



# Pathways of Justice and Equity in Land Administration and Dispute Resolution in Uganda

**Perspectives of Ugandan Civil Society Organisations**

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Making land work for us all



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## Executive summary

Land administration and justice systems in Uganda are fundamental for the protection of people's rights. Yet, there are serious gaps in the regulation of existing and parallel tenure systems, often resulting in contradictory provisions and rules, and the reproduction and reinforcement of discriminatory practices. This affects people's claims to land, especially those of vulnerable groups like women and youth. The rigorous research and effective advocacy of some Ugandan organizations has contributed to an increased focus on legal pluralism and the complementarity of tenure systems in the country, which can help secure gender equity in the administration of land and dispute resolution systems.

In this context, land disputes arise under different circumstances, due to different causes and with different actors. Women are commonly involved in many land disputes and on numerous occasions seek justice to claim the protection and respect of their rights to land, often with the help of intermediary organizations. Uganda has a strong civil society which engages in research and advocacy, working for the rights of vulnerable and marginalized people to achieve justice and equity in land rights. Civil Society Organizations (CSOs) such as the Uganda Land Alliance (ULA), the Land Equity Movement (LEMU), FIDA Uganda, Uganda Media Women Association (UMWA) and Microjustice (MJU) Uganda, work towards the effective protection of land rights and provide support to people to access justice. They do so through different strategies and paradigms.

These organizations influence national policy debate and the practices of local institutions. They strongly contribute to securing women's rights to land in the absence of a functioning and equitable state system (land administration as well as justice systems) or provide alternatives in the often complex legal environment. These CSOs hold a vast body of knowledge which needs to be further recognized and upheld by the international community, the government and other organizations. To maximize their impact and to move the gender and land agenda forward in Uganda, a joint analysis and documentation effort was initiated in 2012. This started with the aim of sharing and learning from experiences and to strengthen the collective voice of Ugandan CSOs working on gender and land rights. The process began during a writeshop organized by The Royal Tropical Institute (KIT) and the Centre for Basic Research (CBR Uganda), with the participation of FIDA Uganda, LEMU, MJU Uganda, UMWA and ULA.

This document presents specific case studies (selected interventions) from each of the organizations, analyzed from a gender and rights approach, using KIT's tailor-made analytical framework on access to justice, 'The chain of justice framework'. Questions around land right failures and their root causes are being identified, allowing organizations for a more focused reflection of the process and outcomes of the interventions. It aims

to contribute to developing effective and context specific strategies to address gender, rights and land justice failures.

### Conceptual and analytical framework

Different concepts and definitions such as custom, culture, patriarchy, ownership and even rights are used in literature, policies and laws – and even by international organizations and CSOs – in different ways, but often with fixed meanings. Yet, there is no universal agreement on the actual meaning of most of these concepts. We would like to contextualize existing terms and understand the nuances in the use of these concepts by different organizations. Thus we focus on the institutions women and men may be confronted with: on dispute resolution and land administration. The contradictions and gaps that exist between these two institutions sometimes derive from their own understanding and interpretation of 'fixed' concepts.

The chain of justice framework uses a gender and rights based approach to understand injustices. By doing so the framework explores the different failures of recognition and redistribution, and their root causes (Fraser and Honneth, 2003), which women and men experience in the process of claiming and realizing their rights in the justice system. In Uganda, this process is marked by a plurality of systems which poses numerous obstacles, as well as opportunities, to manoeuvre (mostly within the justice system) to redress injustices. Many of the obstacles poor and marginalized people meet are beyond institutions and the law. They relate to the position and role of the people involved, and the social relations between the different systems, the beneficiaries and the institutions themselves. These factors affect people's ability to access justice before, during and after an injustice (dispute, conflict) occurs. KIT calls this process the 'chain of justice'. By using the chain of justice framework to look at different case studies, the CSOs have identified root causes of women's land rights failures and discussed whether these have been addressed by their interventions and how. Furthermore, this framework provides an overview of interventions along the chain of justice which could potentially contribute to strengthened collaboration and therefore more effective protection of people's rights to land.

### The organizations, their intervention and outcomes

The five CSO contributors of this document hold vast knowledge which allows for a more focused analysis using a common analytical framework on gender, rights and access to justice. Representatives from each CSO have provided an analysis of their interventions.

#### *Enabling women's (widows) access to justice at the Administrator General's Office through information provision: Uganda Women's Media Association (UMWA)*

Margaret Sentamu-Masagazi, Executive Director of UMWA, and Program Officer May Nakyejwe, present a thorough reflection on UMWA's work to support women's access to justice, by bridging gaps between the Office of the Administrator General and women (widows in particular) whose rights to land have been neglected or eroded. Their approach and methodology relies mainly on the use of media as a useful mechanism to provide women with information and reach the often unreachable.

In their analysis, UMWA identifies specific women's land rights failures. Some of them include the lack of spaces or opportunities for women to exercise their agency and express their voice, the lack of recognition of women's entitlement to their deceased husband's property, the unfair distribution of property among men and women, the lack of technical and physical accessibility to justice systems to claim rights, the existence of laws that re-enforce women's rights failures, and gender-biased judicial (formal and informal) decisions. UMWA unpacks these land right failures and identifies root causes, including people's lack of legal awareness and familiarity with justice procedures, and the lack of technical and physical capacity of justice systems available to claim rights.

The main outcomes of UMWA's intervention were knowledge women gained about their rights and mechanisms to claim their rights, increased security of land tenure and improvement of women's quality of life, and the alignment of traditional and religious practices with the (formal) law.

Their approach represents an innovative way of advocating for women's land rights as well as bridging the gap between research and action. The approach also enables critical reflection, regarding whose perspectives they were using 'the women's' or 'UMWA's', who is the 'duty bearer', and the limits to knowledge and action. As a result, particular points for improvement were identified, including the need for stronger joint efforts with organizations doing similar work to find alternative ways to: present the voices of marginalized women; influence policy; conduct action research; and understand why land problems persist and how they can be overcome.

#### *Legal documentation and a strategic and practical approach towards land justice:*

##### *Microjustice (MJU) Uganda*

Fredrick Walulya, Executive Director of MJU Uganda, presents a very particular perspective which focuses on legal documentation as a strategy to claim land rights. MJU Uganda does so through will writing and building alliances and cooperation with land surveyors. Different actors are targeted and involved in this intervention including banks, microfinance institutions, saving and credit cooperative organizations (SACCO), individual surveyors, District Land Tribunals, Residential District Commissioners (RDC) and communities.

Through their focus on legal documentation MJU identifies specific recognition and redistribution failures regarding land and property rights that affect the ability of women to make legitimate claims of tenure and ownership. At the individual and community level, the main failures are a lack of information and rights awareness about property, the lack of access to clear and accurate legal documentation to support ownership claims of property (especially land), the unbalanced share of property between genders, and the continuing recognition of the man as the head of the family in most communities. MJU highlights the limited number of registered surveyors, which results in high land registration costs, manipulation and overcharging by the surveyor, and the lack of access to legal aid service providers. From their analysis, MJU considers that some of the

root causes of such failures relate to the ineffective structures and procedures of the formal system of justice and land administration, the general state of women living in poverty, the misuse and misunderstanding of some customary practices, the abuse of traditional power, the gaps that exist between the customary and formal system, the marginalization of the position and condition of women in Uganda compared to men, and that will writing remains a male-driven affair culturally.

By trying to address both recognition and redistribution failures MJU has achieved important outcomes such as increased acceptance of a more balanced share of property for different genders in a will, and the demystification of the registration process among their beneficiaries. Moreover women and other interested parties are appreciating the use of the documents, like land titles, to access other financial opportunities for economic empowerment, e.g. loans.

Given its focus on legal documentation, MJU has noticed the high costs and general burden registration procedures place on people, particularly poor vulnerable groups. As a result they are partnering with land surveyors and financing institutions, which has been a successful factor in assisting women in obtaining legal documentation and access to financial services. Furthermore, MJU has actively engaged both men and women in awareness campaigns, which has allowed men to appreciate and agree on issues of co-ownership. A gender and rights approach, in which MJU addresses both recognition and redistribution failures within its intervention, is therefore visible. MJU's main challenge remains its involvement at the policy level which could be improved by highlighting the positive results of their interventions and using the alliances they've made at all levels.

##### *Uncovering and documenting customary rights in Lango, Teso/Kumam and Acholi:*

##### *Land Equity Movement Uganda (LEMU)*

Judy Adoko, Executive Director of LEMU, outlines how the organization challenges the conventional position that 'customary tenure does not allow women to own land' by undertaking research and participatory documentation of customary land laws. This resulted in Principles, Practices and Responsibilities (PPRR) for Tenure Management in Lango, Teso, and Acholi Regions. This document brings to light the complex process customary law has undergone and multiple abuses in its interpretation, which has had a negative impact on women's position and condition in society<sup>1</sup>.

LEMU's intervention has identified a number of rights failures related to among others: i) citizen's lack of information and knowledge about the law, their rights and justice institutions; ii) the legal framework, e.g the lack of formal legal protection of property rights for women not legally married (women in co-habiting relationships) and; iii) lack of access – through physically inaccessible courts, or long and costly procedures – to institutions. Root causes of such failures are the misinterpretation and abuse of

<sup>1</sup> For more details on social condition and position see the explanation of a gender and rights based approach in the Methodology and Conceptual Framework section. See also: Mukhopadhyay, M. et al., 2013. *Gender and Rights Resource Guide*.

customary law, which undermines women's social position and condition within the Acholi people for example, legal gaps in the formal system, corruption, scarce resources, unclear regulations and procedures in the formal system, patriarchal biases in the formal justice system, and the lack of gender parity in justice personnel.

By addressing these failures, LEMU has achieved significant outcomes for women, judiciary institutions, traditional institutions, and development actors. Gender principles have been integrated into cultural institutions and the PPRR has been accepted by clans, courts, the police, and justice authorities in Lango, Teso, Kuman and Acholi communities. By proving the authorities in charge of protecting rights with clarity on the existence of equitable customary rights, women are able to better understand and enforce their rights. The structure of traditional institutions has also started to change to allow women to participate. Development actors now have evidence to challenge the idea that under customary law women do not have rights to land.

One key challenge is the difficulty in automatically applying PPRR in the court of law. This is due to the contradictory legal framework that encourages people who can afford it to do forum shopping (seeking justice in different forums of justice delivery both formal and informal)<sup>2</sup> The law does not provide a unified justice pathway for customary system and the state or formal system. This undermines the oversight function that the state could play in traditional courts. Women still need to make a choice on the best route to take, depending on the consequences of going outside the clan for justice" (In this document LEMU case study: p. 45). Thus efforts to lobby for the harmonization of the land justice system in Uganda must continue and be further supported.

*Women's land rights: promoting security of tenure and improving quality of life:  
Uganda Land Alliance (ULA)*

Annociata Kampire, coordinator of the Women's Land Rights Movement, elaborates on ULAs work on the capacity building of women as women advocates of their own rights. ULA has used its knowledge on land in Uganda provide training on advocacy and rights awareness, basic legal aid and mediation, community empowerment, sensitization and information, and improve service delivery at different levels of the justice systems. ULA has actively involved traditional leaders as well as opinion leaders recognized by the community.

The lack of recognition of women's land rights at household and community level, the existence of customary practices that conflict with statutory laws, the lack of harmonization of decisions made informally by traditional leaders and the formal and informal justice systems, and the lack of knowledge of procedures in accessing formal justice are the main failures of women's rights to land ULA aimed to address.

<sup>2</sup> See Methodology and Conceptual Framework section.

For ULA, the importance of women's legal awareness, particularly regarding land and property rights, is crucial for the effective protection of women's rights and the achievement of land equity and justice. The core activities therefore rely in addressing such gap which allows for the reinforcement of discriminatory gender practices based on the misinterpretation and abuse of customary law. The main outcomes of ULA's intervention have been an increase in the number of women working with traditional leaders towards changing specific practices that have hindered women from exercising their rights. The level of participation of women in decisions concerning land at household and community level has also visibly increased, with ULA beneficiaries reporting greater co-ownership of land with their spouses, consultation in sale agreements and sometimes having land registered under their own name. In addition, in specific communities such as Pader, women are now allowed to be part of decision-making committees.

ULA recognizes the importance of social movements, led and organized by women, the inclusion of men in specific activities and the need for collaboration with different actors, as key factors of success that need to be strengthened in future interventions.

*Women as agents of change and societal transformation: FIDA Uganda*

Sarah Kerwegi, FIDA's Director of Programmes, describes their work on legal empowerment and legal aid for women in their Mainstreaming Rights and Economic Growth Program. They take an inclusive approach and work towards strengthening both formal and informal systems of justice. In the particular intervention analyzed in this document they have worked closely with Acholi customary leaders (KKA), and local council and magistrate courts.

The lack of information and knowledge about the formal law, and the abuse and misinterpretation of customary law, are considered by FIDA as key hurdles for women to realize their right to land. They identify both failures of recognition and redistribution at two levels. At the individual, household and community level, FIDA discusses violence, discrimination and the denial of funds and property at the household level. FIDA highlights how women's right to land derives from their relation with a male (husband, father, son, etc) reinforcing their social role as a wife, a daughter, a sister, a mother and so they are therefore not considered independent subjects with rights who are entitled to land. At the level of formal system of justice, failures like financial and physical inaccessibility of women to judicial structures and gender-biased judicial decisions are discussed in detail, and also highlighted in relation to the failures at the individual and community level. FIDA argues that these failures are embedded in different factors, including high levels of illiteracy, the fact that the concept of individual rights over land as understood in civil or common law is contested by Uganda's formal legal pluralism, legal gaps, and gender-biased norms.

FIDA concludes with a description and analysis of the main outcomes of their intervention, emphasizing the enhanced capacity of cultural institutions to challenge negative customs which justify stereotypes and perceptions of women not being entitled to own land, the creation of documentation of Acholi Gender Principles on marriage, divorce, wife

inheritance, burial practices and property rights, the enhanced knowledge of legal rights and the use of legal aid mechanisms by women, and the increased capacity of the formal justice system to deliver gender sensitive outcomes.

### Lessons learned

The increasing focus of research and advocacy of many Ugandan organizations on legal pluralism and tenure systems is contributing significantly to the effective protection of women's rights to land, land equity and justice. The case studies in this document provide a glimpse of the work that a selection of organizations are carrying out to provide fundamental insights and improve understanding about the gaps and rights failures regarding land and justice. This knowledge enables CSOs to tackle failures by addressing root causes, engaging relevant actors, adopting new approaches and paradigms, and challenging ideas and misunderstandings around culture, justice and rights. The different interventions and approaches taken by the five CSOs are examples of successful efforts towards improving individual justice outcomes and the collective voice of women, enhancing gender responsiveness of land governance institutions (both formal and informal), and ultimately bridging the gap between men and women's rights over land.

The *chain of justice framework*, which guided this documentation process, enabled the CSOs to analyze rights failures and look at their root causes. The framework focuses on gender relations and proposes a holistic approach to the process of achieving land justice, by taking into account processes of land administration and dispute resolution, to achieve sustained and inclusive land justice. The framework also allows for the integration of different perspectives to help overcome differences among organizations.

*Questioning common assumptions:* It was clear from this process that one cannot solve the complexity of land rights issues without developing shared definitions by asking the right questions and challenging common assumptions. This occurred through joint analysis during the writeshop. Another way of implementing this process is to study local definitions on, and conceptions of, land rights through participatory research. Only then will appropriate and sustainable approaches emerge.

*Gender and rights accountability of formal and informal institutions:* The dichotomy between formal and informal institutions has been present in many debates on justice. Questions about the 'best' institution often drive such debates, yet the real question should be 'which institutions work in which context and for whom?' Moreover, accountability of these institutions is fundamental to achieve justice and therefore should be central to CSO's interventions. CSOs can be further strengthened through improved supervision and oversight by the state, but also by building demand-side accountability, including those driven by (groups of) women.

*Achieving long-term change using diversity and complementarity:* Despite the diverse approaches and paradigms taken by the five CSOs, they do share a common working context (sometimes with limited funding, conflicting responsibilities towards different

donors, requests for results-based work, and ambiguous relationships with government) which limits long-term change. As a result, programmes often may just address the symptoms of a poor functioning system and are less likely to also address the root causes. Taking this process, as part of a series of collaboration efforts among civil society in Uganda, CSOs could coordinate their interventions along the chain of justice, increasing the possibility of achieving positive changes in the long-term despite their challenging conditions. The five CSOs have already made new agreements for collaboration, for example by engaging each other in training programmes and by developing a new joint action learning programme. Furthermore existing joint work was strengthened and the engagement with KIT and CBR Uganda became more visible and opened links with the broader international community by presenting the results of the workshop at the Land and Governance Conference at the Hague in January 2013.

### Key messages for CSO's and policymakers

The interventions and approaches of Ugandan CSOs are fundamental contributions to the effective protection of the right to land for the most vulnerable, such as poor rural people and women in particular. With insight, knowledge and an understanding of the reality faced by people, they can provide alternatives in the often complex and unclear legal environment. This knowledge and influence needs to be recognized, utilized and validated by policymakers as well as by other national and international organizations working towards the effective protection of land rights and gender justice. A message the five CSOs aim to convey is that the synthesis of their different experiences validate the need of long-term processes to address some of the critical barriers to achieving justice for women trying to enforce their land rights, as opposed to short-term projects or work on individual cases.

Successful joint initiatives and platforms like the Northern Uganda Land Platform are in place and offer ideal scenarios to share experiences and advocate collectively for equity in access to land. Yet, complementary and more focused work is required to establish a learning alliance which concentrates and analyses the work of each organization in a way that strengthens them as well as their joint efforts and the platforms they belong to.

### Emerging questions

*Defining change.* The work for the protection of women's land rights could benefit from a gender and rights analysis that perceives land not only as an economic asset but as a relationship, and securing land rights not only as achieving compensation or a title but as changing unequal relations. Moreover, looking at the different pathways women take to access justice in a post-conflict and legally pluralistic country such as Uganda allows CSOs to explore the diverse strategies that women themselves have taken and are taking to challenge and overcome discriminatory practices and ensure their rights to land. Outcomes should be defined locally, not only for individuals and groups but also for the institutions involved. Thereby, the difference should be made between land administration ('pre-dispute') and conflict resolution ('post-dispute') institutions and related outcomes.

*Land titling programmes.* Within Uganda's current land titling campaign, one particular issue is the fact that the reality of many people living under customary law – where land is not necessarily owned individually and where the boundaries of the land are not all clearly delimited (Kapur, 2011) – is often overlooked. As with many other elements of customary law, land is an issue where the erosion of custom and practices has transformed it, often to the disadvantage of women (Tripp, 2004). This situation has reinforced the dependency of women on male relatives with regard to land, putting women in a vulnerable position in land titling processes. Some of the contributors of this document are working on these issues, but this document advocates for stronger joint action of collecting evidence and promoting approaches for individuals, as well as groups in specific intervention contexts.

*Paralegal assistance.* A key strategy to improve women's access to and ownership of land is the use of paralegal assistance structures that inform women about their rights, guide women through legal processes, act on their behalf, and/or mediate conflicts. This publication suggests looking into these strategies in order to trace back outcomes achieved and to understand their gendered nature and pre-dispute dynamics.

*Links with economic development.* The learning trajectory so far has not yet looked into linkages between land justice and economic activity. However these linkages are undeniable and they open yet another set of questions regarding the impact of realizing equal rights to land in the development of Uganda which need to be researched further.

