

MIND THE GAP: Bridging the Divide between Land Policy and Practice.

*Securing women's land rights through engendering the formalization process of customary
land tenure in Uganda*

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ABSTRACT:

The 1995 Constitution of the Republic of Uganda is one of the most gender sensitive constitutions in the world, with clear provisions for promoting and protecting the rights of women. This is also the case in relation to women's land rights – the Constitution clearly vests land in the people of Uganda, including the rights of women to own and inherit land. Other land laws, including the Land Act, recognize and uphold women's rights to land as individuals, and as part of a family or community. Importantly, the National Land Policy reinforces and provides strategies to actualize these rights.

While a gender responsive constitution provides a strong legal foundation, it does little to help women, without a well coordinated land governance process that reaches women in an affordable and systematic manner. It is critical therefore that gender responsive principles are systematically applied in the formalization process of customary land in Uganda to ensure that gender inequality and land tenure insecurity are diminished rather than concretized. It is crucial that Certificates of Customary Land Ownership (CCOs) are equally distributed to women to protect their rights, their well being and their futures

KEY WORDS

Customary, Gender, Land, Policy, Practice, Women.

TABLE OF CONTENTS

| | |
|---|----|
| 1. Introduction..... | 4 |
| 1.1 In Her Name (IHN)..... | 4 |
| 2. Methodology..... | 5 |
| 3. Literature review..... | 5 |
| 3.1 Women’s Land rights..... | 5 |
| 3.2 Legal Frameworks for women’s land rights..... | 5 |
| 3.3 Law vs Practice in Women’s land rights..... | 6 |
| 3.4 National Land policy | 7 |
| 3.5 National Land Policy on women’s Land rights..... | 8 |
| 3.6 National Land policy on formalization of customary land tenure..... | 10 |
| 4. Mind the gap – Bridging the gap between policy and practice..... | 12 |
| 5. Certificates of Customary Ownership as key to change..... | 14 |
| 6. Summary findings by IHN | 15 |
| 7. Recommendations by IHN | 16 |
| 8. Conclusion..... | 18 |

1. INTRODUCTION

Despite the great strides taken by the government of Uganda to put in place gender sensitive legal provisions that promote and protect the rights of women in Uganda, land security for millions of women and their children remains tenuous in the country. There are great disparities that exist between the legal provisions and the reality on the ground. Without taking more deliberate action to ensure that policy translates into practice for all of its citizens, another generation of women will continue to remain vulnerable to land grabs from those who are often closest to them. One of the primary drivers of this land insecurity is the power that customary law holds over many parts of Uganda, more often than not bearing far greater influence over behavior than the statutory laws of the land.

Majority of Ugandans i.e. (80%) hold their land under customary tenure. The National Land Policy recognizes that this tenure is associated with three major problems including: the failure to provide security for tenure of land owners; the impediment of using land as an advancement of economic empowerment and **discrimination against women** (MoLHUD, 2013).

The National Land Policy attempts to resolve the challenges associated with customary land through formalization of customary land. This is done through the issuance of Certificates of Customary Ownership (CCOs) as a form of documentation that proves ownership and protects the rights of customary land holders.

However, without a well coordinated land governance process that reaches women in an affordable and systematic manner, gender inequality and land tenure insecurity is concretized rather than diminished. To ensure realization of Sustainable goals, specifically goal 5- To achieve gender equality and empower all women and girls, it is critical that gender responsive principles are systematically applied during this formalization process. It is crucial that CCOs are equally distributed to women to protect their rights, their wellbeing and their futures, and doing so requires extra effort to overcome the obstacles presented by age-old customary laws and traditions

1.1: IN HER NAME (IHN)

“In Her Name” (IHN) is a coalition made of 2 civil society organizations in Uganda dedicated to promoting the rights of Ugandan citizens. These include; **Uganda Community Based Association for Women and Children’s Welfare (UCOBAC)** and **Uganda Land Alliance (ULA)**. The coalition works to promote greater land rights for Ugandan women through undertaking joint research and advocacy to

raise awareness on women's land rights in Uganda, and in particular, work towards ensuring a gender equitable roll out of Customary Certificates of land Ownership (CCOs).

