

**THE LEGAL FRAMEWORK REGULATING WOMEN'S RIGHT TO OWN
LAND IN UGANDA. CASE STUDY OF NEBBI DISTRICT**

BY

MWAKA NICK CHOMBE

LLB/37864/123/DU

**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF
LAWS OF KAMPALA INTERNATIONAL UNIVERSITY**

JUNE, 2016

DEDICATION

I dedicate this research work to my loving parents, Mr. Chombe Philip Wathum and Mrs. Chombe Sanyu Monica, Mr. Chombe John, and my beloved brother Mr. Kisa Tonny Chombe (R.I.P) for the unconditional financial, parental and spiritual support. It cannot be underestimated.

ACKNOWLEDGEMENT

I am greatly indebted to my supervisor, Mr. Kigula John who tirelessly pursued this work while guiding and correcting me. I thank you so much.

To my parents, Mr. Chombe Philip Wathum and Mrs. Chombe Sanyu Monica, and Mr. Chombe John for the various contributions towards my education in general and the publication of this book in particular.

As a student a number of lecturers have imparted knowledge and skills in to me and I am grateful to you all, however, special mention goes to Mr. Kyazze Joseph.

This work would not have been for relevance if other factors in pursuance of the Bachelor of Laws remained constant, to this end, I am grateful to all my discussion mates throughout the years. Special thanks go to, Orwotho Jerry, Kepo Alfred Kazimoto, Auma Vicky Gloria, and Efitreru Beatrice for your continued provision of what you have given me throughout this course, an anchorage of good sense, good judgment and good advice standing for, with and by me I turbulent time, regardless of the cause.

I am truly grateful.

.....

Mwaka Nick Chombe

Student

DECLARATION

I Mwaka Nick Chombe, declare that this report on “the legal framework regulating women’s right to own land in Uganda. Case study of Nebbi district” is entirely my own effort and has never been submitted to any other institution or university for any form of award whatsoever.

Signed: 


MWAKA NICK CHOMBE

LLB/37864/123/DU

Date: 

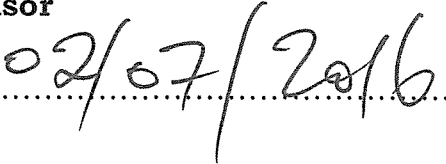
APPROVAL

The undersigned certifies, "the research entitled the legal framework regulating women's right to own land in Uganda. Case study of Nebbi district" has been submitted under supervision and with the approval of;

Signed: 

Mr. Kigula John

Supervisor

Date: 

ABSTRACT

In this increasingly globalising world of emancipation gender and the law, there is need for a holistic approach to the acquisition of knowledge and skills for one to survive the challenges of the historical patriarchal concept of land rights as a reserve for the men

This research has been undertaken to make a noble contribution to the cause of women's land rights reform needs considering that rural women in Uganda and those of Nebbi district are majorly illiterate generally and thus their plight as regards the current land laws are not so favourable, the researcher sought to discover reform needs and make such recommendations in a hope that once and for all, the legislators, academicians, policy makers and any government authorities and agencies will make provisions that clearly spell out women's rights on land as daughters, sisters and mothers, taking in to account the notion; "educate a woman, educate a nation" empower a woman, develop a nation.

I have appraised the provisions of the law applicable to women's rights and land as an issue, in belief that upon a deeper understanding of the problem itself from the grassroots level, positive recommendations will thus be adopted by those in relevant, as this researcher has fraternically laboured to gather relevant data so as to give a clear incision into the core issues of women's land rights as a genuine move towards improving the a lot of women at grassroots level hence improving society and the nation at the global level.

The researcher is opined that this paper proves a crucial and indispensable tool to the local authorities, legislators and students of women's land rights.

Much obliged!

TABLE OF CONTENTS

DEDICATION.....	i
ACKNOWLEDGMENT.....	ii
DECLARATION.....	iii
APPROVAL.....	iv
ABSTRACT.....	v
TABLE OF CONTENTS.....	vi
LIST OF STATUTES.....	x
INTERNATIONAL LEGAL INSTRUMENTS.....	xi
LIST OF CASES.....	xii
GLOSSARY OF TERMS.....	xiii
CHAPTER ONE.....	1
GENERAL OVERVIEW.....	1
1.1 General Introduction.....	1
1.2 Statement of the Problem.....	3
1.3 Objectives of the Study.....	4
1.4 Specific Objectives.....	4
1.5 Research Questions.....	5
1.6 Scope of the Study.....	5
1.7 Significance of the Study.....	5
1.8 Justification of the Study.....	6
1.9 Research Methodology.....	6
1.10 Definition of Key Terms.....	8
1.11 Literature Review.....	9
1.12 Chapterisation.....	11

CHAPTER TWO.....	12
LEGAL REGIME AND LEGAL FRAMEWORK.....	12
2.0 Introduction.....	12
2.1 International Laws.....	12
2.1.1 The Convention on Elimination of Discrimination on all forms against Women (CEDAW).....	12
2.1.2 The Universal Declaration of Human Rights.....	14
2.1.3 The 1958 ILO Convention III.....	15
2.1.4 The African Charter on Human and Peoples Rights.....	15
2.2 National/ Domestic Laws.....	16
2.2.1 The 1995 Constitution of Uganda.....	16
2.3 Acts of Parliament/ Statutes.....	20
2.3.1 The Land Act Cap. 227.....	20
2.3.2 The Land (Amendment) Act, 2004.....	21
2.3.3 The Registration of Titles Act Cap. 230.....	22
2.3.4 The Judicature Act Cap. 13.....	22
2.4 Cases and Organisations.....	23
2.5 Conclusion.....	26
CHAPTER THREE.....	27
METHODOLOGY.....	27
3.0 Introduction.....	27
3.1 Area of Study.....	27
3.2 Research Design.....	27
3.3 Study Population.....	28
3.4 Sampling Framework.....	28
3.5 Sources of Data.....	29

3.6 Data Collection Methods.....	29
3.7 Data Quality Control.....	31
3.8 Data Collection.....	31
3.9 Data Presentation and Analysis.....	32
3.10 Limitations.....	32
3.11 Conclusion.....	33
CHAPTER FOUR.....	34
DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS.....	34
4.1 Introduction.....	34
4.2 Bio data.....	34
4.3 The knowledge of women on land rights.....	36
4.3.1 Respondents on whether women know the laws that protect their land rights.....	36
4.3.2 The discriminative culture and customary practices towards ownership of land by women.....	37
4.3.3 The increasing access to justice by women for their land rights.....	38
4.4 Women of Nebbi District and Knowledge of their Land Rights.....	39
4.5 The Intricacies Involved in Legislations Governing Women’s Right to Own Land.....	40
4.6 The Challenges Faced By Women in Exercising Their Right to Own Land in Nebbi District.....	44
4.7 The measures/strategies for protecting women’s right to own land.....	46
4.8 Findings.....	47
CHAPTER FIVE.....	51
CONCLUSION AND RECOMMENDATIONS.....	51
5.1 Conclusion.....	51
5.2 Recommendations	51

REFERENCES.....	56
APPENDICES.....	58

LIST OF STATUTES

1. The 1995 Constitution of Uganda
2. The Land Act Cap. 227
3. The Land (Amendment) Act, 2004
4. The Registration of Titles Act Cap. 230
5. The Judicature Act Cap. 13

INTERNATIONAL LEGAL INSTRUMENTS

1. The Convention on Elimination of Discrimination on all forms against Women (CEDAW)
2. The Universal Declaration of Human Rights
3. The 1958 ILO Convention III
4. The African Charter on Human and Peoples Rights-

LIST OF CASES

1. Nabanoba Desiranta and Nambooze Edrisa v Kayiwa Joseph and Another Civil Suit No. 497 of 2005
2. Lamulati Ssanyu Nakanwagi v Haji Asumani Jjumba and 2 others Civil Suit No. 0018 of 2005
3. Mifumi (u) Ltd & 12 others v Attorney General & Another Constitutional Appeal No. 02 of 2014 [2015] UGSC 13
4. Edita Nakiyingi v Merekizedeki (1973) HCB 23
5. Babiniga v Karegyesa & others D.R CA No. MKA 13/2003 (unreported)
6. Uganda Women Lawyers Association and 5 others v Attorney General Constitutional Petition No.2/03
7. Nakiyingi v Zadeke
8. Sylvia Tamale and others v Attorney General [2004]

GLOSSARY OF TERMS

UWONET:	Uganda Women's Network
FIDA:	Federation of Uganda Women Lawyers
LCV:	Local Council Five
DSC:	District Service Commission
DCC:	District Contract Committee
DLB:	District Land Board
CEDAW:	Convention on Elimination of Discrimination of All Forms against Women
ICJ:	International Court Of Justice
NRM:	National Resistance Movement
CA:	Constituent Assembly
CEWIGO:	The Centre for Women in Governance
MP:	Member of Parliament
NGOs:	Nongovernmental Organisations
CSOs:	Civil Society Organisations
C.A.O:	Chief Administrative Officer
GDP:	Gross Domestic Product
AIDS:	Acquired Immune Deficiency Syndrome

CHAPTER ONE

GENERAL OVERVIEW

1.1 GENERAL INTRODUCTION

Article 26 (1)¹, provides that every person has a right to own property either individually or in association with others which includes land. This provision will be the key feature of the topic under study which is the legal framework regulating women's right to own land in Uganda. Case study of Nebbi District. And under **article 26 (2)**², no person shall be compulsorily deprived of property or any interest in or right over property of any description except where conditions set under article 26(a) and (b) are satisfied.