### **Action learning programme**

Some of the organizations involved in this publication<sup>3</sup> will be addressing the issues, gaps and questions raised in this document through an action learning programme. This process will implement action and learning activities together with local research groups in communities. The programme will take into account the diversity of institutions and tenure systems across the country and not focus on one type of institution. It will work with informal and formal land administration institutions ('pre-dispute') as well as formal and informal dispute resolution institutions ('post-dispute') in order to understand, as fully as possible, the complexity of land rights issues and to define appropriate and context-specific approaches. This process will be guided and supported by KIT and CBR Uganda, aiming to recognise and uplift Ugandan CSO's knowledge, information, and capacity, and strengthen their joint efforts and collective voice towards the effective protection of people's rights to land, land equity and justice in particular.

3 UMWA, ULA, FIDA Uganda, CBR and KIT.

# Introduction

The issue of women's rights to land is attracting more and more attention, particularly in countries with large rural populations where the majority of people's livelihoods depend on this resource. Increased pressure on land and natural resources due to land privatization, land grabbing, land scarcity, land titling systems, demography and the socio-economic impact of conflict and HIV/AIDS are threatening the right to land of poor and marginalized people. These threats represent major obstacles for development and justice. In order to address them and protect people's right to land a proper well-functioning land governance system is instrumental.

In countries like Uganda, where land is governed by different legal systems and where the majority of land is customary owned<sup>4</sup>, land administration and justice systems play a significant role in the land governance system. However the persistence of disputes around land, serious gaps and contradictions in the legal framework, lack of clear regulation and enforcement mechanisms of the administration and justice systems, as well as discriminatory laws and practices, are major obstacles for people's claims to land, especially those of vulnerable groups like women and youth. Land tenure in Uganda however is in transition. Proposals for more gender-sensitive legislation and policies on land, property and succession were discussed and included in the new Land Policy approved in February 2014. The protection of land rights, as well as the recognition of the role of community based structures for land administration and dispute resolution, takes centre stage in the Land Policy.

There are numerous examples of women seeking justice and influencing their land tenure status, often with the help of intermediary organizations. Uganda is known as a country with a resilient and solid civil society that engages in research and advocacy and that works for the rights of the most vulnerable and marginalized people to achieve justice and equity in land rights. Organizations such as the Uganda Land Alliance (ULA), the Land and Equity Movement in Uganda (LEMU), FIDA Uganda, Uganda Media Women Association (UMWA) and Microjustice (MJU) Uganda, among others, work towards the effective protection of land rights and support people to access justice. They all work in different areas of the country with their own approach and often their own paradigm. They do so through different strategies, including working with the legal systems in order to solve land disputes, using action research to develop community dialogue approaches, using the media for public debate, providing legal advice or paralegal support, and building capacities of local authorities.

<sup>4</sup> 80% of the land in Uganda is customary owned ( Northern Uganda Land Platform. 2012. *Charting the way for effective land dispute resolution in Uganda*. Northern Uganda Land Platform.



These organizations have been able not only to influence the national policy debate but also the practices of local institutions like Land Courts, Land Boards, the Office of the Administrator General, as well as customary authorities, policymakers and other authorities. Their strategies strongly contribute to securing people's (particularly women's) rights to land in the absence of a functioning and equitable state system (land administration as well as justice systems), or provide alternatives in the often complex legal environment. These CSOs hold a vast body of knowledge, produced and created everyday through their various interventions, but it is often underestimated by the international community, the government and even within and between the organizations themselves.

This document is grown out of a shared concern to learn from different approaches towards working for land rights and justice in Uganda, and bring knowledge generated to a wider audience in Uganda and elsewhere. The goal was to develop a document in which discussions, analysis and results are based on real life experiences of local organizations who advocate for a more efficient use of existing knowledge in the country in order to influence national, regional and international debates on land, gender equity and justice.

### Objective and structure

This publication forms the basis of an action learning programme that started in 2012. It is the result of a joint effort between ULA, UMWA, FIDA Uganda, LEMU, MJU Uganda, the Royal Tropical Institute (KIT) and the Centre for Basic Research (CBR Uganda) to analyze and document key interventions of these CSOs using a common analytical framework based on a gender and rights and access to justice approach. By using such a common framework, questions around land rights failures and its root causes are identified, allowing for a more focused reflection of the process and outcomes of interventions. By exemplifying and analyzing perspectives and experiences of these CSOs from a gender and rights approach, this document aims to contribute to developing effective and context-specific strategies to address gender, rights and land justice failures.

This document is divided in two parts. Part I describes the methodology of this work, including the analytical framework that has been used. A brief history of the evolution of CSO's in Uganda in the area of land rights will be presented as a background to the case studies. Part I closes with a synthesis of the case studies which includes: i) a summary of the analysis of rights failures within the land administration and dispute resolution systems and their root causes, and; ii) an overview of the type of responses each of the five organizations developed. The overview presents the approach taken, the actors involved and the outcomes achieved.

The core of the document (Part II) details how these organizations are using different approaches and paradigms to enhance gender responsive land governance institutions in order to achieve justice and equity. Along with a description and analysis of each intervention, the root causes of land rights failures in Uganda are unpacked with the

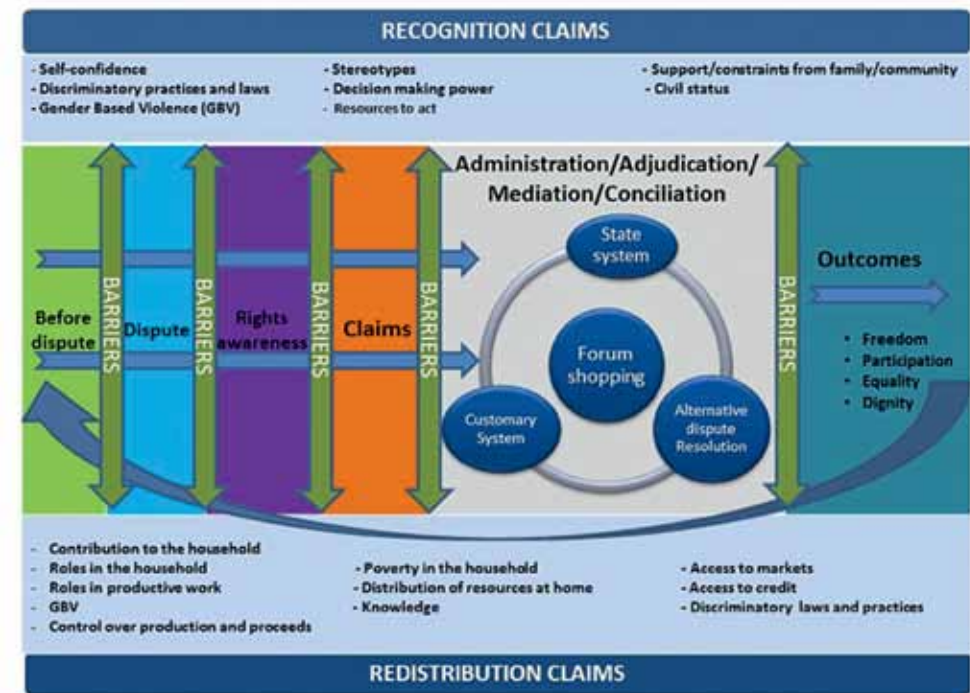


Figure 1. Chain of Justice Analytical Framework (Quintero, 2012)

help of the chain of justice analytical framework that maps some of the pathways women and men can take to achieve land justice.

All of the interventions and strategies analyzed have rendered great results in different areas and at different levels of the land governance system in Uganda, and the most vulnerable groups of people, women in particular, are realizing their rights to land. An analysis of each of the interventions highlights the uniqueness of the approaches and paradigms each organization uses. Furthermore success factors, but also gaps and lessons learnt, are identified as lessons for future collaborative efforts which can intertwine diverse programmes and projects along the chain of justice, build new alliances, and strengthen existing ones. The main lessons learned and suggestions on how to take them further are discussed in the final chapter.

### Methodology and conceptual framework

Within KIT's programme on gender, land and access to justice, KIT and CBR Uganda held a writeshop in Kampala on "Gender and land rights in Uganda: Justice and equity in land administration and dispute resolution" with five Ugandan CSOs (FIDA, ULA/Women's

Land Rights Movement<sup>5</sup>, UMA, MJU Uganda and LEMU<sup>6</sup>) to analyze, discuss and share the main issues around gender and land rights, and the way each one was addressing them. A central question in this process was: How can interventions from different organizations working on land administration and dispute resolution contribute to the larger change of underlying gender relations?

The CSOs were selected by the writeshop organizers based on their approaches, interventions, type of organizations and objectives. A writeshop methodology was chosen to document experiences of practitioners, overcome distrust, and enhance cooperation. It brought together a wide range of people, each with their own experiences and specific knowledge, to work in groups documenting their part of the story. It was an intense participatory process, designed to allow relevant cases to be developed, revised and put into final form, taking full advantage of the expertise of the various participants.

During the three days of the writeshop CBR Uganda, KIT and the five Ugandan CSOs discussed, analyzed and wrote the main body of the present document. A peer review process was held on the last day of the writeshop and several draft versions were worked on in a participatory process with constant feedback from all of the contributors.

### Concepts, meanings and definitions

Different concepts and definitions such as custom, culture, patriarchy, equality, ownership, property and even rights are used in literature, in government policies and laws and even in the work of international organizations and CSOs in different ways, but often with fixed meanings. However, there is no universal agreement on the actual meaning of most of these concepts. Ownership, culture or rights, for example, are understood differently in different contexts and by different people; including the different authors of this document. Thus in this document we do not use fixed definitions but rather working definitions. We would like to contextualize existing terms and understand the nuances in the use of these concepts by the organizations involved. We do so by focusing on the institutions women and men may be confronted with: on dispute resolution and land administration. These two institutions are extremely interrelated and are often in conflict with each other, and sometimes such conflict derives even from their own understanding and interpretation of 'fixed' concepts.

### The chain of justice analytical framework

The documentation process was guided by a tailor-made analytical framework: 'the chain of justice' (Quintero, 2012) framework was informed by a gender and rights based approach. This framework is a tool for gender analysis of rights within processes people

<sup>5</sup> ULA contributed to this initiative from 2012 to 2013. At the end of 2013 ULA began a process of re-organisation which resulted in the creation of the Women's Land Rights Movement as a separate institution directly supported by ULA. From 2014 onwards the Women's Land Rights Movement will take over from ULA as the main collaborator in this initiative.

<sup>6</sup> The organizations were previously identified based a KIT literature review which took place in January and February 2012 and a consequent scoping mission conducted in March 2012 when KIT met with several CSOs and other stakeholders working on land rights and gender in Uganda. See the Annex for a short description of each of the participants' organisations.

take to claim and realize their rights. In Uganda this process is marked by a plurality of systems which poses numerous obstacles as well as opportunities to manoeuvre, mostly within the justice system, to redress injustices. Many of the obstacles poor and marginalized people – and women in particular – meet are beyond institutions and the law. They relate to the social position and role of the people involved, and social relations between the different systems, the beneficiaries and the institutions themselves. This affects people's ability to access justice before, during and after an injustice (dispute, conflict) occurs. This is what we call the 'chain of justice'.

This analytical framework is informed by a gender and rights approach and embedded in a more comprehensive understanding of gender and land rights. It goes beyond access to institutions and instead conceives justice from a rights perspective, putting the claimants (women) at the centre of the process and concentrating on the outcomes of justice in plural legal systems. The framework understands that along this process, women's ability to claim and realize their rights is influenced by different social structures and institutions, such as justice systems (laws, institutions and authorities), land administration institutions, (land and agricultural) markets, the media, and their communities, and therefore justice can only be assessed if all of these factors are taken into consideration. Thus the chain of justice analyzes different rights failures women specifically face in the processes they go through to claim their rights. The chain of justice is split into three stages: before a dispute arises, during the dispute resolution itself, and the decisions made by the different formal and informal justice authorities (see Figure 1). This analysis emphasizes the fact that justice is more than the institutions; that among these stages many other sub-stages can be found that vary according to the different barriers that are encountered along the chain. Every stage has to be understood in a comprehensive way, without overlooking the elements of justice before the dispute, during and even after a decision has been made in the different legal systems.

Women in Uganda are claiming their rights through these systems but they face serious obstacles and gaps, such as: the complex structure of and the blurred border line between legal systems (i.e. courts' hierarchy and jurisdiction); the multiple land institutions in Uganda at different levels; the lack of understanding and knowledge of the diversity of customary laws and institutions, and; the recognition and redistribution failures women face trying to access justice (Fraser and Honneth, 2003). All these elements need to be taken into account by the stakeholders in charge of delivering justice as well as by alternative mechanisms offered by NGO's, CSOs, and legal aid clinics, when they design and implement their projects and interventions on legal empowerment and access to justice. This analytical tool provides guidance for such interventions by evaluating existing ones and/or by using it to design new ones.

### The trajectory of women's land rights in Uganda and the place of CSOs

The Constitution of the Republic of Uganda (1995) provides an overall legal framework for the pursuance of women's rights. The Constitution is written in gender inclusive language and has up to 12 substantive aspects that are supportive of gender equality.

There are great improvements in public participation and access to services in Uganda and gender parity has almost been attained in school enrolment, compared to a gender gap of almost 40% which existed in the early 1980s. In parliament and local government a critical mass of 30% women representation has been achieved, whereas in 1980 there was only one woman out of a legislature of 126 members.

However the road to economic gender justice has been bumpy. Out of an estimated 26 million people living in Uganda “over 86 percent live in rural areas and derive their livelihoods from subsistence farming. Women constitute 50.9 percent of the population and supply 70-80 percent of the agricultural labor force” (ILC, ULA, UMWA, MISR, 2011). There is sustained gender inequality, principally illustrated by property rights in general and land rights in particular. Ugandan women’s gains in the area of land rights have been rather slow. Contrary to other aspects, such as political representation and education access where numbers and relative success have been registered, land rights for women remains a sensitive issue. The stakes are high, and land rights remain a critical battlefield for women in Uganda. Property rights are part a bundle of entitlements that spring from deep seated structural gender inequalities. Tripp for example asserts that women’s attempts to assert their land rights have face hard battles because their ties to land are largely mediated by their relationships to men (Tripp, 2004). Unravelling those ties, in their various and dynamic manifestations, to assert rights for women requires a realignment of established gender norms and practices.

Indeed, property rights seem to be one of those strong vestiges of patriarchal power. There is a realization that women’s advancement in many other areas tends to be heavily pulled down by the very slow progress in meaningful economic gender justice. And for Pearson (2004) there is a need for a renewed feminist political economy calling for a “re-balancing of the concerns about representation and a re-focusing on material inequalities and on social policies of redistribution” (Pearson, 2004: 603).

Needless to say, the question of women’s land rights in Uganda has been a latent one right from the 1940s when a number of women began to question inheritance practices, especially in marital relations and in the event of the death of the husband. It can however be argued that a renewed focus came about in the 1990s, after the constitutional revision in 1995. CSOs, mainly under the rubric of the women’s movement in Uganda have been particularly relevant in the articulation of women’s land rights. The watershed of this struggle came with the 1998 Land Act which was hoped would herald a new era of women’s rights. As an Amendment to the Land Bill, the women’s lobby tabled a clause on spousal co-ownership of land. The intention of the clause was that family land – homestead land on which a family resided or from which it derived its sustenance – should be vested jointly in both husband and wife/wives names, and be owned as such (Kawamara and Ovonji, 2003:161). As Asiiimwe narrates:

*... substantial work went into lobbying ... for a clause in the Land Act that would allow spouses to co-own family property. However, when the Land*

*Act was passed, the co-ownership clause was missing, despite its having been discussed and approved by members of parliament. Women felt and still feel betrayed, but they did not and have not stood back (2001: 121).*

The ‘lost clause’ as it came to be popularly known represented a spark that galvanized many efforts of CSOs towards the question of women’s land rights and access to justice. The reform of the Land Law in the 2000’s presented an opportunity in which the principle of women’s right to land was to be reconsidered. Women’s organizations such as Uganda Women’s Network (UWONET), UMWA, Forum for Women in Democracy (FOWODE) and other organizations such as the ULA refocused their energies to ensure that women’s land rights were considered. Despite the level of women’s activism during the Land Law reform process they did not succeed in inputting an express provision for co-ownership of family property in Uganda. However Section 27 of the Land Act (1998) provides for general protection to women or children or persons with disabilities with respect to any decisions on land held under customary tenure. Section 39 also prescribes restrictions on transfer of land by family members, whereby consent is required from a spouse in case of sale, mortgage, pledging or lease of any land where the family ordinarily resides and derives sustenance.

The Land (Amendment) Act of 2004 provides for the protection of family land by requiring the consent of spouses in that each spouse has a right to give consent or withhold consent to any transaction involving land upon which she or he resides. This consent thus seems to offer security of occupancy for spouses, and introduces the concept of family land, which is clearly defined<sup>7</sup>. The guaranteed land rights for spouses are access to live on, to use, and to give or withhold consent. The Land (Amendment) Act of 2004 was an attempt to give consent rights to the disposal of family land. Women are only protected in relation to the defined land while other land acquired during marriage is not protected. The right accorded is not explicitly a legal right to own the property but to occupy it.

### **CSO’s synthesis**

Table 1 presents, in a summarized form, the case studies of the five CSOs, their approach, the main actors of their intervention, outcomes and stages in the chain of justice where the intervention has or could have an impact. These are further elaborated in Part II of this document.

UMWA presents a thorough self-reflection on their work, supporting women to access real justice by bridging the gaps between the Office of the Administrator General and those women, widows in particular, whose rights to land have been neglected or eroded. Their approach and methodology relies mainly on the use of the media as a useful mechanism to bring information and reach the often unreachable. LEMU, using their own paradigm, challenges the conventional position that ‘customary tenure does

<sup>7</sup> The scope of land covered ranges from residence, to land on which the family derives sustenance or where the family decides it falls in that category. In addition, there is recognition of family land based on norms, customs, traditions or religion of the family.

not allow women to own land' by undertaking a thorough and full process of research and participatory documentation of customary land laws. MJU Uganda presents a very particular perspective, choosing to focus on legal documentation as a strategy to taking advantage of existing tools to claim land rights. They do so by working strongly on will writing and building alliances and cooperation with land surveyors. ULA concentrates their work on capacity building of grassroots women as women advocates of their own rights. They have used their knowledge on land in Uganda in this specific intervention to deliver training and empower communities. Finally, FIDA Uganda describes their work on legal empowerment and legal aid for women in their programme to mainstream rights and economic growth. They take an inclusive approach and work towards strengthening both formal and informal systems of justice.

**Table 1. The CSOs: analysis of the work of the organizations**

Organization	Approach/focus of intervention	Actors	Where in the chain of justice	Outcomes
<b>Uganda Media Women's Association (UMWA)</b>	Media and communication that enhances the visibility and status of women to realize equity and justice; information and knowledge on the legal system; sharing experiences among women; radio advocacy; research; video documentary; community dialogue; meetings with government officials.	Administrator General's Office (AGO)	After the dispute and before reaching the justice systems.  During the dispute (work with AGO).	Women gain knowledge and are able to claim their rights; increased security of tenure and improved quality of life for women; alignment of traditional and religious practices with the formal law.
<b>Microjustice (MJU) Uganda</b>	Legal documentation of marriage, wills, birth, succession, property, formal registration of land and accompanying measures (access to credit etc.). Focus on urban areas.	Banks, micro-finance institutions, SAC-COs, individual surveyors, District Land Tribunals, Residential District commissioners (RDC).	At all levels of the chain of justice, but focuses more before the dispute arises.	Increased acceptance of gender balanced share of property in the will.  Land registration process demystified. An increased number of people including women are able to subscribe to the process with the surveyors under our partnership. Women are gradually registering the land individually.  Women and other interested parties are appreciating the use of documents like land titles to access other financial opportunities for economic empowerment, e.g. loans.

