



SECURING WOMEN'S LAND RIGHTS IN CUSTOMARY AREAS IN UGANDA

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Country: Uganda

Principal Organisation: **UCOBAC**

ABSTRACT

The rural poor, the majority of whom are women, rely heavily on land and other natural resources for their livelihoods. Eighty per cent of land in Uganda is under customary land tenure systems and is mostly unregistered. The customary tenure system is associated with several problems that include its inability to provide secure and equitable access and control for landowners and its discrimination against

women (MLHUD, 2013). However, many women are unable to own or inherit land because of restrictive customary practices and norms. As such, the *Uganda Community Based Association for Women and Children Welfare (UCOBAC)* adapts and implements pro-poor, Fit-for-Purpose and gender-responsive land tools and approaches to secure tenure for all.

ILC COMMITMENTS



SECURE TENURE RIGHTS



EQUAL LAND RIGHTS FOR WOMEN



EFFECTIVE ACTIONS AGAINST LAND GRABBING

COMPETENCIES

AREAS

RURAL LAND GOVERNANCE

WOMEN'S LAND RIGHTS
AND GENDER JUSTICE

PROTECTION OF HUMAN RIGHTS

SKILLS

ADVOCACY AND CAMPAIGNING

LAND CONFLICT RESOLUTION

MAPPING AND LAND REGISTRATION

BACKGROUND

The Constitution of the Republic of Uganda and the Land Act of 1998 formalise legal pluralism in Uganda by recognising customary land ownership and guaranteeing gender equality regarding land ownership. The Land Act defines customary tenure and outlines the process for customary land ownership and registration and places a positive duty of the state to respect, protect and promote these rights. The laws also prohibit all customary laws, practices and traditions that undermine women's dignity, welfare, interest and status.

However, many women are still unable to own or inherit land, in part, due to ignorance of laws that protect women's land rights and deep-seated customary practices that continue to override statutory recognition and enforcement of women's land rights. The violation of women's land rights often leads to land grabbing and disinheritance of women. The lack of capacity to implement and enforce women's customary land rights creates a profound disparity between law and practice.

THE CHALLENGE

Santa Otyeka is a subsistence farmer living under customary tenure in Northern Uganda. Like many women in post-conflict societies, faced boundary encroachment and land grabbing in the form of disinheritance by her in-laws. When Santa returned to her home from the internally displaced persons' (IDP) camp at the end of the civil war in the Northern region, she sought the clan leaders and local government's support in reclaiming her land. However, the all-men leadership mediating the land claim sought to hand over the land to her in-laws based on tradition.

The deep-seated patriarchal and discriminatory practices against female returnees go against Uganda's IDP policy on land tenure and property rights. The policy ensures that IDPs are not deprived of property or any interest in or right over property except through a law of general application. Although the local government is obliged to protect property and possessions left behind by IDPs against pillage, destruction, arbitrary and illegal appropriation, occupation or use, Santa still lost her land to her in-laws.

OVERCOMING THE CHALLENGE

UCOBAC, in partnership with UN-Habitat – Global Land Tool Network (GLTN) and Stand for Her Land Campaign, organised community land forums to educate communities on land laws, gender and women's land rights. UCOBAC also carried out land mapping exercises, documenting and registering customary land rights using innovative, fit-for-purpose and gender-responsive land tools and approaches like the

Social Tenure Domain Model and the Gender Evaluation Criteria. UCOBAC carried out formal and informal capacity building exercises for land actors in gender-responsive customary land administration. Finally, UCOBAC promoted land dispute resolution through mediation using the Land Mediation Tool.

MOVING TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

Promoting women's land rights has strengthened tenure security for all. As a result of the implementation of pro-poor, Fit-for-Purpose land tools and approaches, women are registered as co-owners of land in the family through Certificates of Customary Ownership or as a community through Communal Land Associations. Additionally, due to the training exercises that UCOBAC implemented, traditional authorities provide gender-responsive land services.



THE GOOD PRACTICE IN FIVE SIMPLE STEPS



1

TRAINING OF FORMAL AND INFORMAL COMMUNITY LAND ACTORS ON GENDER-RESPONSIVE LAND ADMINISTRATION

The training exercise is administered in conjunction with the Ministry of Lands, Housing and Urban Development. The training focuses on land laws governing the registration of customary land, emphasising laws that protect vulnerable groups' land rights. The land actors receive training as community mediators, with particular attention given to the mediation of land rights disputes involving vulnerable groups. Part of the group that gets this training is youth volunteers from within the host communities who assist the elderly, illiterate and semi-literate.

2

COMMUNITY LAND FORUMS TO CREATE AWARENESS ON GENDER AND WOMEN'S LAND RIGHTS

Trained district and community level land actors hold community forums within the host communities. The trainers disseminate information regarding the protection of vulnerable groups' land rights during the training sessions. Additionally, questions and concerns about land registration and the various land laws are answered and clarified. These forums are held before, during and after the mapping and demarcation exercises. They include physical meetings and radio talk shows where a panel discusses the information and takes questions.

3

PARTICIPATORY LAND MAPPING AND DOCUMENTATION UTILISING PRO-POOR, FIT-FOR-PURPOSE AND GENDER-RESPONSIVE LAND TOOLS AND APPROACHES

The land mapping exercise includes visiting the parcels of land for which registration was requested. The Area Land Committee does the mapping with youth volunteers assisting with new technology such as GPS and documenting details on the ground. Anybody with interest in the process is invited, including neighbours. If absent, interested parties are encouraged to send representatives or witnesses who will sign the field inspection report attached to the application.

4

ALTERNATIVE LAND DISPUTE RESOLUTION MECHANISM

The trained community mediators who form part of the witnesses, depending on the area, are always available to solve or clarify minor boundary disputes between neighbours. In instances where the community mediators cannot solve a case, they refer it to the clan heads, who summon the parties to a mediation hearing. The field teams document all the hearings and attach signed notes detailing the solutions.

5

ENGAGEMENT OF MULTI-STAKEHOLDERS FOR POLICY REVIEW, FORMULATION AND IMPLEMENTATION

Stakeholders from the local and district levels are brought together at an event that includes land actors, partner organisations and government bodies. They share information on the process and policies governing customary land registration, based on their knowledge and experience. The stakeholders' experiences are documented in a single document from which land actors can draw future implementation solutions. The paper is shared with stakeholders at all levels.



KEY FACTORS OF SUCCESS FOR REPLICABILITY AND ADAPTABILITY PURPOSES

6

- 1 Political will creates an enabling environment for the use of pro-poor and fit-for-purpose land administration approaches like STDM etc. in land rights registration, for the benefit of vulnerable women who cannot access or afford the formal land registration processes.
- 2 Policies and legal frameworks are essential for the promotion and protection of women's land rights.
- 3 Strengthening the role of traditional leaders and informal land actors in gender-responsive land administration is crucial to the successful implementation of alternative land dispute resolution mechanisms such as mediation.
- 4 Strengthening women's grassroots organisations' leadership, participation and inclusion in decision-making in ongoing land processes promotes gender equality.

7

LESSONS LEARNED

To gain the trust of the community and all stakeholders in general, it is essential Deep-seated patriarchal and discriminatory norms can lead to gender disparities in land administration, limiting women's ability to exercise their land rights fully. The land actors at the community level need capacitation, facilities, and resources to secure community members' land rights. Training, reference materials and work aides are great tools for social norm reprogramming concerning gender-responsiveness at family, community and leadership levels, including traditional and formal land administration systems.



UNITED FOR LAND RIGHTS

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