1. METHODOLOGY

This paper has been forwarded based on findings from a desk review and a further study undertaken by In Her Name Initiative (IHN) in Pader district, located in the northern part of Uganda where the CCO issuance process has been rolled out. IHN undertook investigations by conducting in-depth interviews and focus group discussions with women, Land administration actors, local leadership including key government leaders and traditional/ cultural leaders and other community members including men. The study involved 2 focus group discussions with community members and 20 interviews with women and 5 interviews with local leaders. The research aimed at documenting facts, experiences and case studies that showcase the realities on the ground, related to gender considerations and impact in the formalization process of customary land. This process culminated into a joint advocacy process guided by the a set of policy recommendations to the policy implementation team to ensure gender responsive land governance in the process of formalization of customary land tenure

2. LITERATURE REVIEW

3.1: WOMEN'S LAND RIGHTS IN UGANDA

In much of Africa, land constitutes the primary source from which millions of people derive their daily livelihoods. This is also the case in Uganda where land is by far the most productive asset with agriculture accounting for 43 percent of the national gross domestic product, 80 percent of employment and 85 percent of export earnings. Representing 80 percent of the agricultural labor force in the country, women are the backbone of Uganda's economy producing up to 60 percent of cash crops and 80 percent of food crops (FAO, 2010; UNDP, 2012). In the agricultural sector women contribute 83% of the labor force. (Rugadya, 2010). However, despite their essential contributions to the national economy, only few women enjoy secure rights to the land they till. In fact, control and ownership of land is mainly concentrated in the hands of men. Women's access to land is crucially dependent on their relationship with a male, usually a father, husband, brother or son (Rugadya, 2007; Garber, 2012). Further still, women do not always share in the benefits of production, even though they may have done most of the work. As a result, women often are much less enthusiastic than men about production participation because of the men's control of incomes.

3.2: LEGAL FRAMEWORKS FOR WOMEN'S LAND RIGHTS IN UGANDA

The Ugandan Government has made a conscious effort to redress the gender imbalances existing in land access and ownership, acknowledging that women's inadequate control over livelihood assets such as land, remains one of the root causes of poverty (MGLSD, 2012). The government of Uganda put in place a gender-responsive legislative and policy framework strengthening women's land rights and prohibiting customary practices denying women access to, ownership of or occupation of land (Tripp, 2004). Moreover, in addition to the protective statutory provisions, the customary rules safeguarding women's interests in land now have full judicial force in national law and are upheld also by state courts due to the legal recognition of customary tenure (Adoko/Levine 2008).

The legal frameworks are laid down in the 1995 Uganda Constitution, the 1998 Land Act 1998 (Cap. 227) (as amended in 2004), and a host of family laws relating to marriage, divorce and succession. The property laws of Uganda do not expressly discriminate between men and women regarding the right to own property. Article 26 of the 1995 Uganda constitution protects the fundamental right of every person to own property individually or in association with others and not to be deprived without compensation, Article 26(2) provides that, “No person shall be compulsorily deprived of property or any interest in or right over property of any description...”. Chapter 4 of the Constitution and in particular articles 31–33, provides for equality between men and women, including in respect to the acquisition and holding of land. Under Article 31 (1) of the Constitution, men and women above the age of eighteen years are accorded equal property rights in marriage, during marriage and at its dissolution. Succession laws also recognize a woman’s right to inherit from their husbands and fathers. This is reflected in Article 31 (2) of the constitution which compels that “Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children. (Rugadya, 2010).

Further still, Section 3 of the Registration of Titles Act recognizes the right to own land and property by any person as long as it is lawfully in his or her name. This section specifically disclaims any intentions to limit or abridge any laws relating to the property of married women. (Bomuhangi et al, 2011). The Land Act of 2004 gave some minimal protection to women by providing that before a man makes any transaction/ disposes off family land, he has to seek the consent of his wife. These provisions on equality are further strengthened by the principles of affirmative action, provided for under Articles 21, 32 and 33 of the Constitution, which seek to remedy the historical discrimination faced by marginalized groups, including women, and redress the social imbalances that exist against them (COHRE/WLLA/ULA, 2010).

