more informed in the urban areas than in the rural areas.

Decentralisation is not hindering of facilitating , but it is the socio-cultural situations.

Simply declaring equal land rights does not erase gender bias. As the findings of this study have shown, legal measures are not sufficient. While legal reform has legitimatised women's rights, it is not enough. There are differences between the legal and social recognition of land rights as well as between the recognition and enforcement of them. Women may have legal rights on paper but such rights are meaningless unless they are both socially recognised and enforced.

Without changes to the attitudes of much of the population, traditional practices are likely to continue regardless of the formulation of new policies or the enactment of new legislation.

Despite the existence of gender positive, sensitive and progressive statutory laws and policies in Uganda, they mean very little if there is no political will, development resources and mechanisms for them to be effective and to have force. Statutory laws are applied by District Land Boards and Area Land Committees that are blind or ineffective in defending and supporting women's rights. How best can implementation of the Constitutional provisions and the Land Law be implemented and monitored for men and women to obtain equal status in all land matters?

Political resistance and indifference is perhaps the biggest challenge of all, as leaders, legislators and officials seldom champion and often block efforts to secure justice for women through agrarian reform processes. Englert and Palmer (December 2003) rightly note that across the world demands for women's rights to land have frequently met with formidable resistance because they challenge patriarchal control. Despite lobbying and advocating for the inclusion of a provision requiring that spouses co-own their matrimonial home (co-ownership clause), women's rights activists failed to secure co-ownership of land by spouses, that entails a proprietary right over land either in joint tenancy or tenancy in common. Their views were forwarded to the relevant committees but were never incorporated in the subsequent drafts. Honourable Miria Matembe and other legislators reintroduced the issue in Parliament as an amendment. The issue was debated and accepted in principle, but again it was deliberately left out by the drafting committee of experts, who did not seem to approve of it. The provision was therefore not included in the Land Act, 1998, and eventually came to be popularly known as the "lost clause" (Republic of Uganda, January 2009). The 'lost' co-ownership clause was apparently agreed to, but lost between the Bill and Act because the MP Miria Matembe, when she read out the clauses in Parliament, had not been handed the microphone, and so they were never officially recorded in Hansard (Palmer, 2003). The consequence of this was that women in Uganda continued to be excluded from ownership of property jointly acquired in marriage or co-habitation because of the lack of a legal framework to resolve property issues in the event of termination of their relationships (Republic of Uganda, January 2009).

Securing women's rights to land will require action on many fronts and not just tenure reform.

5. Recommendations

While the Constitution of Uganda, 1995, and Land Act, Cap, 227, and National Land Policy (draft 4) aim to guarantee women's rights to land, practice on the ground suggests more needs to be done to support women's land rights in the implementation process:

Legal and Policy Issues

- **Reform laws to recognise and register all conjugal unions and address women's land rights in all conjugal unions:** While laws now exist to assert women's civic and political status, legislation governing women's status within the household and society at large is in urgent need of reform. New laws/ reform are needed to eliminate the discrimination that women currently face in matters of inheritance, widowhood, or divorce, to protect the land rights of women in various conjugal unions:
 - Legislation should embrace the different 'marriage' arrangements/ conjugal unions (legal marriage, consensual unions that are not formalised and, polygamy) that occur in real life. Besides the monogamous marriage⁶ comprising one husband and one wife who are legally married, there are couples who are married under customary rules but not civil law, couples who are in non-formal consensual unions/ are co-habiting⁷, and polygamous marriages⁸. The legitimacy of these different kinds of household arrangements and their implication for women's land rights should be dealt with in a gender-sensitive manner.

Legislation is urgently needed to address rights of women involved in situations of cohabitation for a considerable number of years without going through a ceremony of marriage. In the event of such co-habitees acquiring property together or bringing their individually owned property to the union questions as to property rights are bound to occur in the event of death or the relationship turning sour. Specific legal provision on consensual union is needed to trigger legal protection of property rights acquired during that union to enable many unmarried women to enforce their property rights when they would not otherwise be able to do. As the World Bank (June 2005) rightly points out, polygamy 'seriously affects women's rights to property. While legislating around polygamy is difficult, but to ignore formal or informal polygamy is to inadequately protect women's property rights. There are no effective and gender-sensitive titling procedures for polygamous households'.