Section 27³, provides that 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 customs, traditions and practices of the community concerned, except that a decision which denies women or children or persons with a disability access to ownership, occupation or use of land or imposes conditions which violate **article 33** of the constitution on any ownership, occupation or use of any land shall be null and void.

Article 237 (3)⁴, provides that land in Uganda shall be owned in accordance with the following land tenure systems-

- (a) Customary;
- (b) Freehold;
- (c) Mailo; and
- (d) Leasehold

¹ of the 1995 Constitution of Uganda

² Ibid

³ of the Land Act Cap.227

⁴ of the Uganda 1995 Constitution and Section 2 of the Land Act Cap. 227

Land under **Section 1(i)**⁵, includes messuages, tenements and hereditaments corporeal or incorporeal; and in every certificate of title, transfer and lease issued or made under this Act, “land” also includes all easements and appurtenances appertaining to the land described therein or reputed to be part of that land or appurtenant to it.

This study will labour to find out women’s land rights from all stake holders, inter alia, civil society organisations, especially those advocating for women’s rights like **UWONET** and **FIDA**, government officials in the line ministries of lands, gender, local leaders in Nebbi district administration, clan heads and residents of Nebbi district with emphasis on opinion of women themselves.

This chapter covers the background of the study, statement of the problem, purpose, objectives, research questions, scope, methodology, significance and literature review of the study.

Back ground to Nebbi district

At independence, Nebbi district located in the North-Western part of Uganda was part of the then West Nile district until 1974 when it was divided into North Nile, Central Nile and South Nile districts. South Nile became Nebbi in 1980. Nebbi lies between the latitudes 20 20’N and 20 40’N and longitude 3100’0 E and 310 20’E. It is bordered to the north by Arua district, Zombo to the west, Amuru and Nwoya to the east, Bullisia to the south-east and Democratic Republic of Congo to the South-West.

Nebbi district is currently divided into 15 lower local governments that is, 13 rural sub-counties and 2 urban town councils. There are 14 town wards, 81 parishes, 889 villages and 2 town boards of Parombo and Panyimur. The district is headed by the LCV chairman, who is supported by executive committee and sectoral committees that deliberate policy matters and make recommendations to all the 36 councillors. The district council has 3 statutory bodies: public accounts committee (PAC), district service

⁵ of Registration of Titles Act Cap. 230

commission (DSC), district contract committee (DCC), and district land board (DLB).

Nebbi district has a total land area of 1,915km² with a population of 396,794 as per 2014 population and housing census, 48% being men and 52% being women. The main languages Alur and Jonam. Over 85% of the district population is engaged in subsistence farming, much of what is produced is consumed at the household level and less than 40% is marketed.

Back ground to Women ownership of Land in Nebbi district

Alur culture discriminates against women when it comes to land ownership. Land rights tend to be held by men, and women have access mainly through a male relative, usually a father or a husband. For example according to the **New Vision report dated march 15, 2016** Biwaga Aliethi, 44, a mother of seven living in Erussi sub-county, Nebbi district, her husband's conviction by court over murder-related charges in 2008 left her solely responsible for their children. In order to meet their needs, Aliethi, depended on the small piece of land that belonged to her and the husband. But, just a year after her husband's conviction, the in-laws ganged up and grabbed the land.

More so, even where they are involved, women are routinely obliged to handover proceeds of any sales of agricultural produce to men and have little say over how the money is spent.

1.2 STATEMENT OF THE PROBLEM

In Uganda, the country's economy is majorly agro based for development and growth, thus land being a very important factor of production. People depend on land economically, socially and even politically.

However, the problem of women's inaccessibility to and ownership of land in Nebbi district is not a new concept, but rather a phenomenon that has existed for long. The post-colonial policies sought to maintain the status quo of men as land owners, thus putting women in inferior socio economic positions even in land matters, as land users.

Most of the land in Nebbi district was held under communal customary tenure notably the chiefdom. Land under this tenure was held in trust for the clan by the clan head who was the chief's representative at village level. The clan head had great rights over the land and would even expel anyone from the land in cases such as witchcraft and wizardry. For example, **Anyolitho**⁶, says in circumstances where a woman is enlightened about her rights, a charge of witchcraft is usually slapped on her to create ground for eviction. She further says many women have been evicted from their homes after dubious charges of witchcraft are labelled against them.

Under the clan land tenure, every member of the clan and their spouses had rights to sue, but not to own land since land was communally owned.

1.3 OBJECTIVES OF THE STUDY

The major objective of the study will be to appreciate legal framework regulating women's right to own land in Uganda as laid down under **article 26**⁷ and to analyse the challenges faced by women in Nebbi district in exercising their rights to own land then to find out the possible solutions to the mentioned challenges.

1.4 SPECIFIC OBJECTIVES OF THE STUDY.

1.4.1 To find out whether the women of Nebbi district are knowledgeable of land rights (their land rights).

1.4.2 To establish the extent to which the women and the local leaders appreciate the legal intricacies involved in land ownership.

⁶ In a New Vision report on March 15, 2016

⁷ of the 1995 constitution of Uganda

1.4.3 To find out the challenges faced by women in exercising their right to own land in Nebbi district

1.4.4 To identify possible measures/strategies for protecting women's right ownership of land in Nebbi district.

1.5 RESEARCH QUESTIONS

1.5.1 To what extent are the women of Nebbi district knowledgeable of land rights (their land rights)?

1.5.2 To what extent do the women and the local leaders appreciate the legal intricacies involved in land ownership?

1.5.3 What are the challenges faced by women in exercising their right to own land in Nebbi district?

1.5.4 What are the possible measures/strategies for protecting women's right ownership of land in Nebbi district?

1.6 SCOPE OF THE STUDY

The study will focus on the legal framework regulating women's right to own land in Uganda using Nebbi district as a case study. This study will cover a period of four months.

1.7 SIGNIFICANCE OF THE STUDY

The study will generate knowledge about the legal framework regulating women's right to own land in Nebbi district which will be useful to individuals who may want to research in the field of study. The study will benefit the ministries of lands in formulating policies, guidelines and reforms for effective operation of the laws. To the civil society organisations, especially those advocating for women's rights like **UWONET** and **FIDA**, the study will contribute to the improvement and observance of women's right to

ownership of land. To the local leaders Nebbi district administration, clan heads and residents of Nebbi district, the study will provide an insight into the state of legal framework regulating women's right to own land particularly to those located in rural settings. To the students the findings will add on the knowledge and information about women's land right. And to the researcher, it is for particular fulfilment of requirement for an award of bachelor's degree in Laws.

1.8 JUSTIFICATION OF THE STUDY

As long as women continue to be subdued in all respects, the quest for women's rights shall continue in progress. As such, the struggle for women's land rights reform needs cannot be put to rest until every woman realises her full entitlement by virtue of being human and uniquely so being a woman.

The researcher will appreciate the fact that a lot has been said in respect of women land rights, but will opined that much more is needed as regards reform needs in the law and practice of women's land rights. The researcher deems it a noble cause to research more and more on this sensitive issue until something good happens to the wellbeing of women. More so, this piece of work will be helpful to policy makers and legislators as well as educating the grass roots women in Nebbi district about their land rights and necessary reform needs.

1.9 RESEARCH METHODOLOGY

1.9.1 Research design

This will be undertaken to explore the legal framework regulating women's right to own land in Nebbi district using the 1995 constitution of Uganda, and other laws including the Land Act Cap.227, the Registration of Titles Act Cap.230, and the most recent reports and publications if available on the right to ownership of land by women.

1.9.2 Procedure

This study will employ both qualitative and quantitative methods of data collection. Quantitative will be based on randomly and purposively selected sample and interview. However I will rely more on qualitative since most of the findings will be from statutes, law books, library, text books, web based resources etc.

1.9.3 Target population

The target population will consist of relevant groups and organisations such as Uganda Women Network (UWONET); Federation of Uganda Women Lawyers (FIDA) etc. and people living within Nebbi district.

1.9.4 Research instruments

In depth interview guides will be designed and administered to different groups of people in Nebbi district.

1.9.5 Data analysis

1.9.5.1 Editing

The interview guides will be edited for accuracy, consistence of information before leaving the field.

1.9.5.2 Coding

Close ended questions, pre-coded answers from semi structured interviews will be given a coding frame.

1.10 DEFINITION OF KEY TERMS

1.10.1 Legal

According to Black's Law Dictionary⁸, means of or relating to law, falling within the province of law.

1.10.2 Framework

According to Oxford Advanced Learners Dictionary⁹, means a set of beliefs, ideas or rules that is used as the basis for making judgements, decisions, etc.

1.10.3 Women

According to Oxford Advanced Learner's Dictionary¹⁰, means an adult female human.

1.10.4 Right

According to Black's Law Dictionary¹¹, means that which is proper under the law, morality, or ethics. Therefore, rights are the freedoms, immunities and benefits that according to modern values especially at international level all human beings should be able to claim in the society in which they live.

1.10.5 Own

According to Black's Law Dictionary¹², means to rightfully have or possess as property; to have legal title to.

⁸ 8th edition at page 912

⁹ 8th edition at page 594

¹⁰ 8th edition at page 1710

¹¹ 8th edition at page 1347

¹² 8th edition at page 1137

1.10.6 Land

Under Section 1(i)¹³, includes messuages, tenements and hereditaments corporeal or incorporeal; and in every certificate of title, transfer and lease issued or made under this Act, “land” also includes all easements and appurtenances appertaining to the land described therein or reputed to be part of that land or appurtenant to it.

According to Black’s Law Dictionary¹⁴, land is an immovable and undestructible three dimensional area consisting of a portion of the earth’s surface, the space above and below the surface, and everything growing on or permanently affixed to it.