3.3: LAW VS PRACTICE - WOMEN’S LAND RIGHTS

Even though the legal environment appears to be favorable to women in Uganda, the situation on the ground is still far from satisfactory. Abuse of women's land rights is particularly widespread in the rural areas where it is not uncommon for widows to be chased away from their matrimonial land, for divorced and separated women to be denied access to land in their maiden homes and for married women to be dispossessed of their land by their husbands (Adoko et al; 2011).

Section 5.1.2(x) of the National Development Plan 2010, points out that many landless potential farmers, especially women, cannot easily access land because of costs, cultural norms and threats imposed by overlapping land rights. The National Land Policy (Draft 5 of July, 2010) acknowledges that in Uganda women are generally unable to own or inherit land due to restrictive practices under customary land tenure or are not economically endowed to purchase land rights in the market. (Rugadya, 2010).

According to the findings of a study on the impact of National land policy and land reform on women in Uganda, it was discovered that women's land rights in Uganda are constrained by a number of factors including; lack of Information about women's land rights, prevailing cultural attitudes that discriminate against women, lack of formal land ownership by women where the majority of women even when they save money to purchase land, land agreements are written in their husband's names and the woman signs only as a witness, lack of participation of women in land policy formulation processes, exclusion of women in matters of land inheritance, lack of women's access to justice, women's weak economic muscle and the existing gaps in the legal system (COHRE/WLLA/ULA, 2009).

Therefore the property laws in Uganda adequately provide for women's access, ownership and control of land. However in reality, there is a great disparity between law and practice. Even with such an enabling environment, gender inequalities still exist.

3.4: NATIONAL LAND POLICY

The National Land Policy (NLP) was approved by cabinet in February 2013 to provide a framework for articulating the role of land in national development, land ownership, distribution utilization, alienability, management and control of land. This is intended to ensure that the country transforms from a peasant society to a modern, industrialized and urbanized society. The vision of NLP is **“a transformed Ugandan society through optimal use and management of land resources for a prosperous and industrialized economy with a developed services sector.”** While the goal of the NLP is **“to ensure efficient, equitable and optimal utilization and management of Uganda's land resources for poverty reduction, wealth creation and overall socio economic development”**.

Given the politically volatile and historically complex history of land tenure discourse in Uganda and challenges of balancing the interests of commercialization, sustainable development and the rights and interests of majority of Ugandans who rely on land for survival as subsistence farmers, the implementation of the NLP will play a critical role in determine the country's ability to maintain stability and foster sustainable economic growth over the coming decades. (MoLHUD, 2013)

The NLP outlines its eight policy objectives, three of which relate directly to gender equality policy objectives and these include;

- Stimulate the contribution of the land sector to overall socio-economic development, wealth creation and poverty reduction in Uganda
- Harmonize and streamline the complex tenure regimes in Uganda for equitable access to land and security of tenure;
- Redress historical injustices to protect the land rights of groups and communities marginalized by history or on the basis of gender, religion, ethnicity and other forms of vulnerability to achieve balanced growth and social equity

Further still, the NLP outlines the eight guiding principles that underpin and guide the NLP, among which two principles emphasize the need for equity and justice in relation to access to land. These include;

- Equitable access to land for all Citizens of Uganda to hold, own, enjoy, use and develop either individually or in association with others
- Equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or custom

It is therefore critical to note that the NLP is a gender sensitive policy document that emphasizes the need for gender equity and justice in the access, control and ownership of land.

3.5: NATIONAL LAND POLICY ON WOMEN'S LAND RIGHTS

According to the 2013 National Land policy, Majority of Ugandans hold their land under customary tenure. This tenure is often associated with three problems, (a) it does not provide security of tenure for landowners; (b) it impedes the advancement of land markets; and (c) **it discriminates against women** (MoLHUD, 2013).