<b>Land Equity Movement Uganda (LEMU)</b>	Challenging the conventional position that 'customary tenure does not allow women to own land;' by documenting the Principles, Practices, Rights and Responsibilities (PPRR) of customary tenure.	Lango Cultural Foundation (LCF), Iteso Cultural Union (ICU), Elder's Forum and Ker Kwaro Acholi (KKA) and Norwegian Refugee Council (NRC) Kumam Elders.	At all levels of the chain of justice, but focuses mainly before the dispute arises and during the dispute resolution stage.	Integration of gender principles in cultural institutions. Acceptance of PPRR (by clans, courts, police, authorities) to equitable customary rights in Lango, Teso, Kumam and Acholi communities.
<b>Uganda Land Alliance (ULA)</b>	Capacity building, training on advocacy and rights awareness. Basic legal aid and mediation. Community empowerment, sensitization and distribution of information. Improving service delivery at different levels of the justice systems.	Traditional leaders as well as opinion leaders recognized by the community.	All levels of the chain of justice, but mainly before and during the dispute and dispute resolution stages.	Increased access and ownership of land for women in urban areas.  Increased equitable distribution of land between men and women.  More recognition of women's land rights  Improved and more harmonious relationship between different structures of justice.
<b>FIDA Uganda</b>	Legal empowerment and legal aid for women; capacity strengthening of formal and informal justice systems.	Acholi customary leaders (KKA).  Local Council Courts and Magistrate Courts.	Before, during and after the dispute.	Enhanced capacity of cultural institutions to challenge negative customs which justify stereotypes and perceptions of women not being entitled to own land.  Acholi Gender Principles on marriage, divorce, wife inheritance, burial practices and property rights documented and disseminated through the cultural leaders.  Enhanced knowledge of legal rights among women and in the use of legal aid mechanisms and tools.  Increased capacity of formal justice system to deliver gender sensitive outcomes.

The gender and rights approach aims at unpacking the root causes of injustices by looking at failures of redistribution and recognition. Table 2 presents an overview of the root causes of redistribution and recognition failures related to women’s land rights in Uganda at different levels and highlights different aspects of land governance and justice according to each organization, analyzed in this document, and their experiences.

**Table 2. Women’s land rights failures in Uganda**

Organization	Recognition and redistribution failures	Root causes
<b>Uganda Women’s Media Association (UMWA)</b>	<ul style="list-style-type: none"> <li>• Lack of spaces, forums or opportunities for women to exercise their agency and express their voice (claim their rights).</li> <li>• Lack of recognition of women’s entitlements to their deceased husband’s property.</li> <li>• Unfair distribution of property among men and women.</li> <li>• Lack of technical and physical accessibility to justice systems to claim rights, e.g. AGO.</li> <li>• Laws that re-enforce women’s rights failures (discriminatory or gender biased).</li> <li>• Gender biased outcomes from justice systems.</li> </ul>	<ul style="list-style-type: none"> <li>• People’s lack of legal awareness and familiarity with justice procedures.</li> <li>• Lack of technical and physical capacity of justice systems available to claim rights e.g. AGO.</li> <li>• Lack of spaces to exercise their rights.</li> <li>• Male dominated laws and authorities.</li> </ul>
<b>Microjustice (MJU) Uganda</b>	<p><i>Individual and community level</i></p> <ul style="list-style-type: none"> <li>• Lack of information and rights awareness to property, particularly land.</li> <li>• Lack of access to clear and rightful legal documentation to support ownership claims of property, especially land.</li> <li>• Gender share of property unbalanced.</li> <li>• Recognition of the man as the head of the family continues in most communities and cultures.</li> <li>• Institutions</li> <li>• Limited number of registered surveyors resulting in high costs for land registration, manipulation and overcharging habits by the surveyors.</li> <li>• Lack of access to legal aid service providers.</li> </ul>	<ul style="list-style-type: none"> <li>• The formal justice system: ineffective structures and procedures and the general state of women living in poverty.</li> <li>• Misuse and misunderstanding of some customary practices, the abuse of traditional power, and gaps between the customary and the formal system.</li> <li>• The marginalization of the social position and social condition of women in Uganda compared to men.</li> <li>• Will writing as a male-driven affair culturally.</li> </ul>
<b>Land Equity Movement Uganda (LEMU)</b>	<p><i>Citizens</i></p> <ul style="list-style-type: none"> <li>• Lack of information and knowledge of the law, rights and justice institutions.</li> <li>• Legal framework</li> <li>• Lack of formal legal protection of property rights for women not legally married (women in co-habiting relationships).</li> <li>• Institutions</li> <li>• Lack of access to institutions: physically inaccessible courts, long and costly procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• Misinterpretation and abuse of customary law undermining women’s social position and social condition within the Acholi people.</li> <li>• Legal gaps in the formal system.</li> <li>• Corruption and scarce resources.</li> <li>• Unclear regulations and procedures in the formal system.</li> <li>• Patriarchal biases in the formal justice system.</li> <li>• Lack of gender parity in justice personnel.</li> </ul>

<b>Uganda Land Alliance (ULA)</b>	<ul style="list-style-type: none"> <li>• Lack of recognition of women’s land rights at household and community level.</li> <li>• Customary practices that conflict with statutory laws.</li> <li>• At institutional level, lack of harmonization of decisions made informally by traditional leaders and other justice structures.</li> <li>• Lack of knowledge of procedures in accessing formal justice.</li> </ul>	
<b>FIDA Uganda</b>	<p><i>Individual and community level</i></p> <ul style="list-style-type: none"> <li>• Lack of information and knowledge of the law.</li> <li>• Abuse of customary laws and practices.</li> <li>• Women’s right to land ownership (formal understanding of the concept) is not independent and derives from her relationship with a male (husband, father, son).</li> <li>• Violence and denial of funds and property at the household level.</li> <li>• Formal justice system</li> <li>• Discrimination in the protection and recognition by the law of rights based on the civil status of women.</li> <li>• Financial and physical inaccessibility of judicial structures for women.</li> <li>• Gender biased judicial decisions.</li> </ul>	<ul style="list-style-type: none"> <li>• High levels of illiteracy.</li> <li>• Misuse and misinterpretation of the customary laws and practices.</li> <li>• Enforcement of customary practices that justify stereotypes and biases against women by authorities and social institutions, like family.</li> <li>• Concept of individual rights over land as understood in civil or common law is contested in the legal pluralistic context of Uganda.</li> <li>• Legal gaps and gender biased norms.</li> <li>• Lack of clear regulations and procedures.</li> <li>• Corruption.</li> <li>• Scarce resources.</li> <li>• Patriarchal biases.</li> </ul>

**Figure 2. Mapping the CSOs presence in Uganda**





# Enabling women's (widows) access to justice at the Administrator General's Office through information provision

*Uganda Women's Media Association (UMWA): Margaret Sentamu-Masagazi and May Nakyejwe*

## **Introduction**

The office responsible for mediation in succession and managing estates of deceased persons in Uganda is called the Administrator General's office (AGO), presently referred to as the Administrator General's Department. It has one central office located in Kampala and is meant to serve over 35 million Ugandans. It is an important institution for women and widows in particular, who tend to be more vulnerable to the loss of their land after the death of their spouse.

UMWA has supported the realization of women's rights since 1983, mainly through media information campaigns. As part of its information and advocacy campaigns, together with the Uganda Land Alliance (ULA), UMWA conducted a baseline study on women's gains from the implementation of the Succession Law in Uganda among women and men in the remote areas of Wakiso, Mpigi and Mukono district (ILC, ULA, UMWA, MISR, 2011). The research project aimed to document the experiences and gains resulting from the statutory provisions of equal inheritance rights between men and women. Wakiso, Mpigi and Mukono, in the central region, were selected for the study following an earlier evaluation by ULA of the effectiveness of the statutory law. The practices of the AGO were studied, focusing on how they award women their inheritance rights. It was established that more women in the central region were bequeathed land and matrimonial homes than in the western region. This is because few of the deceased men from other regions had registered land.

The results indicated that women who had accessed and utilized AGO services had more secure land rights over their land and property. However, it was discovered that women, particularly in rural settings, do not have sufficient knowledge about the existence and the modalities of accessing the AGO and hence continue to suffer deprivation of their property by their in-laws and other relatives and neighbours. This result was the driving force behind work by UMWA, ULA and others to sensitize women about the existence of the AGO and how it may be accessed to ensure protection of land rights. Several interventions have been undertaken since then. This case study analyzes UMWA's experience using a gender and rights approach and the chain of justice framework to reflect on the outcomes and challenges they faced during the implementation of this

initiative. The aim is to document and share the key lessons learned, as well as to reflect on possible improvements of UMWA's media and information strategies.

### **Injustices experienced by widows in Wakiso, Mpigi and Mukono districts**

According to the results of the UMWA/ULA study, many widows in Wakiso, Mpigi and Mukono districts lost their land and other family property after the death of their spouses. The redistribution of property by the family and clan meetings revealed that they did not consider women as having entitlements to the properties. The lost property included marital land as well as their personal land. Moreover, according to the custom, after the death of a father, children belong to his side of the clan, meaning that the woman lose 'custody' over them. If a succession dispute occurs within a family or a clan, a woman can, according to the Succession Act, claim her rights to the deceased husband's assets through various paths. These include Local Council Courts and the AGO. However, in many cases, widows were not aware of where to go, whom to approach or whom to contact to get the needed services or information. Even if they knew, the time, costs and knowledge required to present a case, were limited and made it hard for women to access these authorities, particularly the AGO who has just one office in the capital, Kampala.

A further analysis of the injustices faced by women with regard to land reveals the type of claims women make. In most cases, women may be aware of their rights; they know they are entitled to their late husbands' properties, and especially their own. They want to be heard, but no one gives them an audience. The cultural value systems only offer recognition of the man as the owner of the property, including the wife and children. The laws which could serve as alternatives for justice are also dominated by men, who society deems to be the key stakeholders regarding land. From these findings, different rights failures and obstacles to access justices are identified. The lack of recognition of women's entitlement to their deceased husbands property and the consequent misdistribution of the property, as well as the physical, economic and social limitations of women to claim and exercise their rights within justice systems, are accompanied by the lack or limited knowledge about these systems and services, and supportive laws reinforcing women's rights.

### **Intervention**

UMWA's intervention sought to address the challenges faced by women using multiple approaches to uphold their human rights and improve their legal awareness. Two major challenges were targeted: 1) limited knowledge about the services provided by AGO and; 2) limited knowledge on supportive laws for rights claims, i.e. the Succession Act. The focus was to bring together research findings, laws and policies, and simplify, re-packag, disseminate and discuss them with stakeholders (marginalized communities, particularly widows, AGO officials and others). Strategies included research on the situation obtained through personal interviews and testimonies; radio advocacy programmes, radio spots messages, video documentaries, community dialogue, and follow up engagements with the Administrator General, among others.

### *Research and experience documentation*

As part of the baseline study, UMWA conducted in-depth interviews and gathered testimonies from widows who had engaged the justice systems, and had their rights to land and property violated at the hands of their families, relatives, society and the justice system, especially in their local environments. Some of the questions women had regarding the AGO were: What is the AGO? What does it stand for? How can it be accessed? What's the starting point? Which cases does it handle? How much time and resources are required to lodge a complaint/case at the AGO? What types of documents are required to lodge a complaint? Are there alternative service points in my community which offer similar services? What does the law say and what are the rights related to this service?

Documenting the experiences allowed UMWA to identify knowledge gaps which were addressed through the dissemination of key information through media outlets. This enabled research, laws, policies and practices to be scrutinized and discussed through radio programmes and spot messages.

### *Radio advocacy programmes and spot messages*

Radio advocacy programmes were produced and aired on 101.7 Mama FM, a women's focused radio station. The radio programmes promoted interactive discussion between resource persons from CSOs, central and local government, and affected women. Testimonies of women were shared as well as information on the relevant laws, and in particular the Succession Law. Women's experiences with the AGO and the successes and challenges encountered were a particular focus. Interactive discussions led to the drawing of recommendations on how women can better benefit from the AGO.

Radio spot messages (a short, clear message on a particular issue aired repeatedly on the radio) about access to land justice at the AGO were also produced to create awareness. Examples of spot messages are: "Are you a widow, not aware of where to seek legal aid; visit the AGO located in Kampala, at Amaam House, 5 George street"; "Access to land is a human right of every one; be it a woman, man, boy or girl. Act against unlawful acts of land evictions and theft, it's everyone's duty to protect widows from land grabbing..." UMWA's assumption was that such spots and encounters would eventually enable women, and in particular widows, to access justice on land and other property rights from AGO, and overcome the injustices faced after the death of their husbands.

### *Video documentary*

A video documentary showing the experiences of widows and other women and men who had suffered land injustices at various levels were obtained and disseminated on selected television stations. The aim was to highlight the issues to policymakers and other power-holders in the justice system; and this worked fairly well.

### *Community dialogue*

Community dialogue, or engagement, is the process or forum by which local people can articulate their needs and aspirations and have a meaningful role in the development of



community strategies and action plans. The drive towards more active engagement of people in local affairs is now stronger than ever. Having a voice provides a mechanism for ensuring accountability and enhancing the quality of services, and it is crucial that local council authorities present a wide range of forums to give rights holders, in this case women, a voice.

After realizing that the documented study findings were not enough to address the concerns of the widows and vulnerable people, UMWA conducted a community dialogue for Mama FM listeners to offer more information on how to access AGO services. Among the target groups for this dialogue were women (especially widows), men and the youth, power holders such as the police, AGO staff, local council authorities, and the media, among others. The dialogues revealed a high level of injustices faced by men and women alike. The outcomes of the dialogue were shared with a wider audience through two national television stations, 101.7 Mama FM radio, and The Other Voice Publication (an advocacy paper, run by UMWA).

#### *Follow up engagements with the AGO*

In order to assess the progress of commitments made by AGO during the dialogues, UMWA made periodic visits to the office to find out if widows getting or accessing desired services, and to link them to other service providers. The follow up also aimed at sourcing resource people from this department to educate Mama FM's listeners about the procedures and services available at the AGO.

#### **Analysis of the intervention**

After having analyzed these experiences from a gender and rights and access to justice perspective, UMWA started to question its own intervention and its effectiveness. Lessons could be drawn up in terms of what was achieved, what was learned and what could be improved, based on an understanding of justice as an outcome and using the chain of justice as an analytical framework for such reflection.

The information provided enabled some women to claim their land rights by demanding that the AGO uphold them. Failures of recognition were addressed: empowerment, self-confidence and assertiveness were generated from the dialogue to a point where women would be able to take the claims forward on their own. Later on, more women started seeking information on accessing AGO services. Some were referred to FIDA Uganda, and other agencies that offer specific interventions in other stages of the chain of justice. This indicated that UMWA's intervention broke some of the barriers women experience in accessing justice and claiming their rights. Some testimonies are provided in Table 3.

Dialogue among various actors, such as the police, AGO, and others, re-awakened their commitment regarding their duties towards the people. Key institutions that affect women's abilities to claim and exercise their rights were also involved in the intervention. Media coverage of the community dialogues was brought to the attention of the Administrator General and subsequent media coverage about the outcomes

(testimonies) of the dialogue prompted the Administrator General's immediate response by assigning a special official to attend to the concerns of the women and other people who were not familiar with the operations of the AGO.

**Table 3. Examples of successful cases of empowered women claiming their rights**

*Auma, a woman from Mukono district, about 50 kilometres east of Kampala, stood for the rights of her family who had been denied access to their land. She had to gather the land title and the will which she presented as proof of ownership before a local council committee with a big composition of men. At the meeting she exhibited a firm will to reclaim her land. The men were left wondering the source of her courage and the level of knowledge.*

*Another case is that of Rashida, who is looked at as an example. When a village friend died, the in-laws wanted to take over his land and imprisoned his children to stop them from interfering. She demanded that the Residential District Commissioner (RDC), a presidential representative in the local area who was behind the land grabbing, show proof of why the children had been jailed or be brought before court to defend themselves. The children were finally released after the RDC failed to show proof of the children's misdeeds.*

*Another rights' activist has been able to reclaim and attain full ownership and control of family land that had been taken over by clan members. She adds that as a woman, no one could believe how she managed to secure the land. She is now referred to as 'MaamaTtaka' meaning she is a reference point on land issues in her community. MaamaTtaka did not stop at fighting for her own land, but has become a rights activist as far as land issues are concerned. She has since managed to expose land injustices including forceful evictions and land grabbing, mainly masterminded by officials claiming to be from the President's office.*

*Such women are heroes in their local communities!*

#### *Bridging the gap between research and action*

The use of multiple interventions – such as the baseline study, multimedia through radio and television and a publication – was a key factor in the success of the intervention. Had the baseline study findings remained on the shelf, most of the affected women and communities could not have accessed them. Such information had to be disseminated in a user friendly manner through various media outlets that are accessible. The available research enabled the intervention to operate from an informed point of view.

The interface of the various actors was very helpful too. The community dialogue and the radio advocacy programmes provided an opportunity for affected women and the

duty bearers to communicate. Participants included women (mainly widows), men, and the youth on one side; and power holders such as the local council authorities, the police, AGO officials, and the media on the other side. This forced the power holders to take account of their practices or omissions in mediating land based conflicts. The AGO indicated that the intervention was timely. However, large-scale land grabbing persists because land is still considered to be the most viable and scarce resource in Uganda. It also has a symbolic value normally attached to wealth and social prestige.

Awareness creation about existing services and information to access AGO and other service providers was necessary. The women in the baseline study conducted in Wakiso, Mpigi and Mukono districts needed information, despite being aware of their rights on access, use, control and ownership of land. The media reports were also good re-enforcers, as they held power holders to account.

There was also a shared interest between UMWA and the women as UMWA staff members had found themselves in vulnerable situations and so identified themselves with the problem. Sensitization on the procedures in accessing the AGO was very much needed by most people. Almost every participant had experienced land grabbing or the threat of losing property, either as an individual, or knew of a neighbour, friend or relative who had had such an experience.

## Lessons learned

### *Whose perspective: the women's or UMWA's?*

UMWA seeks to address injustices faced by women. Research on rights violation was an important first step in the process, but how could the findings have been used more effectively? As is the case with many CSOs, UMWA's intervention was reactive and lacked resources. They stepped in rapidly to address the symptoms without exploring the underlying root causes. For instance, UMWA is now asking whether their intervention took the time to understand how women (the widows) defined justice or injustice in their own context, or whether the CSO decided for them. Did they consider finding out if the women preferred to use local justice institutions close by? Did UMWA chose the AGO on their behalf? Was their definition of justice to become aware of the services offered by the AGO or was their concern to be able to use and own the land right away? And how did they perceive just outcomes with regard to AGO arbitration processes? UMWA has concluded that they needed to have found out why such land injustices persist not only in that area but elsewhere in the country. They have also questioned whether documenting experiences was that the only means of presenting the women's voices? And was it adequate to influence policy?

### *Who is the 'duty bearer'?*

UMWA also learned that they did not analyze the duty bearer, the AGO, in enough depth. UMWA first approached AGO as advocates for women's rights and as representatives

of the victims of land loss. The CSO was quite 'harsh' with them, criticizing them for not taking into account factors that were constraining widows' from accessing justice. UMWA feel that it was probably an over protective move on their part, and possibly an indication that they had not given AGO enough information about their mission. They have concluded that more dialogued was needed to understand why they face constraints and delays in service delivery, and clients are confused about their procedures.