1.11 LITERATURE REVIEW

The research will summarise relevant research and evaluate such work, show the relationship between different works and how it relates to the present study. The relevance of the literature review is based on the presumption that knowledge increase day by day and we learn and build on what others have done although in some unique cases, research is done to break a ground.

This will include judicial decisions, legal legislations such as Constitution of Uganda 1995, Land Act Cap. 227, Registration of Titles Act Cap. 230 among others.

In a research entitled **Critical Mass Representation in Uganda by Daisy-Cynthia Nneamaka Adi**¹⁵, gives an account for the successful inclusion of the provisions in the 1995 Constitution and Land Act Cap. 227 safeguarding women’s land rights.

¹³ of Registration of Titles Act Cap. 230

¹⁴ 8th edition at page 892

¹⁵ (Miria Matembe at CEWIGO office in an interview on 24 April 2009)

Lil Willy talks about the reality that the law regarding women's right does not aim at securing their land rights.

John Kigula, a consultant with land solution in Uganda in his book laboured to discuss intelligibly the different land tenures in Uganda.

According to the New Vision¹⁶, in its report on **Land rights and ownership: A distant dream for Nebbi women**. Angella Anyolitho says culturally, women have no land at both their husband and parents' homes.

In **Lawyers Voice**¹⁷, **Wanyama Edrine** writes that in one way or the other, it has come out clearly that there is nothing like clarity in the area of access to justice by the poor Ugandan who lives in abject poverty.

According to **Rugadya Margaret**¹⁸, although Uganda's laws are quite clear about a women being as free as men to own and dispose of property including land, in practice women have not accessed the land market.

Dr. Lillian Tiatemwa Ekirikubmza¹⁹, She briefly analyses women's rights under customary law.

Report of the Commission on Marriage, Divorce and Status of Women.

The general approach of this report is evasive of the real issues affecting women as land owners not merely tenants on land supposed to be "theirs."

Therefore utmost emphasis will be put to gather all available information concerning the topic under investigation from all sources accessible in order to highlight the reform needs in the struggle for women's land rights in Uganda and Nebbi district in particular.

¹⁶ Tuesday, March 15, 2016 on page 39

¹⁷ magazine published in 2014

¹⁸ 2007 in her book, Gender in Uganda's National Land Policy

¹⁹ in her article in the East African Law Journal: Property Rights, Institutional Credit and the Gender Question in Uganda

1.12 CHAPTERISATION

Chapter one will provide the introduction to the study by laying out the background, the statement of the problem, objectives for the study, research questions, scope of the study, significance of the study, justification of the study and literature review. Chapter two will examine the legal regime and legal framework regulating women's right to own land. The third chapter will detail the research methodology. Chapter four will present data presentation, analysis and discussion of findings. The last chapter five will provide conclusions and recommendations resulting from the research.

CHAPTER TWO

LEGAL REGIME AND LEGAL FRAMEWORK

2.0 Introduction

This chapter shall include the legal regime and legal framework of both international laws, national laws (domestic laws) in Uganda, organisations, case laws and finally conclusion of the legal framework regulating women's right to own land in Nebbi.

2.1 International laws

The Black's Law Dictionary²⁰, international law is defined to mean the legal system governing the relationships between nations. More moderately, the law of international relations, embracing not only nations but also such participants as international organisations and individuals (such as those who invoke their human rights or commit war crime)

It must be noted that the sources of international laws are enshrined under **Article 38(1) (b)**²¹.

The international law that regulate women's right to own land include; the Convention on Elimination of Discrimination on All Forms against Women (CEDAW), The 1958 ILO (CIII) i.e. convention III and The Universal Declaration of Human Rights.

2.1.1 The Convention on Elimination of Discrimination on All Forms against Women (CEDAW)

The convention CEDAW is implemented through the constitutions, legislation policies, education, through trainings. As provided for under **Article 3**²², provides that state parties shall have appropriate measures

²⁰ 8th edition at page 835

²¹ of the International Court of Justice 1949 (ICJ)

²² of Convention on Elimination of Discrimination on All Forms against Women (CEDAW)

including making legislations to ensure full development and advancement of women.

This International body has fought strong for the equality of all persons by forming a committee known as the committee on the elimination of discrimination on all form against women which is comprised of 23 experts elected and nominated by state parties who is entrusted with the work of publishing reports and submitting the report to be adopted by the member state among others to protect the interest of all women.

It must be noted that Uganda being dualist country international laws is enforceable against it once it is bound by that particular law.

Since Uganda is bound to international laws, then any act that it commits and is against the creation of CEDAW shall be in violation of that law.

In the case of **Mifumi (u) Ltd & 12 others V. Attorney General & Another**²³, CEDAW imposes obligation on Uganda to take actions in line with the prayer made by the petitioners in the same way as it is provided for under **Article 2(F)**²⁴. That Uganda as a state party must condemn discrimination against women in all its forms and agreed to it;

“Pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end, undertake all appropriate measures including legislation, to modify or abolish existing laws, regulation, customs and practices which constitute discrimination against women”.

Most important under **Article 16(1) (b)**²⁵, Uganda also made a specific undertaking under CEDAW convention to tackle discrimination occurring at the time of marriage and it states.

²³ (Constitutional Appeal No. 02 of 2014 [2015] UGSC 13

²⁴ of Convention on Elimination of Discrimination on All Forms against Women (CEDAW)

²⁵ of Convention on Elimination of Discrimination on All Forms against Women (CEDAW)

“State parties shall take all measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure on a basis of equality of men and women the same right and responsibilities during marriages and at its dissolution.”

In an example, **Bob Opio**, the former attorney general in the **Alur kingdom** in a **New Vision Report**²⁶, said they have been working with civil society organisations to promote women’s rights and ensure that families allocate some land to the women. He says with the help of Uganda land alliance, the kingdom has published guidelines that will be used to administer land transactions at household level.

And that lastly **Article 16(1) (C)**²⁷, Uganda undertook obligation to ensure that women enjoy equal rights and responsibilities during marriage.

2.1.2 The Universal Declaration of Human Rights.

As it is a matter of international law on rights of human being the Universal Declaration of Human Rights have also played an important role in observing the position of human rights in several provisions there in.

Reference must be made to the position of Uganda towards its under taking in the observance of this declaration as being a member state and in real fact, her being a dualist state it has played a big role in observing the Universal Declaration of Human Rights as it is enshrined in the different provisions a follows;

Article 3²⁸, provides that “all human being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in spirit of brotherhood.” This therefore is

²⁶ dated march15, 2016 at page 39

²⁷ of Convention on Elimination of Discrimination on All Forms against Women (CEDAW)

²⁸ of the Universal Declaration of Human Rights

protected under **Article 21**²⁹ that provides for equality of all human being which are further supported by articles 31,33,26 and so many others thus thereby against the position of the custom that women have no right to own land.

2.1.3 The 1958 ILO Convention III

The 1958 ILO adopted conventions III which provided for prohibition of discrimination as employment and occupation convention III based on any distinction, exclusion or preference made on the basis of among other, the major one is sex which have direct effect on the impairing on equal opportunity or treatment in employment or occupation intended to eliminate exploitation and violence or abolish rights of persons.

This therefore, in my opinion women's right to own land must conform to the position of the law under **Article 26 (1)**³⁰ which provides that every person has a right to own property either individually or in association with others.

The research will summarise relevant research and evaluate such work, show the relationship between different works and how it relates to the present study. The relevance of the literature review is based on the presumption that knowledge increase day by day and we learn and build on what others have done although in some unique cases, research is done to break a ground.

2.1.4 The African Charter on Human and Peoples Rights.

Article 18 (3)³¹, states that the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions.

²⁹ of the 1995 constitution of Uganda

³⁰ Ibid

³¹ Of the African Charter on Human and Peoples Rights

In May 2003, the leading women's rights organisation held a demonstration for land rights that was led by the opposition parliamentarian from northern Uganda, Norbert Mao. The new realisation forced women to rethink their strategies and allegiances. It put loyalties of key women politicians to the test and forced them to make difficult choices between supporters for the women's movement and a political career endorsed the president and his movement.

2.2 National /Domestic laws.

Uganda, under the NRM government, has been heralded as having the most gender- friendly governments in Africa. Indeed, it has been argued that Ugandan land law is one of the best in Africa at protecting people's rights. The law recognizes private ownership, whether by individuals, families or communities, and the state cannot take away any land, without paying full compensation.

In this research reference was made to Uganda being a dual country meaning that Uganda being a state party to any international law is under obligation to domicile the said international law that Uganda is a state party to and these domiciled laws becomes the laws to Uganda and these may include; the grand norm (1995 constitution of Uganda), acts of parliament, statutes and others.

2.2.1 The 1995 Constitution of the Republic of Uganda

The government of Uganda established the constitutional commission (1989- 1989), and mandated that the commission produce a document that should be viewed as a human rights instrument conveying the rights and obligations to the ordinary Ugandan citizen.

It must be noted that the 1995 constitution of the republic of Uganda is an absolute grand norm of the country (Uganda) that all laws in Uganda arise from as per the provisions of Article 2(1), meaning that all laws and practices must be consistent to the 1995 constitution and subsequently if it is in conflict with the constitution shall be null and void to its inconsistency as per **Article 2(2)**³².

This research is concerned with the position of women's right to own land in Uganda with respect to Nebbi district

Article 26(1)³³ provides that every person has a right to own property either individually or in association with others.

Article 31(1)³⁴ provides that men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution. And **clause (2)** provides that parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.