In Uganda, women are generally unable to own or inherit land due to restrictive practices under customary land tenure or are not economically endowed to purchase land rights in the market. In general,

customary practices in some areas of the country continue to override statutory law in recognition and enforcement of women's land rights, abating unnoticed land grabbing at family level. Attempts to redress this situation by outlawing discriminatory cultures, customs and practices in land ownership, occupation and use, and requiring spousal consent to transactions involving family land in the 1995 Constitution and the Land Act (Cap 227) have not been effective due to failure in implementation and enforcement. While the Land Act (Cap 227) caters for a spouse to some extent, it does not tackle the land rights of widows, divorcees and children.

Strategic litigation in respect of the Divorce Act (Cap 249) and the Succession Act (Cap 162) nullified sections of the law charged with realization and ascertainment of land rights for vulnerable groups, especially women and children. This land mark court decision is yet to be translated into law. In addition Uganda has ratified several international instruments on human rights in relation to women and children, however the gap between what is in law and what is in practice is clearly distinct (MoLHUD, 2013).

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To promote and protect women's land rights, the NLP provides that;

- Government shall by legislation, protect the right to inheritance and ownership of land for women and children.
- Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination.

In order to achieve these, the NLP emphasizes the need to review and regulate customary law and practices in access to and ownership of land. It therefore provides that government will;

- (i) Ensure rules and procedures relating to succession do not impede transmission of land to women and children;
- (ii) Educate and sensitize the public on discrimination against women and children with respect to access, use and ownership of land;
- (iii) Review and regulate customary rules to avoid violation and abuse of family land held in trust for the family;
- (iv) Restore the power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups; and
- (v) Ensure that the head of family is held to account on his/her fiduciary duties over family land held in trust.

To redress gender inequity and inequality to inheritance and ownership of land in statutory law, NLP provides that government will;

- (i) Design and implement a regime of matrimonial property law aimed at the protection of spouses;
- (ii) Make legal provision for joint or spousal co-ownership of family land and the matrimonial home;
- (iii) Amend the succession Act Cap 162 to provide for the right to succession and inheritance of family land by women and children;
- (iv) Amend the Land Act Cap 227 to restore the consent clause to protect children below 18 years.

The NLP also provides that to ensure that women are fully integrated in all decision-making structures and processes in access to and use of land, government will take special measures to:

- (i) Mainstream gender into development planning so as to improve the status of women;
- (ii) Domesticate all international conventions ratified by Government of Uganda which outlaw discrimination against women and children and enforce all the principles therein;
- (iii) Support the implementation of the Equal Opportunities Commission as a specialized institution to advocate for and, where relevant, implement strategies in the National Land Policy; and
- (iv) Solicit the support of faith based institutions and cultural leaders to accept and implement measures in the National Land Policy designed to protect the rights of women and children

3.6: NATIONAL LAND POLICY AND FORMALISATION OF CUSTOMARY LAND TENURE

The 1995 Constitution and the Land Act (Cap. 227) attempted to formalize customary tenure and were criticized for destabilizing and undermining its progressive evolution. Despite these attempts, customary tenure continues to be;

- (i) Regarded and treated as inferior in practice, to other forms of registered property rights, denying it opportunity for greater and deeper transformation;
- (ii) Assessed as lesser regarding dispute resolution and mediation compared to the statutory system;
- (iii) Assessed as lesser to other tenures that have titles for proof of ownership in courts of law in the administration of justice;

- (iv) Converted to freehold before it attains the totality of the bundle of rights inherent in all other registered tenures that are held in perpetuity;
- (v) Disparaged and sabotaged in preference for other forms of registered tenures, denying it the opportunity to progressively evolve.

In order to resolve some of the challenges associated with customary land tenure, The National Land Policy provides that the State shall recognize customary tenure in its own form to be at par (same level) with other tenure systems. It further provides that the State shall establish a land registry system for the registration of land rights under customary tenure.

