



WOMEN'S LAND RIGHTS AGENDA



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

የ
ደ
ብ
ደ
ብ
ደ



Disclaimer

The findings, interpretations, and conclusions views expressed in this collection are those of the authors and do not necessarily reflect the views and policies of the Inter-Governmental Authority on Development (IGAD), or the governments it represents. IGAD does not guarantee the accuracy of the data included in this publication and accept no responsibility for any consequence of their use. By making any designation of or reference to a particular territory or geographic area, or by using the term 'country' in this document, IGAD does not intend to make any adjustments as to the legal or other status of any territory or area. Nothing herein shall constitute or be considered to be a limitation upon or waiver of the privileges and immunities of IGAD, all of which are specifically reserved.

This publication has been made possible with the financial support of the Embassy of Sweden Addis Ababa.



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

UGANDA WOMEN'S LAND RIGHTS AGENDA

2021



TABLE OF CONTENTS

List of Acronyms	5
Country Commitment, Ministry of Lands, Housing and Urban Development (Uganda)	6
1 Background	8
1.1 Introduction.....	8
1.2 Rationale for the WLR Agenda	9
1.3 Legal and Policy Environment.....	10
1.4 Key Gender Inequalities in the Land sector.....	13
2 Process for formulating the WRLA	15
2.1 Gender Assessment of the Land Sector.....	15
2.2 Multi Stakeholder Country level consultations	15
2.3 Prioritization process and criteria.....	15
2.4 Multi-Stakeholder Consensus of Key Issues, Challenges, Gaps vis-à-vis Gender and Land Rights	15
3 Prioritization of Issues and Analysis of Their Root Causes and Proposed Strategies.....	17
3.1 Introduction.....	17
3.2 Analysis of the Key Issues affecting Women’s Land Rights, their Root Causes and Proposed Strategies	17
4 Conclusion	26
References	27
Annexes.....	28
Annex 1: Stakeholders Involved	28

LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
ADRM s	Alternative Dispute Resolution Mechanisms
AU	African Union
BPfA	Beijing Platform for Action
CBO	Community Based Organisation
CCO	Certificates of Customary Ownership
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSOs	Civil Society Organisations
DRMs	Dispute Resolution Mechanisms
EAC	East African Community
GBV	Gender-Based Violence
ICCPR	International Covenant on Civil and Political Rights
IEC	Information Education and Communication
IGAD	Intergovernmental Authority on Development
INGOs	International Non-Government Organisations
LC	Local Council
MAAIF	Ministry of Agriculture,
MDAs	Ministries, Departments, and Agencies
MGLSD	Ministry of Gender, Labour and Social Development
MLHUDs	Ministry of Lands, Housing and Urban Development
MojCA	Ministry of Justice and Constitutional Affairs
NARO	National Agricultural Research Organisation
NDP	National Development Plan
NLIS	National Land Information System
SDGs	Sustainable Development Goals
UN	United Nations
UNHS	Uganda National Household Survey

COUNTRY COMMITMENT, MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT (UGANDA)

Uganda is notably known for its high dependency on agriculture as a major economic activity. According to the Budget Speech 2020/2021, the Agriculture sector plays a central role in Uganda's economy, accounting for 45 percent of exports, and employs 64 percent of all Ugandans and 72 percent of all youths, thus its importance in influencing household incomes.

Land in Uganda has been identified as one of the most important household assets for promoting agricultural production and economic enhancement. Women who form the biggest percentage of the country's population majorly dominate this sector. Secure land tenure is strongly associated with higher levels of investment and productivity in agriculture and therefore with higher incomes and greater economic wellbeing. Secure land rights for women are often correlated with better outcomes for them and their families, including greater bargaining power at household and community levels, better child nutrition, and lower levels of gender-based violence (MLHUD Report, 2020)

The Ministry of Lands, Housing, and Urban Development mandate is to ensure rational, sustainable, and effective use and management of land and orderly development of urban and rural areas as safe, planned and adequate housing for socio-economic development.

However, it has been noted that access to secure rights over land has remained limited and women are particularly disadvantaged in this regard. There remains a critical call to develop and implement policies and legal frameworks geared towards gender equality on women's land and facilitate development in all sectors of the economy including agriculture.