However, According to **Rugadya Margaret**³⁵, although Uganda's laws are quite clear about a women being as free as men to own and dispose of property including land, in practice women have not accessed the land market. Women's lack of access is likely explained by a shortage of funds due to their income activities being confined to gardens and kitchen. Additionally, a woman's position on land in society is inferior reflecting the nature of power and authority that she has over land either in the matrimonial estate or the natal estate. Customarily, a woman's right to inherit land is viewed in terms of her responsibility to nurture the children of the deceased. Customs denies her an independent right to own and

³² of the 1995 constitution of Uganda

³³ *ibid*

³⁴ *ibid*

³⁵ 2007 in her book, gender in Uganda's national land policy

inherit land. Preference is given to children over their mothers in event of death of the male household head. Succession to land and other property by either the children (for matrimonial estate) or the brothers (for the natal estate) does not guarantee the security of a woman's right to land.

In a research entitled **Critical Mass Representation in Uganda** by **Daisy-Cynthia Nneamaka Adi**.³⁶, to address the concerns of women who are not married. One suggestion, given by President Yoweri Museveni, is that fathers should bequeath land to their daughters so they have a place to go if they are in the future divorced or kicked off their husbands land. This suggestion has been taken up by activities in both parliament and civil society.

Article 32(2)³⁷ provides that parliament shall make relevant laws, including laws for the establishment of an equal opportunities commission, for the purpose of giving full effect to **clause (1)** of this article. For example, a 2008 research by **Action Aid International** revealed that 70% of women in Nebbi district are ignorant about their rights, including rights over and access to land. The research therefore, calls for massive sensitisation to enable society appreciate the value and contribution of women through equal distribution of land.

In a **Report of the commission on marriage, divorce and status of women**. The general approach of this report is evasive of the real issues affecting women as land owners not merely tenants on land supposed to be "theirs". Instead of making recommendations to completely reverse the unfairness created by history, custom and the colonial government against women's rights in particular (land ownership rights), the report makes a few concessions which in their very nature intonate that women are inferior to men. For example, it recommends that a wife gets 1/3 of her deceased husband's estate which terminates upon her remarriage outside the clan of

³⁶ (Interview with Hon. Sarah Kiyingi Kyama 22 April 2009; Hon. Emma Boona 21 April 2009; and Hon. Mavunjina Catherine 17 April 2009)

³⁷ of the 1995 constitution of Uganda

the deceased. Questions are thus raised as to how such figure is arrived at in total disregard of the fact that marriage is a social contract (partnership) where both spouses should have equal share therein and upon death, the surviving spouse automatically survives the estate in the interest of the children.

Article 33(6)³⁸ provides that laws, culture, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this constitution.

According to **Angela Anyolitho**, the chairperson women's league Nebbi, in a **News Paper Report**³⁹, Alur culture discriminates against women when it comes to land ownership. She adds that land rights tend to be held by men, and women have access mainly through a male relative, usually a father or a husband.

However, in the same news paper report, **Hamilton Okidi**, the Nebbi district police officer in charge of criminal investigations, says most of the women do not report cases of land grabbing, but noted that those who report, the police have always helped to regain their right.

In a research entitled **Critical Mass Representation in Uganda by Daisy-Cynthia Nneamaka Adi**.⁴⁰ gives an account for the successful inclusion of the above provisions safeguarding women's land rights in the constitution can be attributed to a number of factors; active lobbying on behalf of women's organisations, the percentage of women in the Constituent Assembly (CA) and the general openness of the political space to social transformation. And the rationale for the success lays in the fact that female members of the CA had a common agenda- a common agenda to make a gender sensitive and responsive constitution.

³⁸ of the 1995 constitution of Uganda

³⁹ of Tuesday, March 15, 2016

⁴⁰ (Miria Matembe at CEWIGO office in an interview on 24 April 2009)

2.3 Acts of Parliament/Statutes

This research shall look at different statutes of Uganda that regulate women's rights to own land in Uganda.

As earlier noted in the 1995 constitution of Uganda, the various provisions of the laws safeguarding women's land rights are stated as below;

2.3.1 The Land Act Cap. 227

In an interview with **Miria Matembe CEWIGO office on 24 April 2009** she says, it was during the 6th parliament (1996-2001), when there were 51 women in parliament (17%) that the land bill was tabled and subsequently passed. Important provisions safeguarding women's land rights in this act are;

Section 27⁴¹ provides that 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 customs, traditions and practices of the community concerned, except that a decision which denies women or children or persons with a disability access to ownership, occupation or use of land or imposes conditions which violate **article 33**⁴² on any ownership, occupation or use of any land shall be null and void.

Angela Anyolitho, the Nebbi district chairperson, in a **New Vision Report**⁴³ says many women have been evicted from their homes after dubious charges of witchcraft are labelled against them. She says if they know you can challenge them, and want to deny you access to land, they will say you practice witchcraft. However, she says all hope is not lost, noting that with support from different organisations, they have been able to educate the community about the right of women to own land.

⁴¹ of the Land Act Cap.227

⁴² of the 1995 constitution of Uganda

⁴³ of Tuesday, March 15, 2016

Section 47(1)⁴⁴ provides that the commission shall consist of a chairperson and not less than four other members appointed by the president with the approval of parliament. **Subsection (4)** provides that at least one of the members referred to in subsection (1) shall be a woman.

Miria Matembe continues to say that, the successful inclusion of subsections providing for the protection of women's land rights can be attributed to the extensive lobbying of MPs specifically female MPs- by civil society groups dedicated to the improvement of women's land rights. Indeed, under the guidance of the Uganda Land Alliance, a nationwide research on women's land ownership in Uganda and recommendations for the Land Act were undertaken by a coalition of women's organisations and female MPs.

2.3.2 The Land (Amendment) Act, 2004

Section 20⁴⁵ provides that no person shall sell, exchange, transfer, pledge, mortgage or lease any land; enter into any contract for the sale, transfer, pledging, mortgage or lease of any land; or give away any land inter vivos, or enter into any other transaction in respect of family; except with the prior consent of his or her spouse. **Subsection (7)** provides that the spouse, not being the owner of any land to which subsection (1) applies, may lodge a caveat on the certificate of title, certificate of occupancy or certificate of customary ownership of the person who is the owner of the land to indicate that the property is subject to the requirement of consent under subsection (1).

Dr. Lillian Tiatemwa Ekirikubmza⁴⁶. She briefly analyses women's rights under customary law, pointing out that the fact hereunder women hardly have ownership rights but rather merely access the land for cultivation as an obligation to for the family. She points out that Uganda being a patrichal

⁴⁴ of the Land Act Cap.227

⁴⁵ of the Land (Amendment) Act, 2004

⁴⁶ in her article in the east African law journal: property rights, institutional credit and the gender question in Uganda

society undermines the rights and interest of women, which is a good analytical article, but however it fails short of discussing all customary land issues nor does she discuss issues relating to women and land general. While she point out that women have no access to ownership of land, she gives no possible solutions thereof, nor does she give a detailed background of the problem of women's landlessness.

Lil Willy talks about the reality that the law regarding women's right does not aim at securing their land rights, but merely require women to give consent to sale of land they are occupying in event that their husbands wish to carry out any land transaction. However, this position has been over taken by events given that the current position of the law is to the effect that either spouse may seek or give consent in event of selling the land they are occupying.

John Kigula, a consultant with **Land Solution in Uganda** in his book⁴⁷ laboured to discuss intelligibly the different land tenures in Uganda and how they affected the food production. Kigula's book however, concentrated on the land tenures and food production, not women's land rights vis a vis, reform needs which is the anchor of the present research.

2.3.3 The Registration of Titles Act Cap.230

Section 176⁴⁸ provides that no action of ejectment or other action for the recovery of any land shall lie or be sustained against the person(including women) registered as proprietor under the Act, except in any of the cases mentioned in the Act.

2.3.4 The Judicature Act Cap. 13

It is important to take note of **section 14 (1)**⁴⁹ and it provides that the High Court shall, subject to the Constitution, have unlimited original jurisdiction

⁴⁷ Land tenure and food security in Uganda: A Case Study Of Mityana District-John Kigula

⁴⁸ the Registration of Titles Act Cap.230

⁴⁹ the Judicature Act Cap. 13

in all matters and such appellate and other jurisdiction as may be conferred on it by the Constitution or this Act or any other law. And additionally **section 15 (1)**⁵⁰ which provides that nothing in the Act shall deprive the High Court of the right to observe or enforce the observance of, or shall deprive any person of the benefit of, any existing custom, which is not repugnant to natural justice, equity and good conscience and not incompatible either directly or by necessary implication with any written law.

In **Lawyers Voice**⁵¹, **Wanyama Edrine** writes that in one way or the other, it has come out clearly that there is nothing like clarity in the area of access to justice by the poor Ugandan who lives in abject poverty and yet most vulnerable to abuse. Abuse is usually manifested in common human rights cases like deprivation of the right to own property, rights to have access to property, right to compensation where compulsory acquisition of property has taken place by government; right to compensation in damages where the government has committed torts against them.

All the aforementioned cases create the need for capacity building through creation of a stronger synergy for NGO's and CSO's.

In addition, each and every state has a duty that is primary in nature to respect, protect, promote and fulfil human rights of citizens. It would follow that each state is expected to provide legal aid to those who are unable to afford paid legal services to enable them seek legal redress. The obligation calls for a number of strategies including the establishment of funding institutions and systems and enhancing access to legal aid.