- **Improve implementation and enforceability of Section 40 of the Land Act, 1998, on spousal consent clause:**
 - The Ministry of Lands Housing and Urban Development together with the Ministry of Gender, Labour and Social Development should develop an implementation and performance guideline on Section 40. Clear enforcement mechanisms should also be put in place at the local level. Also, all land transactions should be formally recorded.
 - Allocate functions and responsibilities for promoting women's land rights among various tiers of decentralised governance.

⁶ "Monogamous marriage" means a marriage between a man and a woman neither of whom, during the subsistence of the marriage shall he at liberty to enter into or contract any other valid marriage.

⁷ That is, they are not legally married (unmarried man and an unmarried woman) but are living together as if they were husband and wife.

⁸ A "polygamous marriage" means a marriage in which the man is married to more than one wife. While a "potentially polygamous marriage" means a marriage between a man and a woman in which the man has the capacity to contract another marriage during the subsistence of the first marriage but has not yet done so.

- **Increase Women’s Representation on Land Administration Bodies to a Minimum 50%:** The Ministry of Lands, Housing and Urban Development in conjunction with the Ministry of Local Government should increase women’s representation on District Land Boards and Land Committees to a minimum of 50% membership.
- **Enhancing the efficiency of land administration** by setting clear professional standards for delivery of land services, monitoring, and evaluating of performance of district land offices:
 - The Ministry of Lands, Housing and Urban Development should institute mechanisms for professional **supervision, monitoring, and coordination** of decentralised land administration structures.
 - Develop **checks and balances** to increase transparency and accountability of local government land administration institutions both upwards to central government and downwards to the local community; monitor land allocation and registration processes to ensure transparency of land transactions, establish open processes with publicly accessible land registers and information about how and to whom land is being allocated; efficient and speedy transactions; counter the tendency towards corruption and reduce the incidence of informal payments and opportunism by local elites.
 - In addition, the Ministry of Lands, Housing and Urban Development should set time-based targets for all types of transactions to partially address the issue of long waiting periods for dealings in land registration, coupled with wide publicity of these targets and the associated formal fees, plus document tracking.
 - The Ministry of Lands, Housing and Urban Development together with the Ministry of Gender, Labour and Social Development should develop **gendered implementation guidelines** to facilitate and ensure women’s active and effective participation in local land bodies/ land committees such as quorum rules requiring a minimum presence of women in District Land Board and Area Land Committee meetings as well as ensure gender justice in land services delivery. While the MLHUD has “Guidelines on the Management of Land and other related issues under the Land Act, 1998”, they do not include any procedures on mainstreaming gender in land administration.
 - The Ministry of Lands, Housing and Urban Development in collaboration with the Ministry of Gender, Labour and Social Development should **develop indicators to measure progress towards equity for women in land access and land rights** that can be used to assess districts’ progress towards gender equity in land access, allocation.
 - The Ministry of Lands, Housing and Urban Development in collaboration with civil society should conduct **regular land allocation and utilisation audits**.
- **Legislators need to Recognise the Social Embeddedness of Land Right’s and the Question of Local Citizenship that affects Women’s Land Rights** in focussing on equity issues:
 - The distribution of land rights cannot be separated from the distribution of status and identity, which creates differences in ‘local citizenship’. Land-related citizenship issues regarding the nature of ownership, the rights of indigenous groups and migrants, women and youth are central to the defence of livelihoods.

▪ **Capacity Building and Awareness-Raising on Gender Issues and Women’s Land Rights**