Uganda has registered significant strides towards enhancing women's land rights; however, critical gaps still exist in collecting data on land access, ownership and control rights, documenting the data needs and gaps regarding women's land rights. Although not adequate, periodic, gender-disaggregated data on land highlights

notable disparities in land rights between women and men.

The government of Uganda has initiated several plans and reforms for women's land rights at the macro level. The measures put in place include the formulation of legal and policy frameworks like the National Gender Policy, the National Urban Policy, the Gender Strategy for National Land Policy Implementation (2019), and NDP III. These Macro instruments acknowledge the importance of Women's Land Rights for economic empowerment and livelihood improvement.

Through the IGAD Land Governance Program on "Improving Land Governance in IGAD Region," which is aimed at improved Land Governance, enabling enhanced economic growth, increased resilience, food security, reduced conflicts, improved natural resources management and reduced land degradation in the IGAD Region, Uganda identified the following as issues that are greatly affecting women's land rights;

1. Inadequate awareness, implementation and enforcement of the legal and policy frameworks on women's land rights across the different tenure systems.
2. Limited access to land justice by women within the formal and informal justice systems.
3. Illegal and forced land evictions to make way for investment, which negatively impacts women's access, ownership and control over land.
4. Land disputes and conflicts including gender-based violence associated with women's unequal and limited control over land and property
5. Policy ambiguity and limited explicit support to women's land rights for food production, sustainable land use and climate- smart agriculture

6. Unfair resettlement and compensation schemes that escalate land conflicts and deny women and girls' land rights.
7. Exclusion of women and girls' equal rights of access to and needs in urban planning, design and adequate housing

Uganda is committed to implementing strategies outlined in the WLRA with support and partnership from other Ministries, Departments and Agencies, Development Partners, Civil Society Organizations (CSOs) and

other Land Sector partners. Implementation of the Agenda will be premised on coordination and collaboration Mechanisms between the IGAD Land Governance Unit and other players mentioned above.

The Government of Uganda therefore is committed to implementing the strategies set out in the Agenda for improving Women's land rights in the Country; to facilitate improved socio-economic development at households, community and the national level.

Dorcas Okalany

Permanent Secretary

*Ministry of Lands, Housing and Urban Development
Uganda*

1 BACKGROUND

Uganda's development trend since the mid-1980s reflects a pattern of steady economic growth and poverty reduction. The various socio-economic reform programmes implemented over the last 25 years have enabled the country to achieve an average real GDP growth rate of 6.4% per annum (UBOS, 2018). There is increase in real output, now estimated to be three and half times greater than it was at the start of the 1990s; a six-fold rise in private investment; and an increase in the exports of goods and services. Industrialization has the potential to accelerate growth by adding value to abundant resources in Agriculture, Minerals, Oil/Gas, Tourism, and youthful labor force¹. This will further strengthen the national forward and backward linkages to stimulate production and productivity growth, promoting gainful employment and wealth creation.

In Uganda, agriculture is the main economic activity, which contributes about 26% of the country's GDP and employs approximately 69% of the population, of which 50% are women (Ali, 2015). Studies show that the gender productivity gap is partly due to gender gaps in accessing and using agricultural inputs especially land (Hill and Vigneri, 2011). Land is a critical resource in agricultural production and yet, according to UNHS 2016/17, men only own 34 percent of agricultural land, and 27 percent is owned by women only while men and women jointly own forty percent.

Secure land rights facilitate women working in the agricultural sector to work and invest in their farms with the expectation that they will reap the benefits without fear that their land may be taken away from them. Land rights are critical to improving the poor conditions of women in terms of economic growth, agricultural production, food security, natural resource management, gender-related inequalities, conflict management and local governance processes.