2.4 Cases and Organisations

A number of cases and organisations in Uganda and in respect of Nebbi district have come up to protect women's right to own land. This is as below;

⁵⁰ Ibid

⁵¹ magazine published in 2014

In the case of **Nabanoba Desiranta and Nambooze Edrisa v Kayiwa Joseph and Another**⁵², the plaintiffs brought a suit against the defendants for an order of cancellation of the 2nd defendants title to the suit property comprised in Mailo register Busiro Block 379 plot 10, Bunamwaya measuring approximately 20 acres which was said to be illegally and fraudulently registered in the names of the first defendant who subsequently transferred it into the 2nd defendants name.

It was **held** by justice **Rubby Aweri Opio** that the illegal entries in the certificate of title and entries in the register book be rectified by cancelling out the name of the 2nd defendant and replacing it with the names of the plaintiffs as beneficiaries of the suit land.

However, in the case of **Lamulati Ssanyu Nakanwagi v Haji Asumani Jjumba and 2 others**⁵³, the plaintiff sued the three defendants jointly and severally. Her prayer for reliefs among others was a declaration that the sale of the suit land by the first defendant was null and void for lack of the statutory consent by the plaintiff as spouse to the first defendant. Justice **V.F Musoke Kibuuka** dismissed the plaintiff's case against all the three defendants.

In the case of **Mifumi (U) Ltd and Anor v Attorney General and Anor**⁵⁴, Abbo Florence averred in her affidavit on page 14, that after her husband's death, whenever she tried to go back to her parents' home, her uncle's would tell her that she did not have land there, and she should go back to her husband's home and to her children. She reported this matter to Mifumi Project and Mifumi, with the help of the community Liaison Officer of Tororo Police Station, took the matter to clan leaders who allowed her to live at her father's home but not to build on their land because a woman once married cannot have a share of land at her parent's home.

⁵² Civil Suit No. 497 of 2005

⁵³ Civil Suit No. 0018 of 2005

⁵⁴ Constitutional Appeal No. 02 of 2014 [2015] UGSC 13

In the case of **Edita Nakiyingi v Merekizedeki**⁵⁵, the parties in this case had been married for twelve years during which time the wife tilled the husband's land. A house was also erected on the same land and the wife contributed some iron sheets towards its construction. The husband terminated the marriage and ordered the wife to leave the house. The court of appeal held that although in law expending money on another's property does not give one any interest in such property, the doctrine of equitable estoppel may apply if a wife has incurred expenditure on the property and belief and encouraged by her husband that she was or will be given some proprietary interest in it. That in such circumstances in the event of sale, the wife was to get half of the market price, it was further held that it is not necessary to establish any express or implied agreement that the wife made any contribution to the family property with a view of acquiring an interest.

According to the **New Vision**,⁵⁶ **William Anyolitho**, the executive director of Life Concern, a local non-governmental organisation operating in West Nile, says land rights and access in Nebbi, is something that should not be handled with kid gloves. He says denial of women access to land has rendered them vulnerable to abuse and domestic violence.

Anyolitho says, the fight for women's equal rights to land should start with cultural institutions in the district. He adds that for ages women have not been considered worthwhile and productive by the Alur tradition, hence denying them a chance to own valuable assets like land.

Bob Opio, the former attorney general in the **Alur kingdom** in a **New Vision Report**⁵⁷, said they have been working with civil society organisations to promote women's rights and ensure that families allocate some land to the women. He says with the help of Uganda land alliance, the kingdom has

⁵⁵ (1973) HCB 23

⁵⁶ Tuesday, March 15, 2016 at page 39

⁵⁷ Ibid

published guidelines that will be used to administer land transactions at household level.

2.5 Conclusion

By closer analysis of the study, female MPs in Uganda are said to have contributed to improved land rights for women in Uganda. This statement is especially true for the women of the 6th and 7th parliament who are credited with championing important clauses that secure women's land rights, the 1998 consent clause and the unsuccessful clause on co-ownership. Women in the 8th and 9th parliament have not yet made an indelible impact upon women's land rights.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter presented a description of how the researcher is going to conduct the study. The content include; Area of study, Research design, Population, and Sampling procedures, Methods of data collection and Instruments, Data quality control, Data analysis and Presentations, Ethical issues and limitation that are likely to be encountered during the process of the study.

3.1 Area of the study

According to Dooley⁵⁸, this is the place where the research is going to be carried out from. The research was carried out in Nebbi district and emphasis was put on the legal framework regulating women's right to own land. The study was restricted on civil society organisations, local leaders, clan heads and residents of Nebbi district.

3.2 Research design

According to Kothari⁵⁹, a reserch design is the arrangement of conditions for collection and analysis of the data in amanner that aims to combine relevance to the research purpose with economy in proceedure. The research employed both quantitative and qualitative research research designs guided by survey designs. It focused on civil society organisations, local leaders, clan heads, residents of Nebbi district, filling of questionnaires that was collected, analyzed and measured respectively. The design was multi-method in focus where the qualitative research methods was applied a interpretative, naturalistic approach to this subject matter, where data was

⁵⁸ (2001),

⁵⁹ (2004:31)

gathered from the 1995 constitution, acts of parliament(statutes), in formats, published studies from different local and foreign learning institutions, articles from books journals, internet and many others.

3.3 Study Population

This is the description of the population from which samples are selected, **Nsubuga & Katamba**⁶⁰. The population under study was in Nebbi district from which the researcher used civil society organisations, local heads, clan heads and residents of Nebbi district. And the researchers target population was only 40 respondents who responded to the researcher to allow him gather information for the study.

3.4 Sampling framework

Category	Population	Percentage sample of total population	Selection
Civil society organisation	3	10	Random
Local heads	10	10	Random
Clan heads	5	10	Purposive
Residents of Nebbi district	22	70	Random
Total	40	100	

3.4.1 Sample size

According to Kothari,⁶¹ a sample is a representative unity of the entire population of the study, where sampling techniques are the methods or tactics that a researcher applies in sample selection.

According to Nsubuga and Katamba,⁶² sample size is the number of

⁶⁰ (2013: 143)

⁶¹ (2007)

⁶² (2013: 143)

respondents who will take part in the study, which is obtained from the population.

For the purpose of the study the researcher included 3 heads of Civil Society Organisations, 10 local heads, 5 clan heads and 22 residents of Nebbi district.

3.4.2 Sampling Method

A sampling method refers to the method / techniques by which the researcher selects representative elements/ subjects from the population, **According to Nsubuga and Katamba**⁶³. In this case the researcher proceeded by using a systematic random sampling of residents of Nebbi district to enable the targeted population enjoy equal opportunity of being selected to represent the accessed population. The researcher also used purposive sampling method for civil society organisations, local heads, and clan heads because the categories selected are very knowledgeable about the phenomenon under study.

3.5 Sources of Data

Both primary and secondary sources of data were explored by the use of questionnaires, interviews and review of literatures (to collaborate facts) to collect data. Primary data was preferred because of its nature of being objective, with few possible errors and being easily obtainable.

3.6 Data Collection Methods

These are the ways through which data is collected from the field. The researcher used more than one data collection method because of the more convenience in using more than one method. These included; interviews, questionnaires, observation and documentary or literature review.

⁶³ (2013: 143)

Interview.

According to Oso⁶⁴, interviewing is a technique that is primarily used to gain and understanding of the underlying reasons and motivations for people's attitudes, preferences and behaviour. Interviews are ways for participants to get involved and talk about their views. In addition, the interviewees are able to discuss their perception and interpretation in regards to a given situation. It is their expression from their point of view.

Cohen, Manion and Morrison⁶⁵ explain "... the interview is not simply concerned with collecting data about life: it is part of life it, its human embeddednes is inescapable." The researcher used semi- structured interview analysis. The researcher covered a list of issues and questions. The strength the researcher had in using this method is that he probed deeper into the given situation and were respondents are unclear about the questions; the researcher explained and rephrased the questions.

Questionnaire

According to Nsubuga & Katamba⁶⁶, questionnaire is asset of questions designed by the researcher for purpose of data collection. It can be open that is questions without answers; semi structured that is some questions has answers while others are open. A questionnaire is easy to standardize. For example, every respondent is asked the same question in the same way. The researcher, therefore, can be sure that everyone in the sample answers exactly the same questions, which makes this a very reliable method of research. The researcher used open ended questions. This was to enable the possibility of discovering the responses that individuals give spontaneously, and thus avoiding the bias that may result from suggesting responses to individuals, a bias which may occur in the case of close-ended questions. Questions were sent to the respondents who filled and handed them back to

⁶⁴ (2008)

⁶⁵ (2000: 267)

⁶⁶ (2013)

the researcher. This helped the researcher to collect both qualitative and quantitative data from a single point in a relatively shorter time.

Observation

Observation method involves using of the visual sense to study and collect data relating to given variables by the researcher. This method was used by the researcher in checking data especially qualitative data for accuracy and editing it in order to meet the need for the research study.

Documentary or Literature Review

This is a secondary source of data where the researcher explored most current data from news reports, cases and publications.

Information from Kampala International University Law Library and gathered some of the information from the e-resource.

The above data collection methods were used in order to determine the disaggregated collected data for this research. As already indicated, the civil society organisations, local leaders, and clan heads were key informants including residents of Nebbi district.

3.7 Data Quality Control

Instruments like interview guides and questionnaires were given out to other categories that were not part of the study population to modify them and to improve their validity and reliability. To measure the validity of research instruments, copies of the draft instrument was pilot tested in the district to help assess the language, clarity, ability to tap information needed, acceptability in terms of length and privacy of the respondents. And the respondents were required to make comments.

3.8 Data collection

Much as the researcher herein was not authorized by the introductory letter

from Kampala International University Faculty or Department of Law in order to present to the District various administrators requesting for official permission to carry out the study, the researcher in unofficial way requested through the office of the Chief Executive Officer (C.A.O) to collect data in order to get empirical information in which thereafter the researcher was granted to proceed with the data collection process which commenced to realize the desired data.