- Strengthen the capacity of local-level institutions to administer land and adjudicate disputes in a gender-sensitive way. The Ministry of Lands, Housing and Urban Development and Ministry of Gender, Labour and Social Development should work together to develop programmes to sensitise and build and/or strengthen the capacity of local-level institutions (District officials tasked with the implementation of the Land Act and its subsequent amendments and the Land Policy, District Land Boards, Land Committees, and Magistrates) and traditional leaders to administer land and adjudicate disputes in a gender-sensitive way and deal fairly with women’s claims to land; review of existing practices; women’s existing land rights under national law; inequalities in men and women’s access to, control over, and ownership over land, as well as the negative implications of discrimination practices on vulnerable members of society. As the World Bank (June 2005) report argues, the training of implementers is key to understanding gender equity in any land administration project.
- **Public awareness-raising campaigns to disseminate information concerning land laws and policy:** The Ministry of Lands, Housing and Urban Development should work with civil society groups, such as Land Equity Movement in Uganda (LEMU), Action for Development (ACFODE), Uganda Land Alliance (ULA), to raise public/ community awareness on the: legal provisions promoting and protecting women’s land rights enshrined in the Constitution of Uganda, 1995, and Land Act, 1998 and the opportunities they provide to acquire and safeguard women’s land rights, i.e., mandatory involvement of women in land administration bodies; remedies if women’s land rights are violated; and, potential barriers to women’s full participation (for example, scheduling of adjudication, traveling to registry offices, obtaining documentation). Also important is need to have public meetings in which younger people participate as a way to ensure that the next generation of landholders is also a way to ensure that the next generation of landholders better understands its rights.

The Cambodian Case

‘An example of successful information campaigns that include gender issues at the local level is the case of Cambodia’s land titling project. This education activity includes both men and women and is careful to ensure that illiterate women are provided with appropriate information. All related materials are posted in a public place in the villages, literature on land rights and titling procedures is provided in pictorial form, meetings are held in local schools or community centers, and titles are issued locally. Involvement of both female and male field staff helps emphasize gender inclusiveness’ (World Bank, June 2005).

▪ **Areas for Further Research:**

- The impact/effect of decentralising land administration, conversion of (formalising) customary land tenure into freehold tenure, land titling and registration on women, tenants, and other marginalised groups’ informal entitlements (derived/ secondary land rights).
- To what extent are women in practice able to claim the formal rights defined in the legislation. Who has benefited from law reform? Which women are able to access new

opportunities and how they 'manage insecurity' or achieve security through legal claims, market opportunities or other means, in order to strengthen their capacity to acquire and maintain rights over land.

- Why are gender-sensitive land laws and policies are not having the necessary impact and how can this be addressed.

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MINUTES OF LIRA DISTRICT AND MUKONO DISTRICT LAND BOARD MEETINGS

LIRA DISTRICT

- 1) Minutes of the Lira District Land Board Meeting held on the 11th and 12th April 2006.
- 2) Minutes of the Lira District Land Board Meeting held on the 21st March 2007.
- 3) Minutes of the Lira District Land Board Meeting held on the 30th/31st October 2007 and 1st November 2007:
 - Minute 60/11/2007 of 1st November 2007.
 - Minute 61/10/2007 of 31st October 2007.
 - Minute 62/10/2007 of 1st November 2007.
 - Minute 63/10/2007 of 30th October 2007.
- 4) Minutes of the Lira District Land Board Meeting held on the 14th and 15th March 2008.
 - Minute 73/03/2008 of 14th March 2008:
 - Minute 76/03/2008 of 14th March 2008.
 - Minute 77/03/2008 of 14th March 2008.
 - Minute 78 of 14th March 2008.
 - Minute 79 of 13th – 14th March 2008.
- 5) Minutes of the Lira District Land Board Meeting held on the 5th and 6th May 2008 in the Works Department Boardroom:
 - Minute 85/05/2008 of 5th May 2008.
 - Minute 87/05/2008 of 6th May 2008.
 - Minute 88/05/2008 of 5th May 2008.
 - Minute 90/05/2008 of 6th May 2008.
- 6) Minutes of the Lira District Land Board Meeting held on the 1st and 2nd July 2008 in the Works Department Boardroom:
 - Minute 94/07/2008 of 1st July 2008.
 - Minute 96/07/2008 of 2nd July 2008.
 - Minute 97/07/2008 of 1st July 2008.
 - Minute 98/07/2008 of 2nd July 2008.
- 7) Minutes of the Lira District Land Board Meeting held on the 2nd, 3rd and 6th October 2008:
 - Minute 06/10/2008 of 2nd October 2008.
 - Minute 09/10/2008 of 2nd October 2008.
- 8) Minutes of the Lira District Land Board Meeting held on the 7th December 2008:
 - Minute 66/01/2007 of 7th to 8th December 2007.
- 9) Minutes of the Lira District Land Board Meeting held on the 18th, 19th and 22nd December 2008:
 - Minute 16/12/2008 of 19th December 2008.
 - Minute 17/12/2008 of 19th December 2008.
 - Minute 19/12/2008 of 19th December 2008.