After having realized this, UMWA completed a rapid assessment of the capacity of AGO and found fundamental issues that hinder the ability of women to access justice through the AGO and prevent the AGO delivering efficient services and fair outcomes. Some of the findings are summarized below:

- The AGO is largely incapacitated in terms of physical and technical accessibility. Among the many challenges the AGO faces is the overload of cases compared to their human resource capacity. The ratio of officers to clients is in the region of about 1 officer for 20 clients a day, which overloads the officer and frustrates the clients. This can result bribes for those that can afford it and despair for the powerless, thus forfeiting their rights claims. The building itself is not user friendly as the offices are spread out over ten floors. People with physical disabilities find it hard to access. Its own physical location in the capital, Kampala (which is over 100 miles from some remote areas) is not well known by the people who need to access it. The AGO has not been decentralized to the regions to date.
- Information about what it offers is not available. Procedures and systems within the AGO are not known to the population. They are too long and tiresome. It is very rare that a case can be handled within one day, which implies that a rural person has to cover the costs of accommodation and meals. The legal justice system is not user friendly; it is basically in English, which automatically leaves out significant proportion of the population who are illiterate. Because of this, most women will end up giving up on receiving justice.
- Most AGO staff are male, which may limit gender sensitive responses. As cultural norms and practices have been subject of distortion, abuse and manipulation, this makes it easy to deny women fair representation in the justice system. As a result the justice system remains a mystery to women, forcing them to forfeit their land and property rights claims. UMWA assumes that one of the reasons women find it hard to advance their rights claims is because officers in charge don't see them as rights holders to claim their property. The CSO is considering how to engage the AGO to address gender disparity more constructively, without them being defensive.

### *There are limits to knowledge and action*

Legal language is often unfamiliar. Even development workers are not familiar with the legal language and interpretation of laws. Legal amendments also make keeping up to date with current legislation more difficult. Women with multiple reproductive roles don't have the time to follow up on endless amendments or new policies. For instance,

the National Land Policy 2011 was approved in February 2014, but how much knowledge about this has reached rural woman, let alone development workers? This, coupled with the absence of political will to bring laws and policies closer to woman, widens the justice gap further.

*What could we improve?*

- Concerning women's needs and perceptions, UMWA should focus on how the AGO works as a system, and provide women with more information about local justice systems closer to them, offering women alternatives to accessing justice.
- UMWA should try to analyze challenges of access to land from different perspectives, both from the perspectives of rights holders and duty bearers. While women's perceptions may differ on what the best approaches to access justice are, UMWA also needs to understand the context and perceptions of AGO officials and other institutions that are supposed to protect rights because even officials occupying justice spaces are not well informed or equipped with adequate information, knowledge or skills. UMWA's task is to know who exactly is operating these offices and critically assess other associated hindrances to accessing land justice, such as gender inequalities in society.
- For the purposes of learning, UMWA should try to follow up more closely with people most affected by violations and other people in need of such services and information. A one-off encounter is not adequate. More support in terms of information and skills is required to enable women and other beneficiaries to be independent and for UMWA to break away from an over protective mentality towards women. In order to continue contributing to women's pathways to justice, UMWA should also try to find out if women accessed justice: was it fair, were they treated justly as subjects of rights and respecting basic justice principles such as dignity equality and non-discrimination?
- For future programmes, UMWA needs to think about the whole chain of justice as a process and ensure that justice is not an end in itself, but that justice systems should regard women as holders of rights, where the kind of justice they seek should be relevant to their context. UMWA should not have isolated land related issues from society; they need to be looked at together. This means more critically addressing other associated hindrances to accessing land justice, such as gender inequalities in society, in terms of assigning unequal power relations between men and women. Future interventions should ensure justice beyond the law in terms of freedom, dignity, and equality. For instance, the intervention understood justice as a decision by an institution, seeing this as an end in itself; but it needed to have addressed post judicial consequences such as support, enforcement and follow up mechanisms.
- Looking at all the questions and doubts raised, UMWA looked again at their mission. It is a media organization that aims to bridge information gaps. Although information dissemination and debate cannot address the immediate needs of the women who are in need of justice, it is an important part of a larger strategy to address women's rights and contribute to equitable development. It is therefore

crucial for well-informed interventions to collaborate with other institutions, including legal empowerment organizations (such as FIDA Uganda), land rights organizations (such as ULA, LEMU, and MJU Uganda) but also organizations that support economic development and rural livelihoods, so as to link access to justice to making productive moves for sustainable livelihoods.

- To achieve sustainability and a continuity of the intervention, UMWA should have taken into consideration how the women and other beneficiaries would sustain the knowledge about justice they obtained, so that they remain able to defend their rights. The intervention also needed to assess whether the re-distribution and recognition claims have been addressed by their communities.
- Before an intervention is designed, the root causes of a particular problem should be researched. For example, is limited access to justice a problem caused by social practices, beliefs, norms and principles of the justice system? Or other factors?

Other suggestions for improvement include:

- Link UMWA's work to organizations doing similar work.
- Conduct more action research to understand why land problems persist, how they can be overcome, and who is involved in land injustices.
- Learn from what other countries are doing to address land injustices.
- Find out how UMWA can present the voices of marginalized women to influence policy and create more security within their social agency.
- Lobby local structures who mandated to address land disputes to become more gender sensitive, responsive, supportive and action oriented.
- Conduct more sensitization on land administration and dispute resolution among actors in the land justice system to develop a more friendly land governance system, and among the general population (in particular women) on their rights, government systems, and operations.
- Inform disadvantaged groups about relevant laws and make this knowledge accessible.
- Conduct confidence building sessions for women and other marginalized groups.
- Build the capacity of implementers (UMWA, ULA, MJU Uganda, FIDA Uganda and LEMU) to familiarize them with relevant legal and policy frameworks and associated procedures to enhance services.

# Legal documentation and a strategic and practical approach towards land justice

*Microjustice (MJU) Uganda: Fredrick Walulya*

Microjustice (MJU) Uganda's general approach towards achieving land justice focuses on policy change and advocacy, but the results of this intervention are usually long-term and it is often difficult to measure success. MJU recognizes that while they pursue these long-term noble goals, individuals across the country – particularly the poor and women – continue to face huge challenges to land security, including land grabbing and forced evictions which require direct action and results. MJU Uganda decided to incorporate a proactive approach that, though small and gradual, delivers immediate tangible results in as far as land justice is concern. This intervention concentrates on legal documentation which has an impact on all levels of the chain of justice but focuses mainly on the stage before a dispute arises (preventive approach). It takes advantage of existing mechanisms and legal tools to protect and respect land rights in Uganda, and ultimately contribute to social change. Many conflicts and disputes turn out to be disastrous because of a lack of legal documents that express rights, obligations and powers in:

- a. Business - There is a substantive effort, especially among women, to attempt to create income generating activities. However very few of these business ventures have any legal status that protects the owners against exploiters. And so MJU Uganda assists in the registration of businesses and associations.
- b. Family - The lack of legal documents such as wills, letters of administration, and letters of probate affect mainly women and the children's claims over property.
- c. Land - In addition to policy advocacy, MJU Uganda looks to assist individual people and increase their awareness of their rights and land registration and land use procedures. MJU Uganda also realise that having land documentation is not enough to have land tenure security. For example, other than acquiring the land title which guarantees safety and ownership of land, the quality of a women's life is not improved. Thus MJU Uganda:
  - links people to financing institutions, like banks, so that they can use land title as collateral to acquire financial support, e.g. loans in order to open up business on the secured land. This arrangement complements the land rights campaign and its benefits particularly for women;
  - enables people who may not have enough cash to complete the land registration fees to procure small loans specifically for land registration from our partner banks;

- partners with individual surveyors for the purpose of streamlining and reducing the cost of land registration to enable the majority of people to access these services; and
- carries out outreach activities and awareness campaigns that fill the demand for information, in order to bring about a change in attitudes over gender on land matters among men and women, and concerned institutions.

## Recognition and redistribution failures

MJU Uganda has identified several rights failures regarding land and property rights in Uganda that affect mainly women and youth. The lack of recognition of people's entitlements and the failure of fair distribution of resources has a severe impact in the effective realization of women's rights to land. This in turns affects their ability to legitimately claim tenure and ownership. MJU Uganda has identified the following factors that lead to failures in upholding land rights:

- The *lack of clear and rightful legal documentation to support ownership claims* of property, especially land. Most people base their ownership claims on how much time they have spent using a commodity like land, or how much contact they have had with relatives and/or neighbours, but without any documentation.
- This situation is aggravated by a *lack of information and rights awareness* on property rights, particularly land. People are not aware of their land rights or about the process of acquiring ownership support/source documents.
- A very *limited number of registered surveyors* are expected to handle unregistered land that is occupied and/or owned by millions of people, leading to an overload which has subsequently created a monopoly and resulted in very high costs for land registration, manipulation and overcharging by surveyors.
- Although several initiatives by different CSO's are in place to assist people, the institutions offering such services are very few, resulting in a *lack of access to legal aid service providers* that handle land related matters.
- The *unbalanced share of property and authority by different genders*, especially within families, is noticeable in the use of existing legal mechanisms of protection such as land registration. This has serious consequences for women in succession matters where widows and girls tend to be the most vulnerable.
- The *recognition of the man as the head of the family continues in most communities and cultures*. Patriarchal beliefs and cultural prescriptions in Uganda are slowly changing due to many factors, such as armed conflict and its effects including forced displacement, women's empowerment campaigns, and legal reforms. Working within this context, MJU Uganda aims to guide the family head, through rights awareness, not to override the rights of the wife or wives and children and other dependents in terms of their share, decision-making and influence.

MJU Uganda thus focuses on the family as an important unit in the community. Changing policy as well as the attitude/perception of cultural leaders is a big challenge, so MJU Uganda strategically chooses to work with families to change perceptions through a bottom up approach.

## Addressing the root causes of recognition and redistribution failures of women's rights to land

The different recognition and redistribution failures affecting women's rights to land and land justice in general have been addressed in two ways: (a) looking at women's position and condition in society and how cultural elements have an impact in the realization of their rights, including the way these are realized through existing legal tools like a will; and (b) focusing on the gaps and weaknesses of the formal system, its structures and procedures and its impact on the poverty of men and women. In both areas, MJU Uganda applies strategies that improve existing legal mechanisms to produce tangible results and contribute to social change.

### a. Women's social position, social condition and status in her community

One of the main issues MJU Uganda has tried to influence with its intervention is to impact or influence certain cultural and traditional attitudes which can be harmful to women. MJU Uganda understands that most of the negative aspects of these attitudes are the result of, among other reasons, the misuse and misunderstanding of some customary practices, the abuse of traditional power and the existent gaps between the customary and the formal system.

The social position and condition of women in Uganda continues to be quite marginalized compared to men. The rights of many women are seen to be dependent on a relationship with a male figure e.g. being the wife, the sister, the daughter, the mother. Marriage is an institution that defines some of these relations and roles and therefore for many women it represents a great achievement that has to be protected and maintained, regardless of their living circumstances. This is also fuelled by abuse and misinterpretation of practices such as the bride price, whereby the husband could have paid to seal the marriage relationship. If a woman separates from her husband or becomes a widow, her relationship and material attachment with a male figure disappears and so does her sense of security and property rights. This situation places women in a difficult position, and often results in the avoidance of pursuing due rights, for fear of losing a relationship or position.

This fear is compounded by a lack of empowerment. A woman may fear how society may look at her, given her culturally pre-determined status; she may fear financial responsibilities and consequences that might arise in the long-term. For example, land left behind by a deceased husband might not be able to cater for all of the needs of the widow and orphans, even if it is cultivated or sold (could be a plot of land), and so help from relatives may be required in terms of feeding and meeting other necessities, e.g. school fees. This binds a woman into succumbing to the status quo.

#### ***A case study from Kagadi***

***While on one of our sensitization campaigns in Kagadi, one lady confessed that while it was an un-acceptable act to claim land rights generally in her society as a woman or wife in a family, it was worse for her to mention anything to do with property rights if she had no children.***

MJU Uganda acknowledges the various root causes for failure of women's land rights, and carries out sensitization campaigns to tackle some of the immediate concerns. The CSO uses an inclusive approach, involving men and women<sup>8</sup>, in order to have balanced input from different gender perspectives and openly address the human rights obligations towards gender equality using a bottom up approach. These sessions are open to the public.

#### *Will writing as a male-driven affair culturally*

A will is the expression of the desires and interests of a person which should fairly distribute property with reference to the spouse and children, in the context of a family. Wills have many advantages. They avert conflicts, ensure that property is fairly shared among beneficiaries and is well managed, and protect the relatives of the deceased – especially orphans and widows – against manipulation. However this may not occur if the person who drafts the will is a man who may be inclined to unfairly distribute, or even totally deny a share of their property to their wives and children. This is an infringement of the rights of a woman to a share in property, especially land.

Although will writing has yet to take root in Uganda, it is often the men who are the ones drafting or expressing verbally their heir and their decisions on property sharing or distribution without the wife/wives knowledge. Usually women [wives] only learn about the content of the will after the death of their spouse and often because of pressure from in-laws, the widow has to accept it.

The ultimate challenge today towards will writing, is lack of awareness of its usefulness and importance even when the people experience problems associated with the failure to have a will. It is assumed that to write a will you have to be a certain age, or the will has to be written during a specific period. This misconception affects many people, particularly women and children, and the absence of a will results in all kinds of conflicts and confusion, often agitated by the greed of the in-laws and other relatives. There is a great need to sensitize people to appreciate wills as a way to contribute to the attainment of secure and conflict free societies.

MJU Uganda's strategy on will writing has targeted the nuclear family and works with men writing wills, but also educates and encourages women to do the same. The organization emphasizes the need for men to value women's contribution to the family's development (recognition failures) and that assets acquired over time can be co-owned (redistribution failures). This has resulted in the acceptance of a more balanced distribution of property in the will. Women are being recognized, though at a gradual scale, as a contributor/partner, rather than as a tool. This also means that a daughter is entitled to a share in the family where she was born because of her role in the family, that she is also a child in the family, and also because she is human and equal to boys or men.

<sup>8</sup> We've noticed that mostly women attend to these sessions. They are keen to know their rights and understand the way they can claim them. The majority of women and men who seek MJU Uganda services are from Kampala and the urban rural periphery. They come to MJU Uganda as the organization provides legal services and advice for a very low cost.

In the chain of justice this part of our intervention takes place before a dispute arises and impacts dispute resolution, as it provides a useful tool to protect rights. At the same time the intervention offers real outcomes of justice as it promotes equal recognition and redistribution of rights to property and land regardless of gender.

### **b. The formal justice system: tackling ineffective structures and procedures and the general state of women living in poverty through land surveys and registration**

#### *Accessibility of justice in relation to economic resources and the individual's fight against poverty*

Most women in Uganda live in poverty. Women are also impacted by corruption which often affects the powerless. This has resulted in a strong connection between the possession of financial resources/money and access to justice. And so since the ability to access justice is affected and or determined by the ability to access finances, it is becoming extremely hard for a poor woman to access and achieve land justice. These structural problems require interventions at all levels, however MJU Uganda opted to focus on fostering businesses and entrepreneurial skills, as well as acquiring land rights. This approach intrinsically strengthens the position and status of a woman.

#### *The land survey and land registration process*

Within the formal system of land governance, land registration is a tool that was created in principle to ensure the protection of people's entitlements to land. One of the objectives of this mechanism is to avoid conflicts over land ownership. However it has not delivered the expected impact as it consists of complicated, expensive and unclear mechanisms. In particular, the role and scope of surveyors has always been vague. MJU Uganda acknowledges that the land survey process is costly so people with few resources, particularly women, are intrinsically denied the right to register their land. To tackle this particular problem, MJU Uganda has partnered with surveyors. A significant reduction in the registration process' costs and time has enabled more people, including women, to subscribe to the process.

Surveyors play a critical technical role in the process of registering land. They examine and plot boundaries as determined by the area land committees in collaboration with local village authorities and neighbours with whom the land borders. This specialized work sets the surveyors apart as a monopoly, enabling them to demand very high charges for their services. As an organization that stands for the poor and marginalized people, MJU Uganda decided to sensitize the surveyors about the vulnerable groups that deserve access to justice in land administration, and bring their attention to the government's prescribed costs, subsequently indicating how they have earned too much. Discussing and agreeing what is a reasonable charge requires negotiation by striking a balance between the government's prescribed costs and their usual charges. Through a Memorandum of Understanding, MJU Uganda agrees to refer its clients to the surveyors at that agreed affordable cost in a bid to improve access to land survey services. MJU

Uganda further oversees the surveyor's work on those particular cases to ensure timely delivery of service.

Additionally, partnering with surveyors in sensitization campaigns is starting to demystify the land registration process. The lack of clarity on procedures was initially a barrier for people, making it complex and inaccessible. After the intervention MJU Uganda has seen how people are increasingly subscribing to the registration process through MJU Uganda, many of whom are women.

Women beneficiaries from the awareness campaigns are beginning to register land individually. This is because women have come to realize and acknowledge their rights and the power they have to claim their rights. The position and status of women – who have been able to register their land and have been applied for loans to expand or to start business ventures – has been intrinsically strengthened.

MJU Uganda partnered with financing institution, like banks (Post Bank Uganda), microfinance institutions (UGAFODE Microfinance) and SACCOs, to assist women to access financial services. Women and men are appreciating the use of land titles to access financial opportunities for economic empowerment, e.g. loans.

#### *District land tribunals*

To handle and resolve land disputes across the country for the poor and to create accessibility to justice on land matters, District Land Tribunals were established, but they collapsed soon after their inauguration. Today the poor languish and often lose their land to the more powerful. As an alternative, the government instituted the office of a Residential District Commissioner (RDC) who have significant influence on land matters within a district. However, on top of a lack of legislative power to handle land matters, the office holders usually have no legal background, and the RDC is a political post. This creates questions of access to land justice, however, MJU Uganda's links with the RDC means that they are considered as a point of reference on some land matters since their involvement in such issues at the district level is evident.

### **Reflection: success factors and elements for improvement**

A number of factors account for these success of the intervention. One is that the communities and the women themselves seemed to have waited a long time for a quick fix approach, no matter its scale. And so there was excitement and assurance from the intervention. The approach appeared to be viable and men were open to listen to and adopt the idea that they needed to appreciate women's human rights and treat them with respect.

- Through the outreach activities MJU Uganda was able to disseminate information effectively because the beneficiaries were very eager to learn and the land problems being handled were having a significant impact on those involved.

- By partnering with surveyors, we have been able to reduce the high costs of land registration, thereby creating access for the disadvantaged, especially women.
- Bringing men and women together through the awareness campaigns helped them to appreciate and agree on issues of co-ownership, particularly on land. This intervention operates at the level of rights awareness in the chain of justice and has an impact in preventing disputes, but also in removing obstacles to accessing justice institutions and justice in general. It furthermore contributes to structural changes as it is starting to erase the preconceived idea about roles of a woman and a man in a family which give men power over women and see a woman as property. This has resulted in several men registering their land with the names of their spouses, as well as children in some instances.
- By creating awareness among people about the fact that their disputes stemmed greatly from a lack of documentation, and supporting and encouraging will writing, wills have become a stepping stone in erasing conflicts based on property sharing/allocation and reducing the influence of intruders, like in-laws, among the cases handled.

#### **A case study from MJU Uganda**

*One couple from Rwakiruri village, in western Uganda, with 8 ha of customary land approached MJU Uganda after having had difficulties in registering their land. While the man introduced himself as a married man but he did not indicate the need to include his wife's name on the land he wished us to register. MJU Uganda explained the need to let his wife have the same rights on the piece of land. It seemed strange to him because the cultural, traditional and societal practice from his point of view made no reference to a woman having the same rights to land. After some discussion he resolved to meet his wife for a private discussion. This approach was used because experience has shown that when you enlighten a man about the rights of a woman, quick tangible results are more likely to be achieved. When he returned, he came with a transformed attitude and perception. He requested that the land be registered in both their names. He was thankful for the enlightenment for he recognized that his family was more secure against intruders, including the in-laws. He also said that he realized that joint ownership enabled him to involve his wife in the planning and to contribute freely to the development of this land.*

#### **Improving the intervention**

MJU Uganda sees the need to engage more at the policy level in addressing factors that affect the respect of land rights for women in particular. This is because their intervention has been one dimensional in terms of approach. They need an integration of approaches in order to change the circumstances of injustices around land matters regarding women.