3.9 Data Presentation and Analysis

This involves organization and interpretation of the data generated from the field in to meaningful form according to the research objectives, **Nsubuga & Katamba**⁶⁷. The data will be processed manually. At this stage the researcher classified, tabulate and compute the responses in coded forms by using descriptive research statistics, frequencies and percentages was presented inform of tables by using both quantitative and qualitative designs. Qualitatively data analysis emphasised interpretation of events or objects under investigations without resorting to statistical presentation of data. Meanwhile quantitatively data analysis emphasised on measurement of values so as to produce results in a statistical manner.

3.10 Limitations

These are the anticipated constrains imposed by methods/ locations/ situations of research. It also considers potential sources of bias in the proposed study. The researcher was there for, faced with a couple of challenges while carrying out this research work as described below.

1. Non responsiveness. Some participants in the study were so cautious and reluctant to answer some questions.
2. Time. This was another problem to the researcher since he had apportioned time between the research work and other course units as well as other commitments.

⁶⁷ (2013: 143)

3. Financial constraint was faced. However this did not compromise the quality of findings.

3.11 Conclusion

By the end of the study, the researcher came up with findings that, it is not only ignorance of the land laws by the women in Nebbi district that affect their rights to own land but also discriminative custom and cultural practices.

Table 1 respondent's nationality

Nationality	Frequency(f)	Percentage (%)
Ugandan	40	100
Non Ugandan	0	0
Total	40	100%

Source: Primary data (June 2016)

Interpretation

Out of the 40 respondents 100% are Ugandan by nationality therefore all the residents sampled in Nebbi district are Ugandan as tabulated in table 1 above.

4.2.2 Respondents Gender In Terms Of Sex

The respondents also were asked to identify themselves by their sex and the following was obtained as shown in table 2 below;

Table 2 respondent's sex or gender

Sex	Frequency (f)	Percentages (%)
Male	15	30
Female	25	70
Total	40	100%

Source: Primary data (June 2016)

Interpretation

Out of respondents who answered the questionnaire male sex constitute 30% and female sex constitute 70% therefore the above result clearly indicate that the majority residents in Nebbi district female and the female sex are the minority however, the majority female are denied the right to own land.

4.2.3 Respondents Marital Status

The respondents were requested to declare their marital status and the following results were obtained as shown in table 3 below;

Table 3 respondent's marital status

Marital status	Frequency (f)	Percentages (%)
Married	29	65.4
Single	7	26.6
Divorce	3	6
Others	1	2
Total	40	100%

Source: Primary data (June 2016)

Interpretation

From the result obtained in table 3 above 65.4% were married, 26.6% were single, 6% where divorced women and 2% represent the unmarried. Therefore, majority of the respondents sampled were married.

4.3 The knowledge of women on land rights

The respondent were also asked to give their view on whether women in Nebbi are informed of their rights to own land through responding to close questionnaires by expressing their views or answering strongly agree (SA), agree (A), not sure (NS), disagree (D), and strongly disagree (SD)

4.3.1 Respondents on whether women know the laws that protect their land rights

The respondents were subjected to give their different views on whether women know the laws that protect their land rights and the following results were obtained as in table 4 below;

Table 4 respondents on women informed of the laws that protect their land rights

Responses	Frequency (f)	Percentage (%)
Strongly agree	3	6.2
Agree	4	10.7
Not sure	1	2
Disagree	22	60.3
Strongly disagree	10	20.8
Total	40	100%

Source: Primary data (June 2016)

Interpretation

From the above result obtained as tabulated in table 5, 6.2% strongly agree, 10.7% agree, 2% not sure, 60.3% disagree, and 20.8% strongly disagree that women are informed of the laws that protect their land rights.

4.3.2 The discriminative culture and customary practices towards ownership of land by women

The respondents were also asked to give their opinion about the discriminative culture and customary practices towards ownership of land by women and the following result was obtained from the different respondents.

Table 5 Respondents on discriminative culture and customary practices towards ownership of land by women.

Responses	Frequencies(f)	Percentage (%)
Strongly agree	30	81
Agree	3	5.5
Not sure	0	0
Disagree	4	8
Strongly disagree	3	5.5
Total	40	100%

Source: Primary Data (June 2016)

Interpretation

As tabulated in table 5 above 81% strongly agree, 5.5% agree, 8% disagree, and 5.5% strongly disagree on the discriminative culture and customary practices towards ownership of land by women in Nebbi district.

4.3.3 The increasing access to justice by women for their land rights

The respondents were requested to state their views on whether there is increasing access to justice by women for their land rights in Nebbi district and the following results were obtained as tabulated in table 6.

Table 6 Respondents on increasing access to justice by women

Responses	Frequencies (f)	Percentage (%)
Strongly agree	5	11.5
Agree	25	69
Not sure	0	0
Disagree	8	14.5
Strongly disagree	2	5
Total	40	100%

Source: Primary Data (June 2016)

Interpretation

From the research findings 11.5% strongly agree, 69% agree, 0 (none) were not sure, 14.5% disagree, 5% strongly disagree there is increasing access to justice by women in Nebbi district.

4.4 Women of Nebbi District and Knowledge of their Land Rights.

In Nebbi district, it was generally said that all land communally owned as opposed to individual landownership. Just like all traditional African set up like Buganda and Toro Kingdoms, all land in Nebbi district was held in trust for the people by the chief (Rwot) who was the overall land lord from whom all land rights were derived. The chief granted land to clan heads and land was also allotted to highly placed chief's clan/family heads.

However, women had only peripheral right to men's much as it appeared that everyone including women had exclusive rights over such land granted to either the clan or community for tilling, grazing, collecting firewood, hunting or any other lawful purpose. Since the chief could not appoint a woman as a clan head, it was in itself that a woman could not have land rights, not even as an overseer, let alone own land.

Since women did not in fact sit in clan meetings, be it as wives or daughters, matters concerning land were a reserve for the men.

All women could do was till the land as daughters or wives and provide food for the family out of their toil, while men determined land issues as to who should dig which portion of the clan or family communal land and this serving male interests in matter of succession on land transfers even how the proceeds of the gardens should be used. At best, women were allotted plantain gardens to till and harvest for family up-keep.

More so, the respective woman had to declare to the family head (a man) the yield of the harvest season. These women had no individual land rights over

these portions, could not sell, no pledge, dispose or think of transferring whether by will or interviews. This remains the case in most set-ups in Nebbi district. These remained precedent by the case of **Babiniga v Karegyesa & others**⁶⁸, where the high court declined to enforce a “kikiga” custom to the effect that land formerly cultivated by the child’s mother upon her death automatically passes to the child and does not revert to the husband. **Karokora J.** as he then was, said that such was repugnant to natural justice and would deprive the man of his power to control his family property. In fact customarily, women in Nebbi district are equivalent to property itself as construed from the notion of bride price. Women are themselves purchased in kind (exchange for cows) or even money. One is quoted to have said before kingdoms were abolished 1967, “ **a woman cannot own property since she herself is purchased like any other property.**”

Married women could only get land to till by the favour of their husbands while unmarried girls tilled their fathers land alongside their mothers. Divorced women could only return to fathers/brothers home at best with personal effects like clothes but not beddings. In fact, divorce was such a disgrace among the Alur and this majorly explains the high rates of domestic violence as the women had to persist under all circumstances since they would not find land to fend from.

As married women were expected to remain there till death and be buried on the land of the husband. Still is the set-up in Nebbi district. The rationale is that once married, the woman produced into another lineage and her children belong to that clan and in life and death.

4.5 The Intricacies Involved in Legislations Governing Women’s Right to Own Land.

In Uganda, most land laws deal with the use of land and not its ownership and worse still, the laws do not particularly provide for women rights,

⁶⁸ D.R CA No. MKA 13/2003 (unreported)

perhaps the makers assumed that both men and women rights are equally recognized, whereas not given the cultural practices that favour men against women, to this end, women in Nebbi district are not exceptional.

The **1995 constitution of Uganda**⁶⁹ and statutory law clearly stipulates that both men and women can own property. The legal ownership is exemplified by a common phenomenon in Uganda that no one is ready to engage in land transactions with a married woman without her husband's approval, and if it's a widow, without the male heir or male trustee(s) if any.

Given that the concept of land is actually inclusive of whatever is attached to the land belongs to the land owner, even a building (house) erected using the woman's (building materials) belongs to the man, be it a husband or father and heir in event of a fathers demise. His English concept that mere spending of money by a party on another's property does not give the former party any interest in such property is interpreted to the disadvantage of women. The rules of equity, trustee and joint tenancy have not been invoked so as to protect and promote women's land rights. Instead, men are favoured by the law even where women have tirelessly tilled the land or contributed enormously in financial terms or any other way as housewives or daughters or sisters. Women often are humiliated and given matching orders⁷⁰ with nothing to call their own as a product of their efforts in event of death of either their husbands or fathers.

In regard to marriage and divorce much as statutory law provides the minimum legal age of marriage as 18 years for both men and women, according to customary law marriages are frequently arranged for minors, especially in rural areas.

This is clear in a report by UWONET whereby in 2004, it was estimated that 32% of girls between the 15 and 19 years of age were married, divorced or

⁶⁹ article 26

⁷⁰ Mrs. Miria Matembe, Hon. M.P. Mbarara District (then)-(Hansard, pg.4198)

widowed.⁷¹ . By having girls marry at a very early age implies that they have been denied of their education and thus the potentials to explore their skills and hidden talents are limited for them to be independent economically. Which indeed affects their capacity to own land as they will remain financially constrained, more so when they are divorced and have nowhere to turn to, and without a job to support them.