- Minute 11/10/2008 of 21st October 2008.
- Minute 11/10/2008 of 24th October 2008.

10) Minutes of the Lira District Land Board Meeting held on the 26th, and 27th March 2009:

- Minute 27/03/2009 of 26th March 2009.
- Minute 29/03/2009 of 27th March 2009.
- Minute 30/03/2009 of 27th March 2009.
- Minute 31/03/2009 of 27th March 2009.

MUKONO DISTRICT

- Minutes of the 1st Mukono District Land Board Meeting held on 18th March 1999.
- Minutes of the 2nd Mukono District Land Board Meeting held on 4th May 1999.
- Minutes of the 3rd Mukono District Land Board Meeting held on 2nd June 1999.
- Minutes of the 4th Mukono District Land Board Meeting held on 29th July 1999.
- Minutes of the 5th Mukono District Land Board Meeting held on 14th October 1999.
- Minutes of the 6th Mukono District Land Board Meeting held on 16th December 1999.
- Minutes of the 7th Mukono District Land Board Meeting held on 20th April 2000.
- Minutes of the 8th Mukono District Land Board Meeting held on 30th June 2000.
- Minutes of the 9th Mukono District Land Board Meeting held on 28th September 2000.
- Minutes of the 10th Mukono District Land Board Meeting held on 2nd November 2000.
- Minutes of the 11th Mukono District Land Board Meeting held on 7th December 2000.
- Minutes of the 12th Mukono District Land Board Meeting held on 15th February 2001.
- Minutes of the 13th Mukono District Land Board Meeting held on 29th March 2001.
- Minutes of the 14th Mukono District Land Board Meeting held on 24th May 2001.
- Minutes of the 15th Mukono District Land Board Meeting held on 27th September 2001.
- Minutes of the 16th Mukono District Land Board Meeting held on 12th November 2001.
- Minutes of the 17th Mukono District Land Board Meeting held on 12th February 2002.
- Minutes of the 18th Mukono District Land Board Meeting held on 10th April 2002.
- Minutes of the 19th Mukono District Land Board Meeting held on 25th & 26th April 2002.
- Minutes of the 20th Mukono District Land Board Meeting held on 29th & 30th May 2002.

- Minutes of the 21st Mukono District Land Board Meeting held on 26th & 27th June 2002.
- Minutes of the 22nd Mukono District Land Board Meeting held on 30th and 31st July 2002.
- Minutes of the 23rd Mukono District Land Board Meeting held on 29th August 2002.
- Minutes of the 24th Mukono District Land Board Meeting held on 26th September 2002.
- Minutes of the 25th Mukono District Land Board Meeting held on 29th November 2002.
- Minutes of the 26th Mukono District Land Board Meeting held on 19th December 2002.
- Minutes of the 27th Mukono District Land Board Meeting held on 12th February 2003.
- Minutes of the 28th Mukono District Land Board Meeting held on 27th March 2003.
- Minutes of the 29th Mukono District Land Board Meeting held on 10th June 2003.
- Minutes of the 30th Mukono District Land Board Meeting held on 26th June 2003.
- Minutes of the 31st Mukono District Land Board Meeting held on 31st July 2003.
- Minutes of the 32nd Mukono District Land Board Meeting held on 25th September 2003.
- Minutes of the 33rd Mukono District Land Board Meeting held on 23rd October 2003.
- Minutes of the 34th Mukono District Land Board Meeting held on 27th November 2003.
- Minutes of the 35th Mukono District Land Board Meeting held on 18th December 2003.
- Minutes of the 36th Mukono District Land Board Meeting held on 5th January 2004.