The NLP has thus devised strategies to facilitate the evolution and development of customary tenure in relation to social, economic, political and other factors, It provides that in so doing, the government shall take measures to;

- (i) Design and implement a land registry system to support the registration of land rights under customary tenure;
- (ii) Issue Certificates of Title of Customary Ownership (CCOs) based on a customary land registry that confers rights equivalent to freehold tenure;
- (iii) Facilitate conversion of customary land which is already privatized and individualized into freehold tenure;
- (iv) Document customary land tenure rules applicable to specific communities at the district or sub county levels;
- (v) Promote systematic demarcation as a measure to reduce the cost of registering rights under customary tenure; and
- (vi) Make an inventory of common property resources owned by communities and vest these resources in the communities to be managed under their customary law

To facilitate the design and evolution of a legislative framework for customary tenure the NLP provides that government shall:

- (i) Amend the Land Act (Cap 227) to permit only individually owned customary land to be converted to freehold;
- (ii) Amend the Registration of Titles Act (Cap 230) to place customary tenure at par (same level) with other tenure systems;
- (iii) Modify the rules of transmission of land rights under customary land tenure to guarantee gender equality and equity;
- (iv) Make provision for joint ownership of family land by spouses;

- (v) Recognize the role of customary institutions in making rules governing land, resolving disputes and protecting land rights;
- (vi) Define family and individual land rights, from communal rights under customary land tenure and distinguish the rights and obligations of customary institutions vis-à-vis those of the community and individuals; and
- (vii) Provide for registration of customary land held under trusteeship by traditional institutions or cultural leaders on behalf of communities in the names of trustees.

To strengthen traditional land management and administration institutions the NLP provides that government will take measures to:

- (i) Recognize and enforce decisions of traditional land management institutions by local government and state institutions;
- (ii) Ensure full judicial backing for traditional institutions as mechanisms of first instance in respect of land rights allocation, land use regulation and land dispute resolution for land under customary tenure;
- (iii) Ensure that the decisions of traditional land management institutions uphold constitutional rights and obligations with regard to gender equity;
- (iv) Develop guidelines and procedures under customary land law for the allocation and distribution of land complying with the principles of equality and natural justice.

The roll out of CCOs is underway in the districts of Kasese, Apac, Amuru, Gulu, Lira and pader. The plan is to progressively spread to other parts of the country where land is held under customary land tenure.

3.MIND THE GAP: BRIDGING THE DEVIDE BETWEEN POLICY AND PRACTICE ON WOMEN’S LAND RIGHTS

Despite the guaranteed protections on paper as provided by the Constitution, the Land act and the National Land policy, in practice women in Uganda continue to remain defenseless in the face of customary law which is still observed in many parts of the country. Indeed research has demonstrated that many customary systems in Africa are biased against women. While customary systems vary widely, in many societies, women’s rights over land and natural resources are almost always subordinate to those of men.

Men and women alike in the country have been and continue to be the victims of illegal evictions from customary land because they do not possess proof of ownership, however women are especially more vulnerable because under customary law and practice, women, widows and their children face the possibility of losing land to their in-laws, neighbors and other opportunists especially upon death of spouses/father, in case of breakdown of a marriage/ relationship and also very importantly in the face of HIV/AIDS

Case Study 1: A Widow Dispossessed

One such case is that of Justina (not her real name), a 65-year-old widow that members of the *In Her Name* coalition recently met in Pader district, located in northern Uganda. Justina is struggling to defend her rights to a piece of land that her late husband inherited. She had lived peacefully on the land until her brother-in-law's son decided he wanted the land for himself and that it was time for her to go. She had nothing legally binding to prove that she had a right to stay on the land, leaving her completely exposed to the whim of her late husband's nephew.

"Four years ago, he appeared from nowhere and started to cultivate on my land without my consent", Justina told *In Her Name* in a trembling voice, clearly traumatized by her predicament.

She attempted to negotiate terms for sharing the land with him, but to no end. Not knowing what else to do, she sought redress from the local council chairperson and clan leaders. Although the latter intervened, attempting to resolve the situation through mediation between the two parties, the dispute is yet to be fully resolved because Justina does not possess any proof of ownership. At the time that *In Her Name* met Justina, her case had finally gone to court. However, she was unable to afford the transport fare to attend proceedings and was on the verge of giving up.... (IHN Policy brief, 2014).