1.1 Introduction

The Government of Uganda (GoU) is committed to advancement of gender equality in Uganda. It has ratified several international and regional commitments geared towards advancing women's land rights. These have been domesticated through the enactment of progressive national legal and policy frameworks. These frameworks include the Beijing Platform for Action (BPfA), Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), Sustainable Development Goals (SDGs), Agenda 2063, and the East African Community (EAC) Gender Policy. Others include African Union sole Policy, AU Gender Policy, Agenda 2050, NLP, gender Strategy on Land, National Development Plan (NDP III) and the National Resistance Movement (NRM) Manifesto.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) 1979, is a cornerstone for promoting and protecting women's rights including the right to land and addressing the elimination of discrimination against women before, during and after marriage, (Article 16) and particularly emphasizes equality of both spouses regarding the ownership, acquisition, management, administration, enjoyment, and disposition of property. Others include the International Covenant on Civil and Political Rights (ICCPR) 1976 and International Convention on Economic, Social and Cultural Rights (ICESCR) 1976. These International conventions and frameworks have been reinforced by other regional guidelines that enshrine equal rights to access, own and control land. It includes the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003) better known as the Maputo Protocol that grants women rights to access and control productive resources including land (Articles 7, 15, 16 20 and 21). Others include; Frameworks and guidelines on land policies in Africa (2009), The AU Declaration on Land Issues and Challenges in Africa (2010) and Agenda 2030

(2016). All these frameworks emphasize the centrality of women's land rights to development.

Women play a significant role and largely contribute immensely to the agricultural sector yet their ownership of registered land is low at 7 percent (Rugadya,

2010; Bikaako and Ssenkumba, 2003). However, it is worth noting that the UNHS (2016/17) indicated an increase in the number of women owning houses from 16 percent in 2013 to 28 percent in 2017².

ASSET OWNERSHIP IN UGANDA

Asset	2012/13				2016/17			
	Has Asset	Male Only	Female Only	Both Male and Female	Has Asset	Male Only	Female Only	Both Male and Female
Agricultural Land Ownership	72.2	62.2	14.3	23.3	63.1	33.5	26.7	39.8
Land excluding Agricultural Land	-	-	-	-	38.9	37.1	26.6	36.3
House Ownership	73.3	59.2	15.6	25.3	72.5	30.5	28.1	41.4

Source: UNHS, 2016/17

Women are particularly vulnerable due to socially and culturally defined roles, and discriminatory cultural beliefs and practices on property ownership and inheritance. Further still, only 30 percent of the women have control over proceeds of their work in agriculture.

As part of the IGAD support to member states in promoting Women's Land Rights, the IGAD Land Governance Programme facilitated the development of the Women's Land Rights Agenda. This was through a comprehensive multi-stakeholder's consultation to identify key issues, strategies and actions affecting women's achievement of Land Rights.

Therefore, this paper will discuss the key issues affecting Women's Land Rights in Uganda, specifically the key underlying causes that have the deprivation of women's rights to land. Subsequently, actionable strategies to mitigate the challenges are proposed.

1.2 Rationale for the WLR Agenda

Despite several Legal, Policy frameworks, and the implementation of many Government Programmes, low progress has been registered towards enhancing Women's Land Rights. This is due to the limited economic capacity of women to own land, socio-cultural practices that discriminate against women, and male dominance. Women's land rights are not well promoted and protected because attitudes towards women at the family, community level, and institutional levels have not shifted in a manner that enables the translation of policy into practice. The challenge is also in implementation of the key policy and legal frameworks.

For women to gain ground in land ownership, access, and control, there must be deliberate efforts towards reducing gender inequality. There should be deliberate efforts to challenge the norms and traditions that held women back in secondary positions regarding land ownership. The Women's Land Rights Agenda is

a deliberate answer to the addressing of key issues affecting women's land rights by identifying and proposing key programmes and strategies for action.

1.3 Legal and Policy Environment

A. Policy Framework.

1. The National Land Policy (2013)

Uganda's National Land Policy (NLP), 2013 recognizes the gap between women's land rights in law and practice and calls for legislation to protect the right to inheritance and ownership of land for women and children, and ensure equal land rights for men and women in marriage. The NLP commits to redress historical injustices to protect the land rights of the groups and communities marginalised by history or based on gender, ethnicity, religion or other forms of vulnerabilities to achieve balanced growth and social equity. Concerning gender equality on land and women's tenure security, the Land Policy has examined the principles based on which tenure rights for women are regulated and granted. The extent to which they enable or inhibit women's access to, use and control of land even though they use and are dependent on land and land based environmental resources more than any other group in order to support the livelihoods of their families and communities.