Section 27⁷², discriminates girls from inheriting their fathers property (including land). It is for such reasons that FIDA-U and other women's rights organisations successfully petitioned the constitutional court to declare this unconstitutional provision⁷³

This is as held in **Uganda Women Lawyers Association and 5 Others v Attorney General**⁷⁴ this is a contradiction to the provisions of the constitution which provides for non-discrimination irrespective of gender or otherwise.

In case of domestic violence, much as the law provides for non-discrimination and violence, women are still undergoing violence where they have been physically affected, in addition to being maimed psychologically. These effects interfere with the ability of women to acquire property more so when they lose focus due to the psychological torture that they undergo. Despite the constitutional demands on cruelty, where in respect for human dignity and protection from inhuman treatment, **article 24**⁷⁵, demands that, no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. There is widespread violence against women in Uganda and perpetrators benefit from generalised impunity, in part due to widespread social attitudes condoning such violence which deters women's ability from economically progressing to access land.

⁷¹ UWONET (2010) policy brief on progress and challenges on the legal frame work for protection of women against discrimination and promotion of their social, political and economic rights, Kampala.

⁷² of the Succession Act Cap.162

⁷³ AFROL, gender profile www.afrol.com.

⁷⁴ Constitutional Petition No.2/03

⁷⁵ Of the 1995 constitution of Uganda

In Uganda practices of discrimination and violence on the women are widely being practiced. This doctrine is related to the concept of equality and equal protection. But when it comes to appealing to state agencies for intervention especially the police, the women are treated unfairly causing stigma and once stigmatized the women withdraw from further appellations to law enforcement agents. Thus men undertake to explore the benefit from the silence of women to confiscate their land in case they decide to divorce. Moreover at this level the women also do not see fit to appeal for help where they will be criticized and rebuked.

This is despite the provision of the liability of the state for violating international human rights standards of equality as provided in **article 2**⁷⁶ which requires state parties to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Article 33(1)⁷⁷, states that women shall be accorded full and equal dignity of the person with men.

This law accords equal treatment and dignity to both men and women, and thus gives equal opportunities to all.

Customarily there are obstacles to access to property, although there are no laws preventing women from owning land in Uganda, the custom of male inheritance has resulted in the vast majority of women being excluded from land ownership. Whilst women do most of the agricultural work, it is estimated that they own 7% of agricultural land. To counter this trend and curb the wide spread dispossession of wives and widows, activists have

⁷⁶ of the convention on the elimination of all forms of discrimination against women

⁷⁷ Of the 1995 constitution of Uganda

campaigns for reforms to Uganda's property laws to provide for spouses to be deemed co-owners of family land, that is to say land on which the married couple lives and depends.

Generally, the relationship between land and women's right cannot be understood in isolation of the wider concept of gender discrimination as women's inability to own land is largely based on social and cultural practices which often culminate into law. The law is a tool which society should use deliberately to determine its destiny because the law in a variety of subtle but unmistakable ways can affect the functioning of society. The law can also act as a social force and an educational instrument for imposing certain legal dictates by integrating women in the process of development.

In the present Ugandan context, the law should enable women to own property by outlawing customs and specifically providing for land ownership by women and judicial activism would be at the forefront in this fight, since the majority of Ugandans have fear for the courts of law.

The case of **Nakiyingi v Zadeke** court of appeal invoked the principles of estoppels to grant the women proprietary rights when her husband terminated the marriage. However, legal machinery alone is not enough to achieve against women discrimination, there must be political will and sensitization of the masses.

4.6 The Challenges Faced By Women in Exercising Their Right to Own Land in Nebbi District.

The challenges faced by women in exercising their right to own land in Nebbi district include; lack of information about their legal rights to own land, discriminative custom and culture, low level of education, and low income levels.

Challenges such as lack of information about the provisions of the laws that regulate women's right to own land among the women in Nebbi district is very significant. In the study conducted, the key informant like advocates from non-governmental organisations revealed that Nebbi district which is the area of study has two urban town councils and urban areas are centres of information awareness and communication. However, it was found that most women are unaware of the change of laws to facilitate their rights to access land. For example, the 1995 Constitution of Uganda and the **Land Act**⁷⁸ all empower women to freely acquire land if they can afford to purchase it. But the reality is that most women cannot afford to purchase land on the open markets.

The majority of the female respondents revealed that the apparent low economic power among women is responsible for women inability to access land, since most women are not employed or engaged in any income generating activities. In the study conducted, it was found that more than 2/3 of women in Nebbi district could not access land due to low incomes. Women in the study reported that “ **very few women own land in Nebbi district and these are the women with economic power**”

Additionally, the low income by women is partly attributed to the low literacy rate of women in the district. According to the **Population and Housing Census** of 2014, 52% are women with majority being illiterate. It is most likely that an educated woman would most likely get a job and earn an income. Therefore, without education women cannot easily secure gainful employment and thus cannot afford assets like land.

The discriminative culture and customary practices in Nebbi district is another challenge women face in exercising their right to own land. According to **Angela Anyolitho**, the chairperson women's league Nebbi, in a **News Paper Report**⁷⁹, Alur culture discriminates against women when it

⁷⁸ Cap. 227

⁷⁹ of Tuesday, March 15, 2016

comes to land ownership. She adds that land rights tend to be held by men, and women have access mainly through a male relative, usually a father or a husband.

Additionally, **William Anyolitho** says, the fight for women's equal rights to land should start with cultural institutions in the district. He adds that for ages women have not been considered worthwhile and productive by the Alur tradition, hence denying them a chance to own valuable assets like land.

4.7 The measures/strategies for protecting women's right to own land

The contribution of women in agriculture, the backbone of our economy has already been stressed. The idea for reform needs in the law relating to women and land rights therefore, has great significance as far as our economic growth and development are concerned. This has been observed by President Yoweri Kaguta Museveni; **" it's now acknowledged that involvement of women in the development process is not just a matter of ethics, but good economics. The challenges of development enjoin us to pay more than lip service to the core issues of unequal relations in our society"**

In order to appreciate the concept of economic development it is essential to avoid looking at growth in particular sectors of the economy, but also at the welfare of the units there under.

There is need to identify the real beneficiaries of agriculture and protect their interests. As one learned author put it. It therefore follows that women who constitute the bulk of the agricultural labour and production potential should have their rights protected so as to enhance economic development. If the desired reforms in the land law are stipulated, it would enable women to get access to capital through loans, using land as security, which will improve their welfare, based on increased incomes from increased

agricultural productivity. This leads to forward and backward linkages and this can only be achieved with women having security in land.

The sense of land ownership on the other hand inculcates a sense of responsibility and leads to economic development, **“the magic of land ownership turns sand into gold”**. since women constitute the majority of the population and the highest of those involved in agriculture, any legislation targeted at protecting women’s land rights will lead to economic growth and development as **John Kigula** of Land Solutions, Kampala has stated; **“ development refers to the development of the productive forces in favour of the broad masses of the people and it is for the development of that kind the law should be re-conditioned as opposed to development” that refers to a mere increase GDP.**

As such, the individual players in the economy should be identified and protected and unless the equitable principles are followed, we shall continue to have a land policy with neo-colonial tendencies of encouraging the exploitation of tillers.

4.8 Findings

The curtailment of women’s land rights is a problem that has existed for generations and may continue the trend unless and until, there is reform in our current land law. It has a lot of social, political and cultural connotations which have to be addressed in addition to legislation, considering that cultural beliefs and prejudices have played a very big role in denying women the right to own land.

The research findings are to the effect that it’s a common belief that women are not supposed to own real property; neither are the men willing to bequeath land to women. Even the majority of women themselves faithfully believe so that land is a preserve of the men and intact. The few women who do purchase land choose to register it in their husbands or male relative’s

names and those who are bequeathed some land pass it on to the said male relatives (husbands or sons). In event of death, women are either inherited alongside the land by in-laws or disinherited of their land by greedy male in-laws.

With these deeply entrenched cultural beliefs, coupled with ignorance of the law and widespread poverty especially among women, reforming the **Land Act**⁸⁰ to specifically cater for women's land rights is likely to meet a lot of opposition, not only from the men, but also women themselves.

This move will appear to a negative and violation of people's rights to enjoy and practice their culture even when such cultural practices are clearly prohibited by the constitution and international legal instruments which Uganda is signatory to.

Due to lack of empowerment, especially economically and the high levels of illiteracy among women, it has made them totally dependent on their male relatives, which has left women under total subjugation and submission. Actually, it would appear morally wrong for women in Nebbi district to rise up in arms for their land rights, which would change their social life style.

Appreciating that Uganda has gone further than most African countries in devolving land administration to the local level and given that the women movement is very active. Politicians and local leaders have directed their campaigns to serving the interests of women. After all, they are not only the majority, but also the faithful voters. But when it comes to the issue of women owning land, such leaders deem it too sensitive lest they antagonise their constituencies and as such, matters regarding land are often shelved.

The emergence of NGOs such as FIDA, UWONET, land solutions that have otherwise abet women's land rights are so divorced from the grassroots since they are mainly concentrated in urban areas. The researcher found

⁸⁰ Cap. 227 (as amended 2004)

out that the NGOs are mainly in the urban centres like Nebbi town council and Pakwach town council.

This study also established that like their counterparts in sub-Saharan Africa, Ugandan women and those of Nebbi district prefer to take a low profile in matters of land ownership, so long as they are permitted to use the land to fend their families. In fact, if it were not for fear of AIDS, women in Nebbi district would rather be inherited on their land than be disinherited from it forcing them to abandon their children

The researcher also noted that customary practices do generally work to the disadvantages of women at the grassroots as they may creep in to the customary tenure preserved by the **Land Act**⁸¹. This notwithstanding the constitutional provisions forbidding customs, practices, cultures and laws that are prejudicial to women's interests.