Case Study 2: Widows and children evicted, No proof of ownership of land

Another case is that of Dennis Munu, from Alikabedoding village in Amuru district. A husband of two and father of 13 children, Denis was evicted from his ancestral land by a local investor. He tried to seek redress from many government offices but lacked evidence to prove that he owned the land although he had inherited it from his father in 1990. Denis died of cancer in 2013, leaving his wives and 13 children on a small rented piece of land that can hardly sustain them. The widows can unfortunately not proceed with the case to regain their land because they do not possess any form of documentation to prove that the

land belonged to their deceased husband. The future of these two widows and their children is bleak... (IHN International Women's Day Opinion piece, 2014)

4.1: IN HER NAME: CERTIFICATES OF CUSTOMARY OWNERSHIP ARE THE KEY TO CHANGE

While cases like these are all too common, we only need to look at countries like Rwanda to show us that helping secure women's land rights can work, even under extremely adverse circumstances. In the wake of the 1994 genocide, the Rwandan government recognized that alleviating post-conflict tenure insecurity and land disputes was critical to nurturing peace and promoting economic growth and therefore initiated a land tenure reform process that included the documentation of property ownership.

The Rwandan National Land policy adopted in 2004 emphasized tenure security and focused on the elimination of all forms of discrimination in access to land. The Organic Land Law of 2005 called for specific efforts to ensure gender equality in the documentation process, granting men and women equal rights to own land. Disaggregated land tenure regularization (LTR) figures from 2012 show that 81% of land was owned jointly by men and women; 11% was owned by women only; and 6% by men only. Various reviews and studies of gender in the LTR process in Rwanda have generally attributed the registration of women's land rights to the positive steps taken to implement gender equality policy objectives. (HTSPE, 2014)

The Rwandan case study shows that change is possible when an effective and strategic policy implementation plan is pursued. Indeed, we have already seen that it is possible in Uganda as well. The case of Alice (not her real name), another woman that *In Her Name* recently met in northern Uganda, illustrates this point.

As compared to other women in the impoverished region where she lives, Alice is well off and even owns a small plot of communal land – she also holds a freehold land agreement – thanks to her own tenacity and favorable personal circumstances. While her situation clearly shows that change is possible, she recognizes that it is not representative of most women living alongside her on customary land, and that she has been luckier than most. So when the divorced mother of two girls is not working and caring for her children, she dedicates much of her time volunteering with a civil society organization (CSO) to raise awareness in communities about women's right to own land and property. However, the scope of this CSO – and that of others – is limited and can only reach so many communities. She explained that the

local government land officials must do much more.

“As much as we have done community sensitizations, many people still haven’t been reached. The district land board is another case. They take ages to work on documents needed”, she told *In Her Name Initiative*.

Challenges like these can and must be addressed in the continued roll out of CCOs across the country.

4. SUMMARY FINDINGS OF THE IHN COALITION’S FACT FINDING STUDY.

The IHN undertook a comprehensive study in Pader district in Northern Uganda, where the process of issuance of CCOs has been rolled out, to determine and document the level of gender sensitivity in the process of issuance of CCOs, the existing successes, gaps, challenges, and opportunities. The process culminated into an evidence based advocacy initiative with key practice and policy recommendations to government, Land policy implementation unit, and other actors to ensure gender equitable land governance in the formalization process of customary land through the issuance of Customary Certificates of land Ownership (CCOs). Some of the findings included;

By the time of the study, it was established that the roll out of the issuance of Certificates Of Customary Ownership had never actually set off in Pader district as claimed by the Ministry of lands. However, the Ministry informed IHN that the process had actually started, but halted to allow the Ministry of Lands to undertake a land demarcation process.

IHN observed that the CCO templates that had been sent to the district offices for issuance to community members, were stashed away somewhere in a district office collecting dust and not being issued as expected.