## Uncovering and documenting customary rights in Lango, Teso/Kumam and Acholi

*Land Equity Movement Uganda (LEMU): Judy Adoko*

In order to understand how fair distribution and recognition of land rights for vulnerable groups, including women, could be realized, a broader understanding of tenure systems is necessary, particularly the way they evolve over time, interface with one another, and are influenced by powerful public and political discourse. This case study focuses on customary tenure system, their mechanisms for the protection of rights, and the challenges they face to be recognized as legal tenure.

Customary land tenures is one of Uganda's four tenure systems and the only one not governed by an Act of Parliament. It is mostly oral which allows for some rights to be interpreted in ways that can reinforce ideas like 'women do not own land' (LEMU, 2008). Being oral, it is also difficult to discern if the practice of land rights is a custom, a result of abuse of customs, a change in customs, or an incorrect interpretation of the culture based on the interpreter's world view (LEMU, 2009). With this in mind the following vulnerabilities of land rights under customary land tenure in families will be discussed<sup>9</sup>:

Rights failures for vulnerable groups:

#### a. Marital and family rights

Land can be inherited, or obtained through birth rights, marriage, gifts or purchase. Very few women, mostly the highly educated or business woman, can purchase land. Most women acquire land through marriage, creating several limitations and putting them in very vulnerable situations regarding their land. When a marriage fails and divorce takes place, the wife is expected to return to her maiden home and the dowry is to be returned. The fear of returning a dowry can keep a woman in a marriage which is not working because that dowry might have already been used for the marriage of a brother's wife. A wife or widow might be also reluctant to return to her maiden home for fear of jeopardizing her children's inheritance and welfare. It is mainly childless widows and very young widows, who still expect to marry, who return to their maiden homes. (ii) Land conflicts may be used when the real reason is something different – e.g. a man wanting to marry a second wife or is having an affair with another woman. For girls, the

<sup>9</sup> This discussion is based on the information gathered and knowledge produce by LEMU's work. One of the results of LEMU's work has been the documentation of customary land laws titled Principles, Practices, Responsibilities and Rights" (PPRR) for Tenure Management in Lango, Teso and Acholi regions available at [http://land-in-uganda.org/lemu/document\\_categories/information/](http://land-in-uganda.org/lemu/document_categories/information/).

expectation that they will one day marry and never divorce means that their fathers will not leave land for them.

b. Non-recognition by the state of customary tenure governance and rights systems

Rights failures are happening because of an erosion of customary rules at community level, aggravated by the non-recognition of customary tenure by the state.

Customary tenure provides for rules, management, restrictions and protection of family land. Customary social governance ensured that gendered power dynamics, with regard to access to land, was not used to the disadvantage of women and children. There were rules of mutual protection whereby, for example, male relatives protected women and children, brothers protected sisters, husbands protected wives, in-laws protected widows, uncles protected children, etc. At community level land governance mechanisms held heads of family (who manages land in trust of the family) and clans (who make sure land is used and divided in an equal way) accountable. According to culture the head of a family who manages land allocated to the family is a married man. A woman becomes head of family as a widow and she takes over the land rights' management from her husband because she became a joint owner of the family land at the time of the allocation. During marriage, her husband is the head of family and can sell for good reason as per the "Principles, Practices, Responsibilities and Rights" (PPRR) but only with the consent of the wife and adult children and the consent of the clan.

However, a chain of events weakened these social governance mechanisms. Firstly, the distance between maiden homes and marital homes became a problem and because of this, for many women, protection from the maiden homes is lacking. Women are only protected by the husband's family who are sometimes the people who disown her. Secondly, many of the elderly men, especially fathers in-law who were entrusted with the protection of land rights, to whom the head of family was accountable and who gave general oversight in land management, died earlier because of the war or reduced life expectancy. Thirdly, traditional land governance systems are still not clear and the state missed the opportunity to recognize it and hold traditional managers to account. Instead of supporting and correcting traditional managers, the state has ignored customary management. The lack of recognition of the regulatory role of the clan gave male family heads the opportunity to abuse their stewardship (LEMU, 2009). For example, because the clan is not recognized as a legal entity they cannot sue a head of family who sells family land in a court of law.

This all means that protection of land rights is only expected to come from the state, through the police and the state courts that, not only do not recognize traditional institutions, are also far removed from the people and are expensive to access. The police also do not arrest land rights abusers despite S.92 of the Land Act which makes land rights' abuse a crime. The reason they give is that land cases are civil cases and the only crimes considered are those under the Penal Code.

c. Emergence of the statement that 'women don't own land' under customary systems  
The customary land tenure system is very different from the state system. Many development actors talk of land rights as if they are the same and yet Uganda has four tenure systems, each with their own characteristics of rights and restrictions. This brings difficulties and causes more confusion and hybrid laws which in turn leads to a lack of clarity of land rights. When the 1998 Land Act was passed, women lobbied for co-ownership of land for spouses in customary tenure. This lobby had two inherent misconceptions namely that:

- i *only men have individual rights to family land.* Yet, customary law states that land is family owned, managed in trust first by a married man and then his widow. Unmarried girls and divorced women are also heads of inherited family land.
- ii *common practice of grabbing land from widows (e.g. husbands selling land without family and clan consent) are 'customs' and need to be changed.* Yet, these practices are abuses of land rights. LEMU believes that these misconceptions are the reason for society's rejection. The statement 'women do not own land under customary tenure' is now the single most commonly used weapon for land rights abuse of women – men use it to justify land grabbing from women. Development actors use it to discredit customary tenure and women use it not to fight hard for their land rights. They give up the fight easily, letting the land grabber win.

Customary land rights and governance mechanisms were not been written down, allowing them to state with confidence that women do not own land under customary tenure. Where customary law remains oral, how can one be so sure that the practice of land rights abuse they see is a custom, abuse of custom or evolution? If it is the custom, why do the women complain and not accept the practice? Unfortunately, the statement that 'women do not own land' has become so commonly spoken that it is taken to be true.

d. HIV/AIDS

Under customary tenure, widowhood does not end a widow's clan membership, hence her land rights in the clan she married into remains intact, unlike in a divorce. After the death of her husband she remains a clan member and cannot be remarried within the same clan. If she wants to remarry, she has to return to her maiden home since she cannot remarry within the same clan because she already belongs to that clan. If she chooses to stay in her marital home, customs provide for her wellbeing by providing for her having children, labour, and protection. She can therefore pick a man who is more of 'an officer' of the clan but not her husband. His main purpose is to serve the widow. The rights to land and his children belong to the widow and her marital family. But, HIV and the practice that has been interpreted as 'selling a woman' now make this culture unfavourable. HIV and insurgency also means widows are much younger than in the past, with the young widow still having a full life ahead of her. Fear of HIV may mean a widow does not have brothers in-law who want to live with her, even if she might have wanted to. She is therefore forced to live alone, pick a man from outside the clan (which



the law allows but the clans still resent) or return to her maiden home. With greed for land, the widow's every move is watched by those who want to grab her land and the slightest excuse is used against her. A widow will therefore not take a decision that would jeopardize her land rights or the rights of her children. From LEMU's research, most widows who return to their maiden homes are childless widows. The prospect of returning to a maiden home and finding no land or an abusive sister-in-law also acts as a deterrent for her return.

#### e. Parallel justice systems

The Land Act and the Local Council Act introduced two parallel land justice systems, the traditional justice system and the formal court system. This leads to 'forum shopping' where people who are knowledgeable, wealthy and who have political connections are able to choose the forum most likely to decide in their favour. But the clan 'courts' are not fully supported by the state as a land justice system. So, even when the clan is supportive of a woman in the case of family land grabbing, the state fails to help the clan enforce the clan judgment. If the clan is being abusive the state has no way of knowing. Besides, the woman will not go to the state court first because she fears to 'report' on clan members if it is the clan member taking her land. If she goes without clan approval, she might not have witnesses in her favour or get a judgment enforced. Even when a woman risks going to the state for justice, the enforcement of those judgments is too expensive for a widow to afford. At least with the clan, if the clan is not discriminatory, she stands a chance of getting some sort of justice, even if it is an unfair or compromised decision.

In Uganda today, impunity is on the rise. Land rights failures are largely caused by poor accountability. Both the state and traditional justice systems function poorly. This is a perfect environment for the 'survival of the fittest' which then makes it possible for the powerful to grab land from the weak. Power in Uganda comes in the form of wealth, education/knowledge, political/or gun power and physical strength. Vulnerability or weakness comes in the form of being a woman, a child, aged, disabled, poor or one who is seriously sick with physical weakness. With this understanding of power and vulnerability, we see how contextual and gender analysis is an important tool in determining vulnerability and avoiding entering a community with a gender bias (male or female).

#### **The intervention – documenting customary land laws**

The intervention LEMU developed focused on the rights failures women face because of the lack of written land laws under customary tenure and the confusion of land rights resulting from four land tenure systems. It aimed to question the conventional position of most stakeholders that 'customary tenure does not allow women to own land' and that the practice of abuse is the 'custom'. LEMU questioned this position with the following: if customary land law is not written down, how can people be so sure that the practice of abuse is 'the custom'? LEMU built its intervention on the particular passage in the Land Act (CAP 227 S. 3.(1)b) that recognizes customary tenure to be governed by "rules

generally accepted as binding and authoritative by the class of persons" as long as they are not discriminatory to land rights of women, children and people with disability. LEMU partnered with traditional institutions including the Lango Cultural Foundation (LCF), Iteso Cultural Union (ICU), Elders' Forum, Ker Kwaro Acholi (KKA) and the Norwegian Refugee Council (NRC) to clarify and document customary land law in these regions. The result is documented customary land laws called "Principles, Practices, Responsibilities and Rights" (PPRR) for Tenure Management in Lango, Teso, Acholi regions.

#### **a. Failures the intervention aimed to address**

Even though customary land tenure caters for equitable rights of all family members, the myth that 'customary tenure does not allow women to own land' has developed. This has adverse effects on women's land rights: i) women use it not to fight for their land rights; ii) development actors use it to discredit customary tenure which means the system gets no support from policies; and iii) men use it to grab land from women. With four tenure land systems in Uganda, stakeholders lifted the freehold system of individualized land rights and advocated for women's individual rights. However under customary tenure land rights are for family members and women and men manage the family land in trust for the family members.

Under state law 'a man' and 'a woman' have rights over land; yet under customary tenure land rights are given based on different categorizations of one's status – such as married, unmarried, divorced, cohabiting, etc. The managers of family land are individuals who take responsibilities regarding rights, starting with a married man, followed by a widow. They are to hold family land in trust. Because men have physical strength they sometimes abuse their stewardship roles and sell the land without family and clan consent. These different categories are therefore extremely important but are not spelt out clearly and are therefore unknown to many, and specifically those involved in land justice. The state and the clan have a responsibility to uphold land rights of citizens and yet customary land rights are contextualized and were unwritten. How then can a court provide justice for land under customary tenure if the court does not understand the land rights under customary tenure? It is a crime under Section 92 of the Land Act for someone to maliciously occupy someone's land. How can the police make arrests under this act if they do not know the land rights of women under customary tenure? Most NGOs have components of 'sensitization on women's rights' for empowerment. For a system of tenure where the rights are 'oral', one has to ask, 'what land rights' would the sensitization cover?

Thus, as the governors of customary land managers and the custodians of customary land, traditional authorities decided that the solution was to document the rights and responsibilities in customary tenure and LEMU assisted them in achieving this. Documentation of land rights for three large regions was done in order to overcome the statement that 'women do not own land'; to give women 'a weapon' to challenge this statement and to give the clans, the state courts and the other stakeholders a central source to uphold land rights. The existence of the PPRR book would therefore enable a

woman who is not happy with the clan or the court's decision to appeal to the higher level.

### b. Process

A three day workshop with land administrators, land tribunals and traditional institutions was undertaken<sup>10</sup>. This workshop investigated the history of land rights and responsibilities in families. It also looked at changes that are taking place and their impact. The facilitation approach helped to overcome the original position of the participants that women did not own land.

During the time LEMU was investigating land rights, the facilitator asked the participants to list the powers men have over customary land. This was followed by the facilitator asking what would happen if the husband died and left a widow. The response from the clans was that the widow managed the land under clan guidance. They were then requested to list what powers the widow had. At the end, the facilitator asked the participants to compare the two list and they found the 'power list' to be identical. This was the beginning of a process of reversing the belief that 'women do not own land'.

The three day workshop recommended other activities: (a) one month's field research to verify information from the workshop; (b) an analysis of the issues; (c) several presentations of customary law drafts to stakeholders; (d) the documented customary law to be adopted and launched at different times in the different regions. This took five years in Lango, three years in Teso, and one year in Acholi and Kumam communities in Kaberamaido district. The customary law books are called Principles, Practices, Rights and Responsibilities (PPRR) and are in both vernacular languages and English. The book spells out rights and responsibilities of married men, widows, unmarried women, children born in and out of marriage and heirs. They can be found on LEMU's website at [www.land-in-uganda.org](http://www.land-in-uganda.org) and are currently sold and reviewed in Lango, Teso and Kumam communities.

Before distributing the PPRR, the final version was shared with all the clan heads who had to review and agree with them. The clan heads (only in Lango region) now comprise of women leaders who would have also read the book and accepted it. In Lango and Teso, clan heads and women representatives meet every year to review the book and during the last five years there have been limited changes.

### c. Outcomes of the intervention

#### *Outcomes for women*

For a woman to enjoy her land rights, she needs clarity of land rights and an institution to protect her rights and ensure that the rights are not abused. There are institutions to protect the rights of women – social and state institutions such as the police, clans and the courts. Most women choose not to go to the state courts for fear of seemingly

'reporting the clan or washing the dirty linen' in public. It is therefore a double jeopardy if a woman does not have her rights clearly spelt out and also fear to seek outside justice. Therefore since her rights are to be determined within the clan, it is very important that there is an agreed and written down code that can help everyone gauge whether or not land rights were upheld.

#### ***Case study from Teso region where the PPRR books are used***

***This is a case of a widow who was chased away from the marital land by her grandson who claimed that the land belonged to his father and therefore his grandmother (the widow) had no rights whatsoever over it. The respondent went ahead and uprooted boundary marks. This prompted the widow to report the matter to the police and eventually the matter reached the courts of law.***

***The court advised the parties to resolve the matter with the clan first. A clan meeting was convened where upon the clan divided the land and both parties were shown their portions. The boundary trees were also re-planted. However, the respondent continued to disturb the widow, preventing her from cultivating her land, prompting the widow to leave her marital home. She has since been out of the land for 15 years. She approached LEMU's office in Soroti in July 2012 and the legal team then intervened and carried out an assessment of the case by approaching both parties who accepted mediation.***

***Mediation was held and the parties reached an agreement that they would use their portions that the clan had divided for them, no one would shift the boundaries re-planted and that no one would raise a dispute again in relation to the same matter. The agreement was signed by the parties and witnesses. The legal team also drew a sketch map showing the demarcation of the land in dispute which measured ten acres. The LEMU team referred to the rights of the widows following the PPRR.***

#### *Outcomes regarding judiciary institutions*

In communities LEMU is conducting its intervention, the police following the PPRR are no longer arresting the 'victims' because they understand customary land rights and can therefore investigate land related crimes better. The police refer some cases back to the clans and clans are encouraged to assist a woman to report to the police if her land is being grabbed and the grabber is too tough for the clan to handle. The police are using the PPRR to investigate land related crimes and are therefore not performing arrests based on the information of the first person to report the crime. In the past, the police arrested the victim because the perpetrator was usually a more 'powerful' person and the first to report to the police.

<sup>10</sup> Different NGOs were invited but did not turn up (except Action Aid who came for the last leg of the Lango process).

*Outcomes regarding traditional institutions*

Traditional institutions report that the PPRR book has restored their credibility and respect, and without which the enforcement of their decisions would be at peril. They refer to the PPRR as their 'bible'. The clans are aware of the PPRR and support families to plant trees on their boundaries and in a few cases draw sketch maps of the land. The Kumam community, who wrote their book last after reading the previous PPRR, were able to document their law that land given to the first wife cannot be taken by the husband to give to a second wife. Land bought during a marriage cannot be given to a second wife. The PPRR book had to include the governance structure. The structure of the traditional institutions changed to include women along the same structure as the Local Council structure. Before, the clans were predominantly male. Now the numbers of women representatives in clan committees have increased at the top clan level but their role is as yet not clear to LEMU.

*Outcomes regarding development actors*

The customary law books make it easy to challenge anyone who says 'women do not own land under customary tenure' by asking them to open the books, since they are written by customs holders, i.e. the clan. Development actors who know of the PPRR books are more careful what they say about land rights and customary tenure. Some NGOs such as Action Aid, Arbiter Samaritan Bund (ASB) and FAPAD have bought the PPRR books and are using them in their communities. Many development actors (on average five in three months) have asked LEMU to conduct trainings on customary tenure.

**d. Challenges if the intervention**

- The difficulty remains, though, in that customary law has not been given automatic application in the court of law. For this to have happened, the PPRR book would have had to be passed as an 'ordinance'. This comes with its problems, one of the most important being keeping the law 'stuck in place', preventing the laws being reviewed yearly and updated.
- Another challenge the intervention faces is that although the PPRR spells out the responsibilities of the clan institutions to protect land rights of women and children, and that S.88 of the Land Act allows for clans to 'determine and mediate' on land cases, contradictory laws allow for Local Council Courts to be the first court for land cases. This encourages forum shopping by those who can. The law does not provide for a unified justice pathway for customary and state law. This undermines the oversight function that the state could play in the traditional courts. The woman still needs to make a choice on the best route to take, depending on the consequences of going outside the clans for justice.
- Finally about one-third of the 158 clans in Lango are using the PPRR book, but not many record their case proceedings. This makes it difficult to review their work.

**Success factors of the intervention**

- LEMU began with the aim to learn, with no agenda, opinion, or conclusions of their own. They did not go to find 'outdated customs' and to sensitize the people

to change. But during facilitation, they pointed out contradictions, similarities and they informed the participants of state laws that were relevant, e.g. custom is subject to state law. For example, the clans were insisting that widows should 'inherit' men from within the clans. LEMU cited the Constitution's provision on freedom of association to convince the clans to grudgingly accept that widows may pick any man to inherit.

- We partnered with traditional institutions (Lango Cultural Foundation (LCF), Iteso Cultural Union (ICU), Acholi Ker Kwaro (AKK) and Kumam Elders). They are responsible for culture and land. Because they are found in every part of their regions, our messages spread very quickly. We were also trusted by the people and protected because they trusted their cultural institutions. Working with traditional institutions also meant that our messages became the people's messages through their traditional leaders – at burials, at weddings, etc. This was very helpful when lobbying for land amendments and national land policies. The clans would already be able to articulate the issues when policymakers went to consult with them.
- LEMU did not implement the intervention for women only, but aimed to learn about customary tenure. They were not biased and did not pretend to know what the problems were. During the assessment of LEMU's impact, the prime minister of LCF said that if LEMU had said they were working for women's land rights they would not have agreed to partner.
- LEMU included all stakeholders in the process – land administrators, traditional institutions, tribunals, and NGOs, although they did not turn up. In Acholi, LEMU also involved the Church.
- Learning from one region was applied in another region. This meant that the regions which began the process later on were able to complete it quicker and have better versions of the PPRR.
- Information received from the workshop was verified through research.
- The research team was comprised of an expert on the freehold system (an Englishman) and customary system so it was easy to clarify land rights' confusion in the four tenure systems.
- All LEMU staff came from regions where LEMU was working and owned land under customary tenure, providing inside knowledge and understanding of the situation and practices in the regions.
- The work was a process, and not a project, enabling LEMU to build on previous work.
- LEMU carried out an analysis of the context, and with stakeholders agreed on a solution based on what could incrementally improve the situation at their level, rather than try to enforce solutions that LEMU believed would be a perfect solution.