Key Informant Interviews

- 1) Resident District Commissioner, Lira District, October 2008.
- 2) Ms. Eunice Christine Anono, Senior Community Development Officer, Lira District, October 2008.
- 3) Mr. John Odyek Ogwal, Chairperson Lira District Land board. October, 2008.
- 4) Mr. Peter Onapa, Chairperson, Central Division Area Land Coomittee, Lira District, October 2008.
- 5) Ms Betty Semakula, Deputy Resident District Commissioner, Mukono District, 21st April 2009.
- 6) Mr. Tom Chemutai, Chief Magistrate, Mukono District, 21st April 2009.
- 7) Mr. David Wakabi, Court Clerk, Magistrate's Court Mukono District, 21st April 2009.
- 8) Mr. Robert Mbazira, District Land Officer and Head of the Land Administration Department, Mukono District, 22nd and 23rd April 2009.
- 9) Mr. Dennis Obbo, Principal Information Scientist, Ministry of Lands, Housing and Urban Development, 24th April 2009.
- 10) Mr. Christopher Kato 'Veteran', Member of Ntenjeru Sub-County Area Land Committee, Mukono District, 5th May 2009.
- 11) Mr. Umar Kakonge, Ntenjeru Sub-County Sub-County Chief/ Recorder and Secretary, Ntenjeru Sub-County Area Land Committee, Mukono District, 5th May 2009.
- 12) Mr. Kagiri, National Resistance Movement Chairperson, Nakisunga Sub-County, Mukono District, 12th May 2009.
- 13) Mr. Francis Muwera, Chairperson, Nakisunga Sub-County Area Land Committee, Mukono District, 12th May 2009.
- 14) Mr. Fred Kiseka, MK Property Dealers (land agent), Mukono District, 5th June 2009.
- 15) Mr. Musa Gabbo, Regal Property Dealers (land agent), Mukono District, 5th June 2009.
- 16) Mr. Buluhan Bwaggu, Regal Property Dealers (land agent), Mukono District, 5th June 2009.
- 17) Ms. Sylvia Akot, District Physical Planner, and Secretary, District Land Board, Lira District, 19th June 2009.
- 18) Mr. Ogwal Awany, District Land Officer, Lira District, 18th June 2009.
- 19) Mr. Martin Buye, District Planner, Mukono District, 9th July 2009.
- 20) Mr. George Musitwa, District Surveyor, Mukono District, 9th July 2009.

- 21) Ms. Christine Namirembe Katende, Land Registrar, Mukono District, 9th July 2009.
- 22) Mrs. Florence Muhwezi, Principal Training Officer/ HIV Focal Point, Ministry of Lands, Housing and Urban Development.

Informal Interviews with the General Public Seeking services at Mukono District Land Office/ Department

- Ms. Betty Nsubuga, resident Mpoma Satellite, Mukono District.
- Ms. Norah Nankinga, resident Seeta Nazigo, Mukono District.

Focus Group Discussions

Ntenjeru Sub-County Area Land Committee, Mukono District, 12th May 2009

- Mrs. Florence Bilondwa, Member
- Mrs. Alice Mukasa, Member

Nakisunga Sub-County Area Land Committee, 4th June 2009

- Hajji Twaha Damulira, Chairperson
- Mr. Fred Mugaya, Member
- Mr. Francis Majjge, Member
- Mr. Samuel Mukasa, Member
- Ms. Ruth Kyeyune, Member

Mukono Town Council Area Land Committee, 10th June 2009

- Mrs. Kayeli Kawooya
- Mr. Meddad Mutwaba
- Mr. Joseph Emoit
- Salongo Sebagala

Adekokwok Sub-County Area Land Committee, Lira District, 15th June 2009 representing Peri-Urban

- Mrs. Caroline Edonya, Chairperson
- Mr. Victor Ario, Member
- Mr. Kuranimo Ojok, Member
- Mr. Ben Okuka, Member
- Mrs. Margaret Okello, Member

Okwang Sub-County Area Land Committee, Lira District, 15th June 2009

- Mr. George Oquir-Omara
- Mr. Benon Meri
- Ms. Mary Akwang
- Ms. Alice Otim

Central Division Area Land Committee, Lira Municipality, Lira District, 16th June 2009

- Mr. Peter Onapa, Chairperson
- Ms. Esther Ongwala, Member
- Mrs. Margaret Alele, Member