It was also established that many women in the community especially at grass root level were not aware of this policy provision by the NLP, they were not aware of the issuance of the CCOs, what it means, the process involved, etc. Only a few women, who were living in the urban areas and thus had some sort of access to information, or had some minimal level of education, had some information on the CCOs. However many still did not understand the procedure of acquiring one.

IHN established through this study that sensitization on land rights, including women’s land rights was mainly done by CSOs like Uganda Land Alliance and not government. The limited existing information

on land rights in the community, specifically related to CCOs was done by CSOs whose capacity to reach to a wider community is also limited.

IHN further established that there is a general fear/ mixed feelings/ mistrust of CCOs process. Many of the locals feared that if they embrace CCOs, they will loose their land especially to government, investors or a few rich individuals. They feared that there was a hidden agenda around this process whereby government is trying to finds means to make it easier to grab their land. They feared that with this documentation, it will be easy to transfer or sale the land off by a few clan/family members. However a few who had heard about the idea and understood it supported it and were of the view that it control land grabbing in their area.

IHN also established that very few people have been able to successfully process the CCOs in Pader district at the time of the study. This was mainly attributed to lack of knowledge on the CCOs process and failure to get support from the government departments responsible for issuing the CCOs. Those that had attempted to process the CCOs reported that the process was neither clear nor easy for them to completely pursue the CCOs.

The traditional leaders interviewed had heard about the CCOs but did not have a clear understanding of the whole idea. However, many thought that it is an idea they would agree to and support if there is demonstration that in this way, people's land rights will be protected.

From the focus group discussions held, IHN found that women know and appreciate the importance of having evidence of ownership of land through some form of documentation. They got to know this through sensitization exercises done by CSOs in the region notably Uganda Land Alliance. However they still face challenges in pursuing the documents for example, they are poor and cannot afford transport fares involved in moving up and down to the land offices to follow up the documents. It was also noted that they do not have information on how to go about documenting their land.

5.1: RECOMMENDATIONS BY IHN FOR SECURING WOMEN'S LAND RIGHTS IN THE FORMALISATION PROCESS OF CUSTOMARY LAND TENURE

In order to ensure that implementation of the Land Policy results in the intended benefits of security of tenure in law and practice for women, IHN makes the following strategic policy recommendations to Ministry of Lands, Housing and Urban Development, (Policy Implementation Unit) ;

Government should ensure a well-coordinated land documentation process that reaches women especially grass root women in an affordable, systematic and friendly manner.

The Ministry of Land must provide gender responsive practice guidance and standards for the entire registration process of Certificates of Customary Ownership (CCO) including; standardized formats for Constitutions of Communal Land Associations, practice guidelines for officials in the Area Land committees, District land Boards and customary land registries.

There is also need for gender sensitive sensitization activities on the registration of customary land through ensuring that sensitization activities preceding the launch of CCO registration in every district strategically reach women, emphasize the importance of including women's names on the CCOs and explain the benefits of inclusive CCOs to families, communities and the country at large. Critically, raising awareness among women of their rights to documentation – that they have a right to land titles written '*in her name*' –must be prioritized

Equally, sensitization trainings for key actors like local government officials in the land administration and other influential community actors including traditional leaders in issues related to gender sensitive and responsive service delivery are vital if increased numbers of Ugandan women are to realize these rights. This will improve service delivery and motivate community members including women to pursue formalization of their land.

Finally, it is critical to emphasize the requirement for gender disaggregated data on registration of customary land tenure, where all records and reports on registration of customary land should be gender disaggregated to reflect adherence to the Land policy requirements on protection of women's land rights.

CONCLUSION

Uganda is a country that is known for its gender sensitive laws. However the reality on ground is a different story. There is a great disparity between the legal provisions and realities on the ground. Government of Uganda needs to put effort in actualizing those well written and positive laws in order to transform lives in a meaningful way. The policy recommendations forwarded by IHN should be given critical consideration by the Ministry of Lands, National policy implementation unit in order to realize their policy objective of promoting gender equity and justice in land access and ownership. Engendering the formalization process of customary land tenure will go a long way in securing women's land rights in Uganda.

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