2. The Gender strategy for the implementation of the NLP (2019)

The strategy was developed to provide a consolidated framework and strategic guidance and interventions to realize gender equity and equality in land tenure relations eliminate extensive gender disparities in access, use, and control of land for all actors whose interventions contribute to the achievement of NLP objectives. The Strategy provides the overall strategic objectives to which the different strategies and interventions are expected to contribute. The strategic objectives are:

1. to create a level ground and equal terms upon which men and women can make, hold and enjoy legitimate land rights claims;
2. To build the capacity of men and women to participate effectively and on equal terms in decision-making processes concerning land management and administration;

3. To build capacity of people in customary and statutory institutions to operationalize and enforce legal and policy provisions on gender equality;
4. To strengthen and streamline the collection, analysis and use of gender disaggregated information/data in the land sector, and
5. To promote partnerships with other stakeholders and institutions for effective implementation of the strategy.

The Strategy further provides an in-depth analysis of the key gender and land issues in Uganda and highlights 16 strategies and interventions that have to be undertaken by different actors within their respective mandates and areas of focus as follows;

1. To ensure effective participation of women in decision making process,
2. Combating intersectional and multiple forms of discrimination,
3. Harmonizing existing laws, policies and programmes,
4. Ensuring women's rights to legal security of tenure,
5. Protection of women against forced evictions at the hands of public and private actors,
6. Address legal pluralism from a gender perspective,
7. Access to justice and enforcement by women,
8. Promote positive aspects of customary systems,
9. Marital property rights and divorce,
10. Advocacy for gender equitable inheritance,
11. Promoting gender sensitive land laws and programming,
12. Making land registration and titling more accessible and gender equitable,
13. Ensuring gender equitable land institutions,
14. Communication, media engagements and community awareness,

15. Undertake legal education and literacy, and
16. Gender sensitive data collection, monitoring and evaluation.

3. The Gender policy (2007)

Uganda Gender Policy, 2007 strives to ensure that all Government policies and programmes, in all areas and at all levels, are consistent with the long-term goal of eliminating gender inequalities. The Gender Policy provides a framework to guide all stakeholders to mainstream gender in their respective policy interventions, and strategies by ensuring that gender equality and women's empowerment is visible in all Government programmes and processes like planning, resource allocation and implementation of development programmes. The emphasis on gender is based on recognizing that "gender" is a development concept useful in identifying and understanding the social roles and relations of women and men of all ages, and how these affects development.

4. The National Equal Opportunities Policy (2006)

The National Equal Opportunities Policy aims at promoting equality of opportunities for all persons in Uganda, irrespective of gender, age, physical ability, health status or geographical location, in all activities, programmes, plans and policies of Government, private sector and Non-Governmental Organizations in all spheres of social, economic, political and civil life. This policy guides and directs planning processes, resource allocation and implementation of activities. This therefore re-emphasizes that with the same opportunities in equal measure both men and women can realize their full potential in all aspects of life, economic, social, cultural, and political regardless of social differences. Equal opportunities deal with issues and concerns of marginalization, discrimination, injustice, exclusion, unfairness and inequality in access to resources, services and benefits. Promoting equal opportunities is about not only adopting measures directed at marginalized groups but also actualizing fairer roles.

B. The Legal Framework;

1. The Constitution of the Republic of Uganda 1995

This is the supreme law of the land with binding effect to all the legal and policy frameworks, it commits to ensure gender balance and fair representation of marginalized groups on all constitutional bodies (Objective VI), and recognizes the significant role which women play in society and by so doing. It seeks to ensure security of women's land rights and advancing gender equity, equality and women's empowerment as the principles of non-discrimination, equality and empowerment are well spelt in the Constitutions as seen below;

Article 237, stipulates that all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the four land tenure systems³.