The communal land associations especially those based on large conglomeration of society such as clan are uncalled for since they only serve the interests of the powerful (usually men) under those social groupings.

The institutions such as local council committees, land tribunals (apparently suspended) and arbiters established under the **Land Act**⁸² are applaud able and commendable, but would have been more effective if as being at the grassroots, the committees are guided by a legal mind of either a lawyer or at least a paralegal on the board. These committees do enhance popular participation of the people in solving land disputes fairly and more expeditiously unlike the tedious, intimidating and expensive court process that often times than not compromises justice.

The researcher has come to the unshakeable conclusion that despite the unprecedented improvements made by the **Land Act**⁸³ it has one great

⁸¹ Cap. 227

⁸² Cap. 227 (as amended 2004)

⁸³ Cap. 227 (as amended 2004)

inadequacy that practically takes away almost all the rights it purports to give to women in respect of their interest in land.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

It has been stressed that unless the socio-economic conditions within which the law is expected to operate are made conducive, then the law will remain idle in the statute books as opposed to the purpose of enacting it to protect the rights of the people concerned. As such society's will to accept change in their cultural norms is a key factor to the success of the land law in favour of women.

For a better analysis, I have briefly considered women's land rights through the times against the socio-economic and political forces that have affected women's land rights and if there need be a case for reform of the policy and laws of land ownership.

The need to protect and reform women's land rights is paramount. It is a recipe for development, a panacea for social unrest and anarchy for any policy that negates the rights of a social grouping facilities, social discontent and upheavals.

The reform and protection of women's land rights has long been overdue which in turn has dragged economic development as detailed in the above chapters.

Therefore, the **Land Act**⁸⁴, is projected not only as a tool for social change, but also a product thereof.

5.2 Recommendations

In view of the inadequacies of the land law, I emphasis the fact that when rights are hinged with so many restrictions or when they are not clearly

⁸⁴ Cap. 227

defined, then they amount to no rights at all. All provisions in the Land Act Cap. 227 (as Amended 2004) which inhibit the realisation of women's rights to land should be amended or repealed. In particular highly recommend the following;-

- a) **Asserting women's land rights.** It is recommended that more emphasis needs to be directed towards enabling women to assert their existing land rights when land is registered for the first time for example under the ministry of water, land and environments systematic demarcation project. Land acquired jointly should have clear demarcations of the proportion of each of the joint owners. In case of separation it becomes easy to separate property as each individual contributor to acquisition of property is aware of their own contribution. In this way women can easily claim for their portion because it is earmarked, other than when it is under the name of the husband.
- b) **There is need to change the underlying cultural values.** There is need to change the underling cultural values of society and structures supporting women's deprivation of property by targeting the public and institutions like family, schools, churches and mosques as these have the foundations of promoting beliefs and shaping society. This will help to promote a positive attitude towards women's and land rights with minimized criticisms. As the majorities are reached out through the different institutions, this will make it less easy for the law to be implemented with lesser impingements.
- c) The local council land committees should be fully established immediately and properly facilitated so as to enable it discharges their duties effectively. There should however be strict supervision of these committees so as not to abuse or misuse their powers as has often been the case, there should be laid down guidelines to be followed in decision making lest the discretionary powers turns in to arbitrary

- d) powers, and there should be close follow up by all stake-holders such as line ministries like gender and community development, land and environment, ministry of justice and constitutional affairs, even civil society groups such as land solutions.
- e) The land law reform which is gender sensitive should be paralleled by comprehensive reform or legislation on the entire legal system, especially laws which directly impact on the family since they would clearly impact on women and surely impact on the nation. In this vein, the law reform commission should address themselves to legislation linked to real property (land) and domestic relations since such laws have a bearing on the interests and dignity of women.
- f) Affirmative action as embedded in the constitution and other international legal instruments should not be left idle in the statute, but rather be invoked to be felt and realized by the intended beneficiaries who are the women. Government as required.
- g) The women activists are also challenged to be seen as practical rather than offer lip-service which often ends up causing more harm than good. Let the activist act and prove that they are not opportunists as they are sometimes taken to be by moving all concerned including government, courts of law to respect, fulfill and protect women's land rights as the case of **Sylvia Tamale and others v Attorney General [2004]** has done with the discriminatory sections in the Succession Act.
- h) **Increasing women's access to justice.** Increasing access to justice is another way to help curb gender related issues and property ownership. Women need to be represented on the commercial court ushers committee. The justice, law and order sector gender working group should take an active role in developing the governments commercial justice reform agenda. By having a woman represented on the commercial court users committee will enable grassroots women

to have a channel through which they can voice their opinions on grabbed property (land) for legal assistance. This is because without representatives, women may fear to approach the committee, but with representatives the environment becomes less tense to follow up their property rights cases.

- i) **Modification of the law on titles.** The **Registration of Titles Act**⁸⁵ should be reformed to create new modes of registration that protect a spouse's interest in the matrimonial home. This is to mean that the subsistence of caveat lodged by a wife should last for more than two months and have duration similar to that of a beneficiary. Regulations should be developed to give more specificity to the duties lenders and purchasers to obtain the consent of spouses to dispositions of family land. The law thus should be designed to ensure that no caveated land is sold, if sale is concluded between the buyer and purchaser for the sake of redeeming the certificate at a reasonable sale then this should be through the consent of spouse as well. This will enable women to maintain a direct attachment to family land in which they vested their effort and in so doing, they are to know the commercial dealings of their husbands and participate in the apportionment of the proceeds of the land.
- j) **Strengthening individual capacities.** There is a need to focus on strengthening individual capacities and decreasing vulnerabilities of women to gender disparities. This will enable women to understand and recognize their potential to own and manage land on their own. Criminalizing deprivation of land should be made a simple matter which can easily be prosecuted. Thus it is crucial to involve women's land rights in discussing legal changes as much as can be. Once women are able to view land claims as non complex issues, they will

⁸⁵ Cap. 230

not sit back, but will pursue the law because they will find it an easy to pursue process.

- k) **Influencing media dialogue.** There is need for advocacy to be undertaken through media, seminars and regional monthly conferences to influence public dialogue regarding women's status and rights within their families and the community in conjunction with the non-government organizations, local leaders, and organized bodies such as journalists to influence practice within civil society around women's rights and gender disparities. While media dialogue is influenced, the women will be more informed to exercise the law to gain their land rights. However, abuses will also be minimal because the perpetrators of women's land rights will know that women are aware of their rights and how to claim for their rights.
- l) Lastly, there should be political will on the part of government and total commitment to the implementation of the constitutional provisions providing for protection of women's rights as fundamental rights by virtue of being human. Considering that the land rights are as fundamental as the right to life since a livelihood is derived from land. Women's land rights should be considered as very vital and granted all necessary protection, fulfillment and maximum respect, lest women's lives are endangered.

REFERENCES

Textbooks

The Black's Law Dictionary 8th Edition (Bryan A Garner)

The Oxford Advanced Learners Dictionary 8th Edition By AS Hornby.

Gender in Uganda's National Land Policy, 2007 By Rugadya Margaret

Land Tenure and Food Security in Uganda: A Case Study of Mityana District-John Kigula

John Kigula: The Law and Rural Transformation in Uganda

(University Of Warwick, London [1987], Pg. 72

Journals and Reports

East African Law Journal: Property Rights, Institutional Credit and the Gender Question in Uganda

Presidential Address of the Nation, March 8, 1998(Women's Day)

East African Royal Commission Report [1955]

Newspapers and Magazines

The New Vision, Tuesday, March 15, 2016

Lawyers Voice Magazine (2014)

Dissertation and Thesis

Critical Mass Representation in Uganda by Daisy- Cynthia

Internet

[Http://Www.Ulii.Org/Ug/Cases/UGHC](http://www.Ulii.Org/Ug/Cases/UGHC)

Legal Instruments

The 1995 Constitution of Uganda as Amended

The Land Act Cap. 227

The Land (Amendment) Act, 2004

The Registration of Titles Act Cap. 230

The Judicature Act Cap.13

The Convention on Elimination of Discrimination of All Forms against Women (CEDAW)

The Universal Declaration of Human Rights

The 1958 ILO Convention III

The African Charter on Human and Peoples Rights

APPENDICES

Research questions

Name of applicant:.....

Age:

Occupation:

Gender:

a) Female

b) Male

Place of residence:.....

Date:

Part I

- 1) Do women of Nebbi district know their land rights?
.....
- 2) Do they know the laws that protect their land rights?
.....
- 3) How do you rate women’s property rights in Nebbi District?
.....
- 4) Do fathers bequeath land to girls in equal shares with boys?
.....
- 5) Does the Alur culture and customary practices allow women to own land freely?
.....
- 6) Should a woman own land in individual capacity or co-own?
.....
- 7) What problems do organizations experience in trying to intervene on behalf of women’s land rights in Nebbi District?
.....
.....

Part II

1) Do you receive complaints in respect of land disputes between members of the same family?

.....

2) How do you resolve land disputes without fear or favor in light of the Alur custom?

.....

3) How do you minimize at best the fairness of the discriminatory practices against women in land matters?

.....

.....

Part III

1) How can the issue of the unfair land laws be eliminated at best or minimized at least in the interest of women as equal partners?

.....

.....

2) What are the possible measures or strategies for protecting women's right to own land in Nebbi district?

.....

.....

3) What are your recommendations for improvement of the laws, in regard to the problems encountered in women's land rights in Uganda?

.....

.....