**Improving the intervention**

- LEMU and its partners should continue to advocate for recognition of the PPRR in court of laws or recognized in the Domestic Relations Bill or the Land Act.
- At community level, clans should be enabled to purchase the book and be taught principles of natural justice, and how to write court proceedings, etc.

- There is a need to start a process of copyright for the PPRR books for traditional institutions.
- The PPRR books can only be implemented by the lower clan members who are not known officially. One way to improve the intervention is to have the clan structures registered in the Magistrates Grade 1 offices. This is one of the current proposals to the Chief Justice. The PPRR book needs to be availed to as many women as possible to encourage them to clarify their land rights and to seek justice if their rights are abused.
- LEMU needs to continue lobbying the Justice Law and Order Sector (JLOS) for a harmonized land justice system that starts with the clan, with an appeal to the Magistrate Grade 1 courts.

## Women's land rights: promoting security of tenure and improving quality of life

*Uganda Land Alliance (ULA): Annociata Kampire\**

### Introduction

#### Women and land rights

Uganda Land Alliance (ULA) is implementing a project on women's land rights in Uganda. The aim of the project is to promote tenure security of women's land and improve their quality of life. The approaches employed to achieve this include:

- Building capacity of grassroots women as women advocates of their rights.
- Creating rights awareness at the grassroots level.
- Sharing knowledge acquired with other women.

This is accomplished through:

#### *Training:*

- periodic training of women advocates at district level;
- training of paralegals to act as agents of ULA to provide basic legal aid and mediation to communities; and
- provision of IEC materials (Information Education & Communication).

#### *Dialogue or community empowerment:*

- community sensitization;
- conducting radio programmes; and
- provision of legal aid services.

The legal justice system in Uganda uses formal and informal systems. These apply different approaches and it is important to harmonize good practices since they all affect the same population. Religion and culture play an important role in the life of the majority of Ugandans and it is important to look into the traditional and religious practices in coordination with formal laws in order to identify gaps and contradictions that create confusion and allow for abuse, misinterpretation, manipulation and therefore injustice.

ULA also strengthens the capacity of traditional justice systems and religious leaders as well as formal justice systems in order to improve service delivery at different levels of the justice system. This is done through training and dialogue meetings to create common understanding of women's land rights issues and ways of addressing them.

## Rights failures the intervention aims to address

### 'Men own the land'

Land in Uganda is mainly acquired through buying, inheritance, or gifts. In terms of buying, men who are perceived as the heads of households are the ones who take decisions regarding land, including buying, selling and registering. It is coming practice that the land is registered only under the name of the man without even recognizing the woman's financial contribution. Often women are taken to land registration procedures but only to sign as witnesses to the sale and not as owners.

Another element that contributes to women's limited access and control over land, especially in communities where customary law rules, is the fact that land is regarded as a clan heritage and girls are seen as people who change clans when they get married. Thus, parents prefer not to give land to their daughters (gifts or inheritance) out of fear that they'll lose the land if she marries into another clan.

ULA has tried to address the biases and discriminatory practices against women regarding land through creating awareness among different stakeholders, including traditional leaders and the general community. We develop materials which are distributed among the local leaders and the communities to increase the awareness of the situation of women's land rights, the inequality and its effect on women's productivity and human dignity.

### No (legal) female representation

Land administration structures provide very limited opportunities for women to participate so women are not represented on land administration structures even where the law states that land administration committees must contain a certain percentage of women as members. The selection of women on those committees is often non-transparent, reproducing power dynamics and stereotypes that benefit others interests and seldom those of women.

The intervention is aimed at engaging with land administration structures and the district leaders who are charged with selecting members of the different land administration institutions to always consider gender and women's involvement in these structures so that women's land rights issues are addressed.

### The issue of 'bride price'

In most of Ugandan communities, marriage is characterized and sealed through payment of what is known as the 'bride price'. This is even regulated in the Customary Marriages Act. While this may seem as a token of appreciation to the parents of the girl, it has negative implications on the woman's status in the community and at home, and this affects her property rights, among other entitlements.

The Constitution of the Republic of Uganda provides for equality between men and women during, before and at the dissolution of marriage, and it also outlaws practices and laws that undermine the dignity of women. However the reality is very different. Payment of bride price and the exclusion of women from inheriting land are the result of manipulation and abuse of power to distort practices that benefit the powerful and deprive women of their land.

Men argue that they work hard to make money and acquire livestock to pay the girl's parents to *acquire* a woman, so feel they have 'bought' a woman. This immediately puts women in a subordinated position where she is regarded as property and thus cannot be entitled to ancestral land.

## How does ULA address the root causes of failures to uphold women's rights to land?

Changing negative cultural values and practices that have been part of communities for a very long time is a process that is achieved over a period of time and requires research and conscious exploration.

### *Awareness raising and dialogue*

ULA's approach of passing consistent and sustained messages through awareness creation mechanisms has changed some negative practices, and some women are inheriting and owning land. Working with Justice Law and Order Sector (JLOS) has also resulted in improved justice delivery; new approaches have been adopted where the formal justice incorporates some of the traditional justice systems to deliver equitable justice to the communities, and in particular women.

ULA conducted a study in partnership with JLOS on how to apply the traditional justice system alongside the formal justice system and the findings have been included in the JLOS strategic plan for 2012-2015. ULA is also on the JLOS working committee, which is a planning committee and includes different representatives, enabling ULA to provide input on issues affecting women's access to justice.

Since many abuses of land rights occur because of ignorance about the law and rights, ULA address limited legal knowledge of women and the communities in general. Increased knowledge on land and property rights will lead to the realization and practice of women's land rights by the community and also change attitudes (rights awareness before and after the dispute).

In Pader district for example (ULA, 2004), in one awareness session, the topic of discussion was widow inheritance and inheritance rights of women. The issues raised by the community were that women are not supposed to inherit property but when a woman loses her husband, the clan is under an obligation to find one of the clan members to take care of the woman (ULA, 2011). This is known as widow inheritance and it is based on the fear of the clan of losing the land if she decides to marry another man from a

different clan. In the session, 80 participants attended and 55 of them were women. The women raised the concern that even when they do not like the whole practice, they are limited by the availability of justice institutions which are far away and they do not know the procedure of how to use them. This led to ULA starting discussions with JLOs to see how traditional justice institutions can be trained to incorporate formal justice practices within their work.

### *Training*

ULA conducts periodic training for paralegals and women's land rights advocates as well as traditional leaders on human rights and gender, the constitutional provisions on land rights and regional and international human rights instruments. The training tries to explain legal provisions and traditional practices and how the Constitution takes precedence over traditional or customary law.

Engaging with justice structures, for example in 2013, ULA worked with the Judiciary under its Court Users Committee to engage with different land justice structures and institutions to improve delivery of land justice to the poor, particularly women. The Court Land Users Committee is a committee under the High Court Land Division headed by a judge that brings together key stakeholders in land justice delivery to deliberate on the challenges of accessing land justice by citizens, and suggests possible solutions to improve justice delivery. These include CSOs, especially legal aid service providers, Uganda Law Society, JLOs, court bailiffs, the police land protection unit, Ministry of Lands (that issues land titles) and RDCs. These meetings are held periodically and for the whole of 2013 were funded by ULA, but ordinarily are supposed to be funded by the Judiciary.

### **Outcomes for women**

The training and community dialogues have resulted in the following outcomes:

- Increased knowledge of women's land and property rights across a broad section of people has enabled women to recognize their rights and have the confidence to claim them (ULA, 2013). The custodians of culture and tradition have also come to realize the importance of women's land rights, which has made them change some practices that have hindered women from exercising their rights. For example, traditional leaders in Pader agreed that inheritance practices should change to allow women to inherit land and some widows have testified that when they lost their husbands, the clan leaders intervened and prohibited brother-in-laws from chasing the widows out of their homes after the death of their husbands.
- In Ntungamo district the traditional leaders working with male action groups formed by ULA have presented a petition to the district council to make a by-law that prohibits clan members from grabbing properties of widows as well as allowing girls and women to inherit in equal measure as boys.
- Increased level of participation by women in decision-making concerning land at household and community levels. Some women participants of ULA's interventions now co-own land with their spouses and have increasingly become part of land

administration structures to influence practice change at different levels. In Pader (ULA, 2004) for example, women could not be part of any committee that takes decisions concerning the community on any matter unless they were post child-bearing age. However, now women are increasingly allowed to participate in decision-making at clan level and this is due to consistent messages and dialogues held between these leaders and ULA. In other areas where ULA works a number of women have come to testify that now they negotiate with their husbands and demand to be included on the sale agreement as buyers and not as just witnesses, while others have even managed to buy land in their own names while still keeping their marriages (ULA, 2013).

- The informal and formal justice systems have recognized the need to uphold women's land rights, secure land tenure, and recognize their efforts in income generation.
- The practice of men excluding women from sale agreements is changing. As a result there is an increase in women's realization of the importance of having their rights to ownership formally recognized through land titling and registration. A number of women are buying land in their own right while others are buying in associations and with their spouses. While there is no research to determine the exact numbers, in the districts where ULA works there are always a number of women appreciating the women advocates who helped them convince their husbands to buy land as co-owners or have bought land in their own names (ULA, 2013).

### **Success factors**

A number of factors account for these outcomes. One is that communities and women themselves were willing to learn as well as put the knowledge in practice by claiming for their rights. Through community sensitizations, there has been a realization by women that there is a problem and that the problem can be changed.

The approaches emphasized involvement of communities to design interventions that work for them, within their own context, and this produced positive results. For example social movements are led and organized by women themselves. ULA provides guidance and coordination.

### **Improving the intervention**

- ULA is working to strengthen social movements led and organized by grassroots women, and provide guidance and coordination. This is because ULA has realized that the women themselves will have to be the ones to bring about changes in their own communities.
- ULA will focus more on strengthening male action groups to champion the recognition and realization of women's land rights. It is important to involve men in the work towards ensuring women's land rights, and land justice in general. ULA will also organize men for gender activities, all aimed at improving women's land rights. ULA has realized that working with men will increase the outcomes of its activities. In the districts where ULA has already intervened, male action groups

have encouraged men to advocate for women's land rights and take women's land rights information to areas where women advocates do not reach, including drinking places, churches and other formal and informal gatherings where men are given space to speak (ULA, 2004).

- Strengthen collaboration with other partners, both at local and international level, and also work with land administrative institutions and justice systems to increase access to justice for women.

The lessons that ULA learnt indicated that unless men came on board, the changes would be limited. First of all, the main perpetrators of women's land rights are usually men at different levels, they are the ones who own land and bequeath it to their male sons, preventing female children from gaining an inheritance, they are the fathers-in-law who chase away the widow from her marital home, and it is men who generally shape the rules and practices that govern their communities. Men therefore have an important role to play in encouraging communities to respect women's land rights and change practices that negatively affect them. Therefore it is important to find male champions within the communities to support women's land rights.

Collaboration is very important because each partner covers a different constituency as well as different geographical areas. Also different partners have different members and targets which again would enhance ULA's coverage and increase influence among different communities.

\* Annociata Kampire was formerly ULA staff and is currently the coordinator of the Women's Land rights Movement Uganda.

## Women as agents of change and societal transformation

*FIDA Uganda: Sarah Kerwegi*

The Uganda Association of Women Lawyers, FIDA Uganda, is a national NGO that brings together qualified female lawyers to address the root causes of social injustice which adversely affect women and girls using legal approaches and legal solutions. FIDA Uganda realizes that many of the social injustices in the country have worsened after the 20-year civil war in northern Uganda. As a result of this war there is a near total breakdown in the formal justice system in the region. People lost faith in the ability of the courts and the police to grant them justice, especially in the face of gross human rights violations faced by women during the insurgency. Corruption and lack of knowledge marred the court systems, from Local Courts to the High Courts.

Realizing the need to address the serious gaps and failures of the justice system in terms of land rights, FIDA Uganda has developed one specific thematic area within its organizational strategic plan<sup>11</sup> focusing on the promotion of economic justice for women using pro-poor development approaches. It emphasizes empowering women and girls to claim their economic rights which include, among others, their rights to ownership, access and control over land and property. Within this thematic area FIDA is implementing a Mainstreaming rights in economic growth project in Gulu, Nwoya, Amuru, Lamwo, Pader, Kitgum and Agago in northern Uganda. This project aims at the protection of women's land and property rights through legal aid and legal empowerment of individual women and communities. These strategies tackle legal illiteracy as a specific gap identified by FIDA Uganda which could address the root causes of women's rights failures regarding land.

Women face several barriers when seeking justice; these are directly related to rights failures which have an impact on the processes and pathways women take to claim them. At the different stages of the chain of justice women have to overcome social, cultural and economic constraints. Regarding land rights in particular FIDA Uganda sees legal illiteracy as one specific obstacle that affects women's possibilities to claim their rights. Legal empowerment and legal aid are key strategies to support women in claiming their rights but also in ensuring that the institutions and authorities deliver fair outcomes

<sup>11</sup> FIDA Uganda has five thematic areas under its strategic plan: legal empowerment; Sexual, Reproductive, Health Rights (SRHR) focusing on combating and redressing the effects of HIV/AIDS; economic justice and rights; conflict resolution, peace building and transitional justice; and repositioning of FIDA Uganda as a sustainable human rights and governance organization.

for women and could even prevent future conflicts. Within the complex situation of women's land rights in Uganda, FIDA Uganda has designed its intervention to empower women as agents of change by providing them with the knowledge and skills (legal training) but also with the necessary tools (legal aid services) for them to be able to claim their rights. In addition FIDA recognizes that social change can only be achieved when women are seen as active members of society and therefore the need to include them in all interventions and decision making spaces as well as all other members of it must be an integral part of this particular strategy. Consequently traditional leaders as well as community members and formal legal authorities are also positively involved in this intervention.

### Unpacking women's rights failures

Legal empowerment and legal aid are specific mechanisms FIDA Uganda implements to address the various and daily rights failures women face in Uganda which are deeply entrenched in sometimes invisible root causes. Women's ability to enjoy rights is affected by cultural and structural barriers, such as the misuse and misinterpretation of customary laws and practices, lack of clear regulations and procedures, negative and/or unsupportive attitudes from communities and families, stereotypes, and reproduction of biases in the law, which do not recognize them as subjects entitled to rights, do not consider their special needs and concerns, and do not value their position and condition in society (recognition failures). At the same time women have to overcome socio-economic injustices that limit their access to key resources that prevent them from being able to realize their right to land (redistribution failures). FIDA Uganda groups these barriers into two broad categories regarding land rights: at the individual community level, and at the level of the justice system. These categorizations tailor FIDA Uganda's intervention to identify the root causes and design specific interventions to address them in such a way that the outcomes achieved will ultimately bring social change and societal transformation.

#### a. Individual and community level

For FIDA Uganda one of the principal failures for women's land rights is the significant lack of information and knowledge of the law, rights and justice institutions at the community level. FIDA Uganda has observed that some women who face rights violations do not know what rights they have and/or don't know how to claim them. The high levels of legal illiteracy also translate into unfair treatment of women by persons who assume that they are acting within their rights and within the law. The law is therefore not only unknown but often misused and misinterpreted, to the detriment of women's rights. This situation is rooted in deep social and cultural structures, which are underlying causes of grave rights failures for women.

In the Acholi region, 80% of the land is owned under customary tenure. This implies that the land does not belong to any individuals but it is the clan who has the authority to regulate and rule over the use and control of it. Thus, under customary law, the concept of individual rights over land as understood in formal civil or common law is a contested

one. The Acholi customary law on land has been subjected to different interpretations and sometimes abuses in Uganda, often resulting in women being negatively affected. One of the main consequences of the abuse and misinterpretation of customary law is that, in formal terms, women do not have individual rights of ownership/control over land and their access to this right accrues from their husband, children or father. In other words women's right to land derives from her position regarding a male (mother, wife, sister, widow). As a result women's right to land is constantly under threat as it is not seen as an entitlement women have as humans and citizens or members of a community but as a benefit that depends on their relationship with a man.

When a married woman purchases land using her own resources, her husband's clan has rights over her land on the basis of the bride price paid at her marriage. This leaves the woman in a vulnerable position, often subjected to abuse including violence and denial of funds and property at the household level. Moreover women who have no direct relationship with a man – an unmarried woman, an orphan or a childless widow – lacks any kind of protection or possibility to access rights to land. This situation is clearly a recognition failure which prevents women from fully enjoying their right to access and control land.

#### b. The formal justice system

*In Apala sub-county in Alebtong District, a woman walked to court for 18 months every Wednesday for her land case to be heard by the Local Court III court, but her case was always adjourned. She sought for civil society intervention when it became clear that she would not get justice. After third party intervention, she got a decision in her favour that would require the defendant to compensate her lost property. He refused to compensate her, forcing her to go through another legal procedure to get him to pay. She gave up at this stage because she had lost so much energy, funds and faith in the process.*

The above case study represents one of the many stories women are confronted with daily in Uganda when trying to seek justice. It illustrates several of the rights failures found in the justice system which limits women's access to justice and challenges the work of CSOs. Although Uganda's constitution enshrines equal treatment under the law and the principle of non-discrimination, Uganda's laws have serious gaps and gender biased norms which harm gender equality and hamper the opportunity for all women to have equal access to land rights. A clear example of this situation is that under Ugandan state law only women who are legally married enjoy formal legal protection of their matrimonial property rights. This means that 80% of women in Uganda do not fall under the protection of the law because they are in cohabiting relationships<sup>12</sup>.

<sup>12</sup> Cohabitation refers to a living arrangement of men and women who have not celebrated any form of marriage.



The lack of equal and effective protection of women's rights under the law is worsened by an inaccessible and often biased formal justice system. Corruption, scarce resources, clear regulations, procedures and even patriarchal biases make the formal justice system unreachable to women, both financially and physically. The structures themselves are few and far between so that women who are pursuing land and property cases have to travel long distances several times to access these facilities. This has made the cost of justice for women very high and inaccessible. Land and property cases have a tendency of being dragged out over long periods of time, particularly to resolve a land dispute in the Magistrates court which could take two years.

A majority of the personnel who adjudicate cases in the Local, Magistrates and High Courts are men, who often apply their patriarchal biases to their decisions. Judgments will in most cases not favour women and in many cases they contribute to the reproduction of gender stereotypes, harmful practices and the rampant denial of justice.

### **Results of a social change enterprise: gender justice in land administration and dispute resolution**

The strategic plan of FIDA Uganda is designed to address the socio-economic (redistribution) and socio-cultural (recognition) rights failures that build barriers along the pathways women take to achieve justice at both community and formal justice system level. The objective of empowering women and girls to claim their land rights is realized by the use of a number of activities within the intervention which is characterized by its inclusive and holistic approach.

#### **a. Individual and community level**

- The cultural and patriarchal prescriptions enshrined in customary law have been altered, abused and resulted in the undermining of women's position and condition within the Acholi people. As a consequence women are more vulnerable to violations to their right to land as evidenced by the number of land grabbing cases that are reported on a daily basis at FIDA Uganda's Legal Aid Clinics. Given the power and authority that customary leaders have in the Acholi communities, FIDA Uganda entered into a strategic partnership with the KKA that saw the successful training of all the chiefs across the Acholi region in human rights and the law. The chiefs made commitments in a *memorandum of understanding* to apply human rights principles and take cognizance of the laws of Uganda in the administration over land and property disputes.
- As a result FIDA Uganda has observed enhanced capacity of cultural institutions to challenge *negative customs* which justify stereotypes and perceptions that women are not being entitled to own land. One concrete result of this intervention was the process facilitated by FIDA Uganda of *documenting Acholi Gender Principles on marriage, divorce, wife inheritance, burial practices, and property rights*. It was important that the process was managed carefully to ensure that there was a strong sense of ownership of the process and the principles by the KKA. The process of documentation included a facilitated/guided negotiation of watering down the

negative aspects and strengthening the positive aspects of cultural beliefs. The result was a document containing the engendered cultural principles of the Acholi people. These principles are being disseminated through the cultural institution and during FIDA Uganda's community dialogues to change community perceptions and attitudes towards women's human rights, gender equality and women's rights to own and control land. The fact that these principles are disseminated by the cultural leaders gives the document more credibility at the community level.