The state however, commits to protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda. Worth noting is that Customary land tenure is the largest and most predominant tenure in Uganda, unregistered and undocumented yet most women use this tenure, they till and use this land for the sustenance of their families' communities and country at large. Unfortunately, they are the greatest users of customary land and yet their land rights are very insecure since they derive their user rights from a male relative, mostly son, brother, husband or father. This status quo can change or be lost due to the death of a spouse, dissolution of marriage etc.

Art 21 of the Constitution forbids discrimination based on gender and accords equal rights for men and women the same status and rights; Art 26 (1) provides for the right of every person to own property; Art 31(1) entitles women and men equal rights during, and after a marriage Art 32; provides for affirmative action in favour of the marginalized groups gender or any other reason created by history, tradition or custom.

³ Land tenure systems in Uganda include Mailo, Freehold, Leasehold and Customary; Mailo is a tenure system introduced during colonial times that originated from an agreement between the British protectorate government and Buganda Kingdom in 1900. Land was given back to Baganda individuals and the King of Buganda, who became so-called landlords/- ladies, in exchange for political cooperation with the British. The Mailo land tenure has been classified in to Private Mailo and Official Mailo; Private Mailo is the land that was given to about 1,300 Baganda individuals as well as institutions, e.g. churches, between 1900 and 1908; Official Mailo was assigned to office bearers, e.g. chiefs at the county and sub county level. Hence, the land was assigned to the office, not the person. Today the Buganda Land Board administers this land.

Art 33 the Constitution further accords women full and equal dignity with men, and their right to equal treatment with men and that this right would include equal opportunities in political, economic and social activities, and Art 33(4) provides that , the state shall provide facilities and opportunities necessary to enhance the welfare of women to enable them realize their full potential and advancement.

2. The Land Act, Cap 227

Uganda Land Act, 1998 provides for the principles and norms, which underpin customary tenure regimes throughout Uganda and tend to infringe on the rights of women and girls. The Land Act under section 27 declares any decision that denies women access to ownership, occupation or use of any land or imposes conditions that violate the Constitutional rights of women on any ownership, occupation or use of any land, null and void in respect to land held under customary tenure.

The Act also provides for the rights of legally married women to have access to and live on family land under Section 38A which provides for the enjoyment of security of occupancy on family land by every spouse. The provision broadly defines what constitutes family land to include land on which the family ordinarily resides, and land the family ordinarily derives sustenance, land that the family treats as family land according to the norms, culture, customs, traditions, or religion of the family.

In a bid to curtail wanton land sales by male “heads of households”, the Land (Amendment) Act of 2004 under Section 39 makes any transactions made in respect to family land conditional to written spousal consent.

The section protects the rights of a spouse to lodge a caveat on the certificate of title, certificate of occupancy, or certificate of customary ownership of the person who is the owner of the land. It indicates that the property is subject to the requirement of consent, and that such protection remains for as long as the marriage subsists.

3. The Mortgage Act, Cap 229

The Mortgage Act, 2009 consolidates the law relating to mortgages. It provides for the validity of any mortgage

in respect of a matrimonial home under any land tenure conditional on informed and genuine spousal consent (Sections 5 and 6).

4. The Succession Act, Cap 162

Inheritance in Uganda is governed by the Succession Act, which restricts the application of customary law in inheritance cases, and explicitly recognizes women’s right to inherit from their husbands. Sections 27 and 30 of the Succession Act excludes the residential holding occupied by a wife from the property taken into account in assessing the share of an estate to which the wife may be entitled. This section conveys to the widow an entitlement to her deceased husband’s residence. Section 27 also allocates 15 percent of the deceased male’s estate to his surviving wife or wives. The Government of Uganda is to amend the Succession Act and revise the percentages of distribution of the estate of an intestate to increase the percentage of the surviving spouse; provide for the protection of principal residential holding for the benefit of the surviving spouse and lineal dependents; remove any provision that is discriminatory on the ground of sex; and to refine the definition of customary heir or heiress to remove discrimination among others. This will further enhance the women’s land rights over family and matrimonial property.