Orum Sub-County Area Land Committee, Lira District, 16th June 2009

- Mr. Serafino Odongo, Chairperson
- Grace Acwera, Vice Chairperson
- Ms. Betty Odyek, Member

Ojwina Division Council Area Land Committee, Lira District, 17th June 2009

- Mr. Jerome Odongogwang, Chairperson
- Mr. Raphael Okul, Secretary
- Ms. Salima Akite, Member

Adyel Sub-County Area Land Committee, Lira District, 17th June 2009

- Mr. Charles Owiny, Chairperson
- Mr. Augustine Okino, Member
- Hajat Kulthume Okello, Member
- Mr. John Odul, Member
- Mr. Henry Morris Okot

Alo Sub-County Area Land Committee, Lira District, 18th June 2009

- Mr. Angelo Okello Akoka, Chairperson
- Ms. Janet Atyang, Member
- Mr. J. W. Opio-Odero, Member
- Mr. Johnson Obala Jhobla, Member

Barr Sub-County Area Land Committee, Lira District, 18th June 2009

- Mr. Martin Ochen, Chairperson
- Ms. Betty Ouni, Vice Chairperson
- Mr. Peter Misera Olila, Member
- Ms. Christine Awio, Member

Amach Sub-County Area Land Committee, Lira District, 19th June 2009

- Mr. George W. Opio, Chairperson
- Ms. Molly Echan, Member
- Mrs. Agnes Oyitakol, Member

Lira Sub-County Area Land Committee, Lira District, 19th June 2009

- Mr. Francis Abaca Akwanga
- Ms. Rosie Atong

Observations of LC III Court Sessions

- Ntenjeru Sub-County LC III Court Proceedings for Solving Land Disputes held on 5th May 2009.
- Nakisunga Sub-County LC III Court Proceedings for Solving Land Disputes held on 12th May 2009.

6. Appendix

Table 9: Representation of Women on District Land Boards

District	Number of Male Members	Number of Female Members	Percentage of Female Representation	Total Number
Adjumani	3	2	40%	5
Apac	4	2	33.3%	6
Arua	6	3	33.3%	9
Bugiri	3	2	40%	5
Bushenyi	5	2	28.6%	7
Busia	3	2	40%	5
Gulu	4	2	33.3%	6
Hoima	3	2	40%	5
Ibanda	3	2	40%	5
Iganga	4	2	33.3%	6
Jinja	3	2	40%	5
Kabale	3	2	40%	5
Kabarole	5	2	28.6%	6
Kaberamaido	3	1	20%	4
Kalangala	4	1	20%	5
Kaliro	3	2	40%	5
Kampala	4	2	33.3%	6
Kamuli	4	2	33.3%	6
Kamwenge	3	2	40%	5
Kanungu	3	2	40%	5
Kapchorwa	4	1	20%	5
Kasese	3	2	40%	5
Katakwi	3	2	40%	5
Kayunga	4	2	33.3%	6
Kibaale	3	2	40%	5
Kiboga	3	2	40%	5
Kisoro	4	1	20%	5
Kitgum	4	1	20%	5
Kotido	4	1	20%	5
Kumi	3	1	25%	4
Kyenjojo	5	1	16.7%	6
Lira	5	2	28.6%	7
Luwero	3	2	40%	5
Masaka	4	2	33.3%	6
Masindi	4	2	33.3%	6
Mayuge	4	2	33.3%	6
Mbale	4	1	20%	5
Mbarara	7	3	30%	10
Mityana	3	2	40%	5
Moyo	4	1	20%	5
Mpigi	2	3	60%	5

Mubende	4	2	33.3%	6
Mukono	4	2	33.3%	6
Nakapiripit	5	1	16.7%	6
Nakasongola	3	2	40%	5
Nebbi	4	1	20%	5
Ntungamo	4	2	33.3%	6
Pallisa	4	2	33.3%	6
Rakai	4	2	33.3%	6
Rukungiri	3	2	40%	5
Sembabule	4	1	20%	5
Sironko	4	1	20%	5
Soroti	3	2	40%	5
Tororo	4	1	20%	5
Wakiso	4	2	33.3%	6
Yumbe	4	1	20%	5

Source: Ministry of Lands, Housing and Urban Development.