- Customary law rules over the entire community and negative practices are easily reproduced and reinforced. Women often are ostracized or simply lack the support of their families or clan to claim their rights. To tackle this particular socio-cultural barrier FIDA Uganda carries out community sensitization and awareness to educate communities about the law and women's rights. FIDA also carries out coaching of individual women for self-representation to empower them to be able to claim their rights. Activities such as *outreach sessions, community dialogues, radio talk shows and farmers' group trainings, targeted households as a means of creating equitable redistribution at the household level*.
- FIDA Uganda has noted an increased and/or enhanced knowledge of legal rights as evidenced by the *increasing number of women coming forward to assert their rights over property and land*. According to the Legal Aid Clinic statistics, FIDA Uganda has registered a considerable increase (30% increase in women reporting land and property cases between 2011 and 2012) in the number of women who are seeking to assert their rights and interests, or protection of their rights and interests over land, especially widows and married women who are having marital problems or who have taken the decision to terminate their marriages. In many of these cases women have regained access to land and recovered their property when their ownership was being threatened or challenged. Furthermore the *numbers of women who have purchased property for value and seek to enforce their ownership rights continue to rise*.
- Community dialogues and sensitization were carried out to address rights failures of recognition and redistribution caused by the customary tenure systems. Community sensitization and *dialogues also addressed the lack of a land resettlement policy that protected the rights of widows and former female combatants during the return phase after the conflict in northern Uganda*. FIDA Uganda used community dialogues with members of communities and cultural leaders who were responsible for overseeing the peace process.
- FIDA carried out *community mediation of cases to ensure full participation in developing community based solutions to rights failures*. This has had a ripple effect of settling cases at community level, thereby saving costs and energies that would be spent in court proceedings. In cases similar to the woman from Apala sub-county (described in the box above) FIDA Uganda's course of action is to carry out a community mediation session. An interactive and participatory method of community dispute resolution is applied by FIDA Uganda in the follow up of land and property cases in communities where the disputes occur. This method ensures active community participation and creates legal empowerment of the

communities where the sessions are held. The cultural leaders are involved in the mediation sessions, creating renewed trust in cultural institutions to impart justice for women.

#### b. Formal justice system

- FIDA Uganda trains the local courts and the judiciary in management of land cases and on gender justice to enable judicial officers to view the cases through a gender sensitive lens. The training and sensitization includes development and translation of legal frameworks, development of simplified reference manuals for local council courts and cultural institutions to engender the outcomes of justice for cases that come before them. Additionally, FIDA Uganda develops reference materials, and carries out court monitoring (watching brief), to ensure that formal justice institutions redefine the paradigms of rights recognition of women and girls using a gender sensitive analysis of issues and cases that come before them for hearing, adjudication, and investigation.
- As a result of these activities, the capacity of formal justice systems to deliver gender justice for land matters and appreciation of women's property rights by judicial officers who work closely with FIDA Uganda has increased. In northern Uganda, the Grade I Magistrate court of Gulu has dedicated Tuesdays every week to hear FIDA Uganda filled or defended cases, including property and land matters. The judgments that this court has passed are gender sensitive and respect women's rights. The above court has consistently passed judgments allocating women property and enforcing maintenance rights in favour of mothers and children. FIDA Uganda periodically gets statistics from the court.
- The use of strategic litigation and legal representation of women has proven successful in effectively addressing redistribution and recognition rights failures caused by the gender constructs that bar a woman *from individually owning land*, as her rights accrue from the rights of a male relative (husband, father, brother or son); and lack of information on land rights for men and women in communities.

#### Success factors

FIDA Uganda's strategic partnerships at the grassroots and district level have contributed to community ownership of FIDA Uganda facilitated solutions, thus ensuring sustainability. FIDA Uganda entered into strategic partnerships with the cultural institutions and religious institutions at the sub-county, the judiciary, the district and local leadership in the implementation of activities. As a result an improvement in the attitudes of cultural leaders towards women and gender equality has been visible.

The approach of a two way dialogue was a factor responsible for the positive impact of this intervention. FIDA Uganda did not go into the community with an attitude that they had all the solutions to the problems, but rather with an open mind and a willingness to learn from the community, and understand their needs and concerns before facilitating various problem solving mechanisms.

The use of a holistic approach to addressing women's barriers to the realization of their land and property rights is another element that has contributed to success of this intervention. This is in recognition of the fact that a purely legalistic approach does not suffice in addressing barriers to the full realization of women's human rights; it is necessary to also look at socio-economic and cultural issues. FIDA Uganda, through this approach, has been able to empower women to move from their position as a 'vulnerable' person to actors in the prevention of rights violations and rights claiming.

#### Improving the intervention

FIDA Uganda should partner with institutions that provide support in addressing political participation, income generating activities and access to health services for women to complement social justice programmes. This approach will ensure that their approach provides holistic justice for women. While FIDA Uganda provides legal support, stakeholder institutions providing access to health and family planning services, microfinance support and technical agribusiness support could partner with FIDA Uganda to carry out joint interventions in communities.

FIDA Uganda's work with cultural institutions should expand from training and sensitization into real action against perpetrators of abuse against women. This will ensure that women's human rights, including rights to land and property, are entrenched in customary practice and in the attitudes of communities on issues of women's rights to ownership and control of land.



## Lessons learned and perspectives

Land administration and justice systems in Uganda are undergoing important changes. Proposals for legislation and policies on inheritance, succession and property are increasingly gender sensitive. Due to rigorous research and effective advocacy by Ugandan organizations, there is an increasing focus on legal pluralism and tenure systems that can support women's access to land. From the different interventions and experiences documented here it is possible to say that more and more women are securing access to land. While progress so far may be fragile, these trends reveal significant progress and give cause for optimism that full equality can be realized.

The realization of equity, regarding land rights, is a worldwide challenge and requires work to close the gap between men and women's rights. The cases presented in this document have analyzed major rights failures in Uganda and their causes. They have also presented the strategies CSOs have developed to address these causes through action-research, training and awareness-raising. Although approaches differ among the five organizations, and they all don't share the same paradigm (see Uncovering and documenting customary rights in Lango, Teso/Kumam and Acholi), they all try to improve individual justice outcomes, the collective voice of women and enhance gender responsiveness of formal and informal land governance institutions. In this concluding chapter, we will summarize the lessons learned in terms of the analytical framework, the concepts used and the interventions of the different organizations. We will formulate key messages for CSOs and policymakers and discuss the implications of the findings and lessons of this publication for the future action learning project that some of the organizations involved<sup>13</sup> aim to implement from 2014 onwards.

### Lessons learned

#### Analytical framework (chain of justice) and content analysis

The root causes of land rights failures in Uganda started to be unpacked with the help of the chain of justice analytical framework which maps some of the pathways women and men take to achieve land justice. Without presenting a strict set of concepts, it rather proposes a way of looking at interventions in their legal, institutional and economic contexts and in the context of gender relations. It proposes a more holistic perspective on the process of achieving land justice by taking into account processes of land administration ('pre-dispute') and of dispute resolution ('post-dispute'), recognizing the importance for individuals and groups of both processes for sustained and inclusive land justice.

<sup>13</sup> LEMU and MJU Uganda are not currently involved in the project proposal due to different internal situations regarding time limitations and organizational changes. However their inputs have been key in the development of the proposal and therefore the project is open to working with them in the future.

The framework further allows different perspectives of 'target groups' to be integrated. The participating and facilitating organizations use different concepts related to the 'rights holders' of land rights: women (ULA, FIDA Uganda, UMWA), vulnerable or poor groups (LEMU), general public i.e. radio listeners (UMWA) or individuals (MJU Uganda). The gender and rights framework tries to overcome these differences by analyzing whose rights are violated or whose access to justice is limited, thereby allowing understanding the differences in needs and interests of the various categories of women e.g. urban and rural women, widows, married, unmarried, etc. (Adoko et al., 2011).

The points presented below were raised when the framework was used to analyze interventions of CSOs in Uganda.

#### *Questioning common assumptions and stereotypes*

The framework helped to deepen the analysis of land rights failures and to put them into a broader gender and rights perspective. For example, a common belief about rights failures in development discourse (which also held true at the beginning of the writeshop) is that "women are denied access to land because of customs and culture and it is hard to change". Yet during the workshop these concepts started to be discussed, as there is still no clarity or agreement about the meaning of custom and cultural practices and their role in gender imbalances regarding land rights. Initiatives to clarify these have begun, including LEMU's intervention (see Uncovering and documenting customary rights in Kango, Teso/Kumam and Acholi). It is clear that all of the organizations consider social structures and institutions to be one of the root causes for rights failures. However, issues such as 'culture' or 'patriarchy' are often suggested to constitute definite obstacles to the realization of rights without further questioning: In what sense do they constitute an obstacle? How? Why? For whom? In which circumstances? In which context? Similarly, 'ownership', 'access' and 'security' are often used liberally but mean different things to different people in different contexts and in different tenure systems.

We have noticed that this is happening in other initiatives and that the reproduction of conventional beliefs around land rights in research and policy is quite common. For example, the LANDAC Gender & Land Governance conference that was held in January 2013 in the Netherlands<sup>14</sup> showed how difficult it was to link knowledge from different local and national contexts between researchers with varying perspectives and from different disciplines. This document has not tried to redress this or to define terms – one of the aims has been to reveal the inherent difficulty of working together when different groups are using different paradigms and definitions, in particular in the context of land rights. One cannot solve the complexity of land rights issues while stimulating the development of shared definitions, but instead by asking the right questions and challenging common assumptions. One of the ways to do this is through joint analysis, as was done during the writeshop. Another is to study local definitions on, and conceptions

<sup>14</sup> Two representatives from the CSOs who participated in the writeshop attended LANDAC's Conference on Gender & Land Governance at Utrecht, the Netherlands in January 2013, and presented the workshop's preliminary results.

of, land rights through participatory research. Only then will appropriate and sustainable approaches which go beyond mainstream and well sounding solutions emerge.

#### *Gender and rights accountability of formal and informal institutions*

In the case studies, we have seen different types of actors and informal and formal institutions along the chain of justice that influence women's land rights, either directly (in case of rights violation or conflict) or indirectly (through structural exclusion mechanisms or gender inequality in institutions). A study by the Northern Uganda Land Platform (2012) in eight districts in northern Uganda identifies the existence of 17 different formal and informal actors involved in land dispute resolution (Northern Uganda Land Platform, 2012). The Land Information System (LIS) identifies at least 11 formal land administration institutions at different levels, involved in registration, information, planning, surveying etc. (LIS, 2011).

Often, interventions to address land rights focus on either formal or informal institutions or only one form of tenure. What should not be the point of discussion is what institution is 'best' but what institution works best in which context for which group. For example, UMWA worked with the AGO at central level and realized that this institution was just one of many in a complex web of vertically and horizontally linked land administration institutions that should be looked at in a holistic way. Conclusions of a study by DIIS in different districts in Uganda highlights the need to avoid partial interventions (e.g. only focusing on developing cadastral systems of individual titling) in areas characterized by the co-existence of tenure forms (almost all areas in Uganda). All types of institutions should be supported simultaneously, thereby aiming to eliminate discriminatory practices associated with them (Ravnborg et al., 2013).

In our view, whatever the level and structure of land justice 'institution' or authority chosen, it should be held accountable for its actions and decisions, in particular for those related to the promotion and protection of women's rights. The Northern Uganda Land Platform in its study on land dispute resolution in Uganda also asserts that the problem does not often relate to the quality of institutions but to the enforcement of their decisions and agreements (Northern Uganda Land Platform, 2012). They tend to lack legal backing or control that make implementation possible and hence lead to disappointment and a lack of confidence in the overall system. A similar situation was found by ULA and UMWA (ILC, ULA & UMWA, 2011): they found that a main challenge faced by chiefs in the districts of Mpigi and Wakiso (working with the AGO) was the lack of power to enforce decisions. Accountability for the protection and promotion of rights of different institutions should be central to CSO's interventions. They can be strengthened through improved supervision and oversight by the state, but also by building demand side accountability, including those driven by (groups of) women.

#### *Achieving long-term change using diversity and complementarity*

At the start of the learning and documentation process, the differences between the five organizations in terms of paradigm and approach seemed a challenge to collaboration.

However, despite this diversity, the participants also recognized each other's differences and their own gaps in specific knowledge or experience. What the CSOs have in common is that the context in which they work (sometimes with limited funding, conflicting responsibilities towards different donors, requests for results based work, and ambiguous relation to government) is not very favourable for achieving long-term change. As a result, programmes often just address the symptoms (reactive attitude when harm is done) of a poor functioning system and are less likely to also address the root causes. Some CSOs are able to act more pro-actively than others depending on their organizational and institutional context. Here, organizations could learn from each other and complement each other. For example, the ones working with individuals and groups to access justice (e.g. FIDA Uganda, ULA, MJU Uganda) should link more with those who are engaging in preventative justice and sensitization campaigns aimed at wider public (LEMU and UMWA), and vice versa. In doing so they need to take into account the specific contexts of their intervention areas. This collaboration may increase the possibility that CSOs make a difference in the long-term despite their challenging conditions. Participants made new agreements for collaboration for example by engaging each other in training programmes and by developing a new joint action learning programme. Furthermore, existing joint work was strengthened and the engagement with KIT and CBR Uganda became more visible and opened the links with the broader international community by presenting the results of the workshop at the Land and Governance Conference at the Hague in January 2013.

### **Key messages for CSOs and policymakers**

The realization of the vast body of knowledge that CSOs working on land rights in Uganda have was the starting point of KIT's programme on gender and land rights. This realization was further confirmed during the writeshop held with the five CSOs that have produced this publication. These and other CSO actors create knowledge every day, through their various interventions. They all influence the national policy debate, and the practices of local institutions like Land Courts, Land Boards, customary authorities, communities, family units and other relevant actors. Their interventions and approaches provide fundamental contributions to the effective protection of the right to land of those most vulnerable in a country where the systems of justice face serious challenges and weaknesses (land administration as well as justice systems). CSOs hold insight, knowledge and understanding of the reality of the people on the ground. e.g. customary laws and practices in different regions (LEMU, ULA) as well as networks and linkages that allow them to reach further and transfer information e.g. UMWA with Mama FM and MJU Uganda and FIDA Uganda with legal empowerment and legal aid programmes. As a result they can provide alternatives in the often complex and unclear legal environment. This knowledge and influence needs to be recognized, utilized and validated by policymakers as well as by other national and international organisations working towards the effective protection of land rights and gender justice.

Finally a relevant message the CSOs aim to convey in this document is that the synthesis of their different experiences validates the need for long-term processes to address some of

the critical barriers of justice failures regarding women's land rights, as opposed to short-term projects or working on individual cases. There is need for a long-term process that enables the scaling up of the collective voice for better and sustainable impact. In addition, this will allow CSOs to move the gender and land agenda forward by engaging in joint analysis, reflection, discussion and planning as well as documentation and dissemination to identify what works in which circumstances. Successful joint initiatives and platforms like the Northern Uganda Land Platform are in place and offer ideal scenarios to share experiences and advocate collectively for equity in access to land. Complementary work is also required to provide for a learning alliance which concentrates and analyses the work of each organization in a way that strengthens them as well as their joint efforts and the platforms they belong to. Consequently the collective voice of CSOs working on land equity in Uganda will be strengthened and their impacts will be multiplied both in Uganda and elsewhere.

### **Perspectives**

#### **Emerging questions**

- *Defining change*

Many interventions support women in claiming their rights towards injustice. Outcomes of 'successful' mediation may be 'cases solved', 'land inherited' or 'compensation for loss or damage'. These are immediate outcomes of interventions whereby women have been assisted in realizing their rights. But in the long-term, where do these outcomes lead? More respect or protection of women's rights? Violence against women? How do land rights relate to other rights and how can the root causes of injustice and inequality be addressed? How can interventions working on land administration and dispute resolution contribute to larger change of underlying gender relations? Thinking about women's land rights could benefit from a gender analysis that perceives land not only as an economic asset but as a relationship, and securing land rights not only as achieving compensation or a title but as changing unequal relations. Moreover, by looking at the different pathways women take to access justice in a post-conflict and legally pluralistic country such as Uganda allows CSOs to explore the diverse strategies that women themselves have taken and are taking to challenge and overcome discriminatory practices and ensure their rights to land.

Finally, outcomes should be defined locally, not only for individuals and groups but also for the institutions involved. Thereby, the difference should be made between land administration ('pre-dispute') and conflict resolution ('post-dispute') institutions and related outcomes. One of the first steps in the joint action learning programme will be to engage in this reflection on (potential) outcomes, in communities, but also by engaging other CSOs and studies (for example by the Northern Uganda Land Platform on 'good' and 'poor' outcomes of alternative dispute resolutions in the north of Uganda (Northern Uganda Land Platform, 2012) and more recently by CGIAR/CAPRI on grassroots community-based legal aid activities in Uganda and Tanzania (Behrman et al., 2013).

- *Land titling programmes*

Currently the Ugandan government is undertaking a titling campaign to solve the 'issue of land ownership' given that many people don't have 'proof' of ownership according to formal laws. This policy is being criticized as it doesn't consider the reality of many people living under customary law where land is not necessarily owned individually and where the boundaries of the land are not clearly delimited (Kapur, 2011). In addition, as in many other elements of customary law, land is an issue where the erosion of custom and practices has transformed it, often to the disadvantage of women (Tripp, 2004). It has reinforced the dependency of women on male relatives with regard to land. Thus, when land surveyors proceed with land titling in regions where land is mainly customary owned, women tend to be at a higher risk of losing their land. The main threat is that after getting a formal title, challenging such formal 'proof' will be almost impossible. These are only some of the issues and effects on gender justice and women's rights to land that are occurring as a result of the titling campaign in Uganda. How these issues are addressed and how such a complex matter can be unpacked is part of a much larger debate on titling in which CSOs play a key role. Some of them are already involved in projects related to this but this document advocates for stronger joint action to collect evidence and promote approaches for individuals, as well as groups in specific intervention contexts.

- *Paralegal assistance*

A key strategy to improve women's access to and ownership of land is the use of paralegal assistance structures that inform women about their rights, guide women through legal processes, act on their behalf, and mediate conflicts. But how effective are these mechanisms in bridging customary and statutory land rights? What is their effectiveness in pre- and post-disputes? What are the (gendered) outcomes of cases that use different methods (i.e. MoU, legal document, will, testament etc.)? Are they really providing the justice outcomes women want/need? Are these outcomes contributing to changing unequal relations or are they enforcing and reproducing gender stereotypes, harmful practices and unequal roles?

In order to answer these questions, it would be useful to trace back outcomes to understand their gendered nature and their pre-dispute dynamics. Within the chain of justice alternative dispute resolution systems are central in the dispute resolution phase. Thus understanding justice as an outcome and the pathways women and men take in claiming their rights implies that these systems need to take into consideration the social condition and position of women in all stages of the chain of justice and aim to transform them with their outcomes.

Similarly, more understanding is needed on how women can claim, gain and maintain their rights. To answer this, more research on the work and impact of the dispute resolution systems is needed (Behrman et al., 2013). It might be useful to track 'solved cases', understand what happened to the people and relations involved and assess the sustainability of the solutions. This is even more important in a context where resolution often remains oral.

- *Links with economic development*

The learning trajectory so far has not yet looked into the linkages between land justice and economic activity. However these linkages are undeniable and they open yet another set of questions regarding the impact of realizing equal rights to land on development in Uganda. Many studies have demonstrated how working on women's economic activity, particularly in the way they use their resources, creates many benefits for the socio-economic development of a country. For example, "increasing women's control over assets, including land, physical assets and financial assets, has been shown to improve child health and nutrition and increase allocations toward children's education" (Quisumbing, 2003). This is even more of a reality in post-conflict countries like Uganda, where most of the economy relies on land which is mainly worked by women (Kapur, 2011). In Uganda, the post-conflict situation has resulted in an increase of disputes over land, which have had a direct impact on the country's economy and have contributed to the reinforcement and perpetuation of the causes and conditions of such disputes (Mercy Corps, 2011).

### **Action learning programme**

One of the ways most of the organizations involved in this publication<sup>15</sup> are going to proceed is through an action learning programme. Action learning is a process whereby each organization will create its own cyclical process of questioning, action, questioning and more action according to its own questions on gender and land rights. It will implement action and learning activities together with local research groups in communities. Joint analysis and documentation will be critical to stimulating inter-organizational learning, launched through the development of this document. The programme will take into account the diversity of institutions and tenure systems across the country and not focus on one type of institution. It will work with informal and formal land administration institutions ('pre-dispute') as well as formal and informal dispute resolution institutions ('post-dispute') in order to understand as fully as possible the complexity of land right issues and to define appropriate and context-specific approaches.

The first step in this action learning programme will be the undertaking of a study to focus project ideas, and to find entry points for further action. At this stage CSO staff members will collect data through interviews, focus group discussions, collection of life stories and secondary source searches (laws, policies, grey literature). Throughout a period of two years, the organization will implement action research projects that each try to cover a particular issue. Lessons learned by individual organizations as well as joint lessons are expected to contribute to more effective interventions because the participating organizations (and those following the work) will be more capable of making gender and rights assessments, identifying short and long-term strategies to address complex problems, and identifying leverages (including increased collaboration with other CSOs) that can support their work.

<sup>15</sup> ULA, UMA, FIDA Uganda, CBR Uganda and KIT.

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# Annexes

## Annex 1. Descriptions of participating organizations and co-authors

### UMWA

Uganda Media Women's Association (UMWA) is a human rights advocacy and service delivery NGO. It operates in Uganda nationally, but collaborates at the regional and sometimes at the intercontinental level to improve human rights, gender equality, democratization, social and economic justice, as well as peace and reconciliation.

At the national level, UMWA has been very instrumental in coalitions working for gender equality and human rights, for example the Equal Opportunity Commission, the Domestic Relations Bill, Domestic Violence Law (2010), Prevention of HIV/AIDS Bill (2010), and the Female Genital Mutilation Act (2010), and coalitions working for press freedom, right of access to information, and civic awareness and liberties. Internationally, UMWA is active in coalitions advocating for intercultural awareness exchange and appreciation, as well as media and human rights activism. UMWA subscribes to national and international networks with common values and missions.

UMWA's objectives include the promotion of gender equality and social justice, awareness creation about rights, freedoms, roles and civic duties, and promotion of good governance through development of civic education.

UMWA's primary target groups are women and groups of people who are disadvantaged. UMWA is a leading media NGO with structures and proven experience in the design and implementation of awareness and advocacy campaigns. The CSO played a lead role during civic education awareness media campaigns in the run up to Uganda's general elections of 1996, 2001 and 2006, and the Referendum 2000 to choose between a No-Party and a Multiparty system.

#### *Margaret Sentamu – Masagazi, Executive Director*

Ms. Sentamu holds an M.A. in Gender Studies, a B.A. in Political Science and Sociology from Makerere University and postgraduate diplomas in Journalism from Uganda Management Institute, and Mass Communication from the University of Nairobi, Kenya. Ms. Sentamu has been involved in information and media work for over 20 years and has extensive expertise in the areas of media and communication, women and gender, capacity building, strategic planning, project management, networking, training and fundraising. As Director of UMWA, Ms. Sentamu has played a lead role in the association's programmes through project planning, management, implementation, supervision and

overall delivery. She is the chairperson of two national consortiums: NGOs for Civic Education; and Media, Arts and Culture under the Uganda Aids Commission. She has also chaired the Women Media Associations in Eastern and Southern Africa.

#### *Nakyejwe May Mwanje – Programme Officer*

Ms. Nakyejwe May Mwanje is working towards an M.A. in Human Rights and holds a B.A. in Social Sciences from Makerere University. She also has professional training in psychosocial methodologies in community empowerment, transformation and development. Ms. Nakyejwe has recently obtained strategic training in HIV and AIDS, development, and human rights in Africa, from the University of Pretoria, South Africa, and has undergone training in HIV and AIDS counselling with The Aids Support Organization (TASO), Uganda. As a gender and human rights advocate, she has handled various community mobilization assignments, which include: training and sensitizing rural communities in Wakiso and Kyankwanzi districts on gender based violence, with a bias on domestic violence prevention; gender mainstreaming in district and sub county administrations; and facilitating other local and national workshops on equipping local communities and technical staff on human rights, gender and domestic violence prevention. Her work as a Programme Officer with UMWA has equipped her with multiple skills in using the mass media for development. Ms. Nakyejwe plans to venture into international human rights law to offer an interpretative and advisory role for her country on regional and international human rights systems and regimes.

### ULA

The Uganda Land Alliance (ULA) is a membership consortium of national, regional and international CSOs and individuals, lobbying and advocating for fair land laws and policies that address the land rights of the poor, disadvantaged and vulnerable groups and individuals in Uganda. The Alliance was established in 1995 as an independent non-governmental legal entity, registered as a company limited by guarantee.

ULA's vision is a Ugandan society where there is equitable access and control over land, and where poor women, men and children are actively participating to eradicate poverty. Its vision is to enhance access, control, and ownership of land by poor and marginalized women, men, and children through the promotion of fair laws and policies aimed at protecting their land rights.

ULA programme areas are: legal empowerment of the poor (Land Rights Information Centres (LRIC), paralegal programme, legal education and awareness raising, and legal aid services); knowledge management (research, land use and governance, communication and documentation, the land observatory, monitoring and evaluation); and capacity building (District Land Alliances).

ULA operates multi-faceted LRICs. While it maintains a presence in Kapchorwa, Mbale, Kibaale, Apac and Luweero, ULA has advanced the Apac Center to a three-in-one centre, i.e. with a paralegal unit, land rights desk and a technical support unit). ULA has further

made a stride to the north and north east, to Pader, Amuru, Katakwi and Moroto districts respectively.

LRICs are a one stop facility for social and legal protection for the poor and vulnerable through provision of information on land rights, law and policy, legal aid, land rights education, and research and data collection, to inform the ULA lobby and advocacy processes at national, regional and international levels. A Women's Land Rights Project has also been established for Mukono, Mbale, Pader, Kibaale, Ntungamo and Apac.

*Annociata Kampire - Coordinator Women's Land Rights Movement.*

Holds a bachelor of Law from Makerere University and is an LLM candidate. She has over 10 years of experience in development work particularly in gender and human rights. She is a human rights and development activist, passionate about human development, peace and social justice issues. Ann is currently the national coordinator of the Women's Land Rights Movement, a movement committed to promote women's economic empowerment using land as a resource in Uganda.

### **FIDA Uganda**

The Uganda Association of Women Lawyers (FIDA Uganda) works to promote the human rights and the inherent dignity of women and children using the law as a tool of social justice. FIDA Uganda established its first legal aid clinic in Kampala in 1988, with the objective of providing legal services to women to enable them access justice. Today, FIDA Uganda has over 300 members and offices across the country. While provision of legal aid remains a core function of FIDA Uganda, the Association has adopted a broad range of strategic functions to pursue gender equality. FIDA Uganda is a respected founding entity in the advocacy for women's rights in Uganda, and a well-renowned voice for women.

FIDA Uganda's programmatic work engages five core areas: access to justice; sexual and reproductive health rights; economic justice and livelihoods of women; traditional justice and peace building; and institutional development and organizational sustainability. While this is a wide range of programmatic areas, activities within the areas are similar:

- Legal aid service provision through fixed legal aid offices, mobile clinics, NGO partners' offices, and community 'paralegals'
- Community dialogues
- Strategic litigation
- Capacity-building of duty bearers, stakeholders (police, judiciary), and lawyers
- Capacity building of cultural and religious leaders
- Advocacy
- Research and documentation

*Sarah Kerwegi – Director Programmes*

Ms. Sarah Kerwegi is the Director of Programmes at FIDA Uganda. Ms. Kerwegi is an advocate and has rich experience in criminal and family law, gender equality

mainstreaming, feminist leadership, programme management and implementation, and human rights interventions with a gender perspective. In FIDA Uganda, she has led programmes that focus on enhancing access to justice for women, promoting economic justice and livelihoods of women, promoting sexual and reproductive rights of women, and promoting women's participation in peace building and transitional justice.

### **LEMU**

Land and Equity Movement in Uganda (LEMU) is an NGO which works to uphold and secure land rights of the most vulnerable. LEMU does this by improving the understanding of land rights, particularly in customary tenure, among all stakeholders and by partnering with relevant institutions to protect and defend land rights and to prevent land conflicts. LEMU aims to work with both traditional and government institutions mandated to manage land and to build their capacity to manage land, protect land rights and understand government policies and laws and their impacts on land rights and livelihoods. Since its inception in 2003, LEMU has worked with these institutions in Lango and Teso, and to a lesser extent Acholi, and with community networks set up by these institutions to make sure that the right policies, laws and structures are put in place to enable everyone, including owners of customary land and women within a household, to have secure and equitable land rights for their livelihood. LEMU has also worked with relevant government ministries and national government institutions towards the same ends. LEMU's vision is "A Ugandan society with land tenure security and equitable land rights that make land secure for all for equitable development." And its mission is "to uphold and secure land rights for the well-being of the most vulnerable in Uganda."

The overall goal of this strategic plan is: to strengthen security of equitable land rights for the well-being of vulnerable people in Uganda. LEMU has five strategic objectives namely:

- To enable citizens to understand and engage meaningfully with laws, policies, abusive practices, and issues on land tenure.
- To reduce vulnerability through protection and prevention of land rights abuses.
- To strengthen traditional, faith based and state institutions on land management and protection of land rights.
- To conduct research and advocacy to enable policymakers to support customary tenure for socio-economic development.
- To build LEMU institutional capacity to fulfil its mission.

*Judy Adoko – Executive Director*

Ms. Judy Adoko is an attorney and the Executive Director of LEMU Uganda. From 1988 to 2002, she held numerous posts with Oxfam GB in Uganda, Burundi, and Tanzania, including Deputy Country Representative (Uganda), and Country Director (Burundi). She has authored numerous publications concerning land rights and women's rights. Ms. Adoko holds a diploma in Rural Poverty Alleviation from the University of Manchester, a Diploma in Legal Practice from The Law Development Center in Uganda, and a Degree Certificate in Law from Dar es Salaam University in Tanzania.

### **MJU Uganda**

Microjustice (MJU) Uganda, is a not for profit organization that provides micro-level initiatives for engendering civic participation towards results-oriented delivery of access to justice outcomes in complementing the government's delivery of services.

While this approach focuses on fostering full enjoyment of human, social and economic rights, it argues that the actions for adequately addressing complex factors affecting access to justice for an individual should be informed by understanding his or her abilities (and limitations) in society, groups, or households, with a view to renegotiating inequalities at the national level.

MJU Uganda acknowledges that a number of political, economic, structural, institutional, and social developments have been achieved but they still do not strengthen the capacity of the underprivileged, marginalized, and vulnerable to exercise their rights (either as individuals and/or groups).

Most of the target population is never adequately reached by national interventions, despite the existence of national policies, laws, and programmes to guide public sector management and service provision. Several reasons could be advanced for this, but undeniably the most salient ones are either that the law or policy design is inappropriate, the mechanism of implementation is not satisfactory, or the administration and/or the services are alien to the target groups.

MJU Uganda therefore perceives the concept of justice in its totality but puts more focus on how this equitably contributes to building the capacity of every individual.

#### *Walulya Fredrick – Executive Director*

Walulya Frederick is an educationist, a social economic rights advocate and the Executive Director of MJU Uganda, with a craving to socially and economically transform the lives of vulnerable and marginalized communities and individuals.

### **CBR Uganda**

Centre for Basic Research (CBR) Uganda is an NGO established in 1987 and a member institute of the Council for the Development of Social Science Research in Africa (CODESRIA). CBR Uganda's mission is to spearhead the generation and dissemination of knowledge by conducting research of social, economic and political significance to Uganda in particular and Africa in general, so as to influence policy, raise awareness and improve quality of life. In this way CBR Uganda has also nurtured researchers in Uganda and elsewhere.

Informed by its vision and mission statement, CBR Uganda's objectives include:

- Research on issues of social significance;
- Documentation of materials on these issues;

- Publication and dissemination of research results;
- Research capacity building.

Research at CBR Uganda covers a broad range of fields and interests, including history, political economy, sociology, political science, law, education and the sciences. Since 1988, CBR Uganda's research agenda has included: rights and constitutionalism; civil society and governance; labour (peasant, plantation, factory and artisanal); social movements and democratic struggles; appropriate technology in peasant farming; pastoralism in Karamoja; land tenure and land use; the informal sector; gender; environmental accountability in decentralized contexts; non-profit organizations; impact of structural adjustment programmes; and aspects of cultural studies.

The policymaking organ of CBR Uganda is the General Meeting, which comprises the researchers. The General Meeting determines all the activities of CBR Uganda.

The head of the Centre, the Executive Director, oversees implementation of all policy decisions taken by the General Meeting. The day-to-day running of the Centre is the responsibility of the staff in administration and a librarian heads the research library.

CBR Uganda collaborates and networks with a number of organizations with which it shares similar objectives. Internationally, collaborating institutions include, University of Nairobi; University of Dar-es-Salaam; Johns Hopkins University; IDS, University of Sussex; Centre for Policy Studies (CPS), South Africa; UNDP; CODESRIA; UNRISD, Geneva; IDS, University of Roskilde, Denmark; Centre for the Studies of Social Science, Calcutta (CSSSC), and World Resources Institute (WRI), Washington.

At the national level, CBR Uganda has collaborated with various faculties of Makerere University and other universities; government ministries and departments, intergovernmental bodies as well as research institutions and researchers in the country.

#### *Dr. Josephine Ahikire – Executive Chair*

Dr. Ahikire is Associate Professor at the School of Women and Gender Studies (Makerere University) and Executive Chair of CBR Uganda. She has worked in the area of feminist political theory and has published works on women and politics, labour and urban culture. Dr. Ahikire has led various research teams on gender and land, elections, women and parliamentary performance, gender and the politics of access, and many other areas connected with livelihood and social justice. Her recent publication is a book entitled: *Localised or Localising Democracy: Gender and the Politics of Decentralisation in Contemporary Uganda*, by Fountain Publishers Kampala, Uganda. Ahikire is an active member of the Uganda Women's Movement and is also member of regional bodies such as Council for Development of Social Science Research in Africa (CODESRIA) and African Gender Institute (AGI), University of Cape Town.

**KIT**

The Royal Tropical Institute (KIT) is an independent, not-for-profit organization founded in 1910. It acts as centre of knowledge and expertise in the areas of international and intercultural cooperation, operating at the intersections of theory and practice and between policy and implementation. KIT Development Policy and Practice (DEV) is KIT's department for international cooperation. Comprised of a team of 70 people, DEV specializes in selected areas, such as gender equity, sustainable economic development, good governance, social development, health, and higher education. Furthermore KIT DEV concentrates on institutional development and monitoring and evaluation. In institutional development KIT supports change processes, such as sectoral reforms and devolution, by developing innovative approaches to implementation. KIT has expertise in organizational strengthening, including management, planning, and the financing of public sector services. Together with partners, KIT creates tools for analyzing policy and performance in sector programmes. In monitoring and evaluation KIT helps organizations to design, implement, manage and review monitoring systems.

KIT staff are top professionals who combine their disciplinary expertise with knowledge about research, institutional and capacity development, monitoring and evaluation and partnership building. KIT provides technical assistance in project design and implementation for a broad range of organizations.

KIT also has strong expertise on research design and implementation including data analysis and results documentation. Expertise includes baseline surveys, feasibility studies, impact assessments and participatory action research methods, involving capacity building for national researchers and experts. KIT has extensive experience in managing large research projects including procurement, human resource management, financial management, monitoring and reporting, ranging from short-term assignments to multi-year programs and from community-based to multi-level for a range of clients, including, but not limited to, Plan International, Plan UK, World Bank, European Commission, UNICEF, UNFPA, UNIFEM, DFID, AMREF, Care, Concern Worldwide, as well as in collaborative research with academic and non-academic institutions.

KIT DEV has a team specialized on gender, rights and development. It has a long track record of providing technical assistance to governmental and non-governmental agencies and organizations to integrate gender equality concerns into policies, organizational structures, systems and practices as well as sector strategies and programmes. It has extensive experience and expertise in gender mainstreaming, gender analysis, gender auditing and budgeting and rights-based approaches which it has developed from years of designing and implementing research and knowledge-based programmes in a number of sectors including education, agriculture, land governance, WASH, sustainable economic development and health. KIT understands gender mainstreaming as a strategy to promote gender equality and achieve equal rights for women and men, and strives to work from a 'gender and rights approach to development'. This approach is used in the understanding of land governance by looking at land as a right, and women and men

as subjects of this right but whose relation to it is determined by their social condition and position. Furthermore KIT has built on the gender and rights approach in its work on access to justice as fundamental for the realization of people's rights. It conceives justice as an outcome and thus understands access to justice from a more comprehensive perspective that goes beyond the mere process of accessing institutions and moreover beyond the law.

Informed by the above approaches KIT has explored land governance systems, the ways in which social relations of gender affect these and how they have an impact on the realization of men and women's rights to land. It has done so by engaging with different stakeholders including governments, civil society and even the private sector. As a knowledge-based institute, KIT develops new knowledge not only from conducting quantitative and qualitative research but also utilizing participatory research such as action research and action learning methods which have been used in several projects and particularly on access to justice. KIT regularly documents its findings and knowledge generated from its programmes, as reports, books and internet-based resources, and has an extensive catalogue of KIT publications, which are often published in conjunction with international publishers such as Routledge and Oxfam GB. Thus KIT is well versed in dissemination of research findings and communication.

*Sandra Quintero – Gender Advisor*

Sandra Quintero is a lawyer with an LL.M in International Law with more than 10 years of experience working both as researcher and as a practitioner on gender and development, human rights, conflict and access to justice. She has developed knowledge and expertise on socio legal issues focusing on access to justice from a gender and rights perspective and on ways to bridge the law and social development work to achieve social justice.

*Elsbet Lodenstein – SED Senior Advisor*

Elsbet Lodenstein is a development sociologist (Leiden University) with 12 years of experience in sub-Saharan Africa, including in post-conflict settings. She specializes in citizen participation and gender equity in service delivery in the health and land sectors. She is currently conducting PhD research on social accountability interventions using realist evaluation methodology.

*Rozemarijn Apotheker - SED Advisor*

Rozemarijn holds a MSc in International Development Studies (University of Amsterdam) and started working at KIT in 2010. She found her niche working on gender and sustainable agricultural development, and is co-author of the book: *Challenging Chains to Change – Gender equity in agricultural value chain development* (KIT, IIRR, APF, 2013). Currently the majority of her work focuses on the cocoa sector.

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