5. The Public Finance Management Act, 2015

The act establishes the legal framework that informs collection, use and accounting for public funds in Uganda. Its implementation is underpinned by constitutional imperatives including those related to promoting equitable development generally and gender equity.. The Act stipulates that each Accounting Officer shall, in consultation with the relevant stakeholders, prepare and submit to the Minister for Finance, Planning and Economic Development, a budget framework paper for the vote, and “taking into consideration balanced development, gender and equity responsiveness”. This stipulation ensures that the budgeting process for expenditure of public finances is participatory and inclusive, and that sector plans and budgets are gender- responsive. These provisions make gender and equity responsiveness a critical consideration in the development and approval of the national budget, thus ensuring that the allocation and expenditure of public finances promote equitable and inclusive

development. A gender and equity certificate⁴ issued based on attainment of a greater than minimum score in the compliance to Gender and Equity assessment is a requirement for Parliament to approve the Budget. The Certificate confirms that a particular ministry, department, agency, local government or program has allocated and utilised government resources equitably to address the needs of women, persons with disabilities, older person, ethnic minorities, and youth among other categories of people without discrimination.

1.4 Key Gender Inequalities in the Land sector

Uganda has made progressive strides in protecting Women Land Rights including the access, control and ownership of land. However, there is still a gap in the implementation of the progressive Legal and Policy frameworks due to restrictive customs, norms, beliefs and cultures that are still prohibitive.

According to the National Action Plan on Women (1999), there is a huge gap in land ownership where only 7% of the women own land. Therefore, Gender inequality in access to and control over productive assets and resources acts as a hindrance to women's economic participation and limits economic growth with significant consequences for agricultural productivity in the context of strategic exports.

Besides, several other barriers hinder the full realization of women's land rights, including; insufficient understanding of the legal plurality-governing women's land rights and inappropriate mechanisms for implementing legislation. Limited awareness of women's rights to land, exclusion or underrepresentation of women in land management institutions, inadequate access to justice for women due to inefficient land dispute resolution system are also significant impediments in the implementation of women's statutory rights;

Some of the Key Gender Inequalities that contribute to women's limited access to land rights include;

The low literacy levels of women especially in the rural areas limits women's potential to acquire land and make decisions related to land acquisition, control, use

and ownership. According to the UBOS (UNHS, 2020)⁵ the literacy levels stood at 66% for females compared to males at 80% in 2020. Women and girls have a higher burden of home care especially in the rural communities limiting their potential to access education, engage in productive work, and obtain financial capacity to acquire land. Therefore, the high illiteracy levels make it difficult for women to be engaged in more gainful employment or economic activities. Furthermore, Girls are forced into Child marriages, the related teenage pregnancies currently standing at 25% and in most cases in polygamous marriages.

Limited periodic Gender disaggregated data on land ownership, land use, land control to aid informed decision-making. Gender disaggregated data is essential for policy makers to assess the situation and develop appropriate, evidence-based programmes and interventions.

Financial exclusion for women: Limited collateral for loans; security leading to inequality in access to credit. Women's lack of control and ownership of assets such as land hinders their ability to access credit from financial institutions.

More men than women are successful in credit applications and women normally receive smaller amounts because the women do not have property/land to provide as collateral.

Most land in Uganda is held under customary tenure (approximately 80 percent) (MLHUD, 2020) and is regulated by customary law.

Though statutory law does not bar women from owning property, the reality within which they live effectively denies them this right. Customary laws override statutory law. The Ugandan customs are mainly patrilineal; men inherit land due to their family lineage. However, women on the other hand only own or have access due to their relationship with a man in that family lineage. Many socio-cultural practices **discriminate against women, children and other vulnerable groups** discouraging women from owning land or sanctioning them i.e., women's equal right to inheritance.

4 Public Finance Management Act, 2015

5 Uganda National Household survey, 2020

Access to Housing: Uganda's housing situation is characterized by inadequate houses in quality and quantity across the country. According to UN Habitat (2020), the housing deficit stands at 2.4 million housing units, out of which over 210,000 units are in urban areas and 1.4 million units in rural areas. Furthermore, it is estimated that 900,000 units are substandard and in need of replacement or upgrading. Whereas access to adequate housing is regarded as a human right, the disadvantaged groups including women may not be accorded full and sustainable access to housing especially in urban areas.

Decision making on the Land Use Planning and Management is left in the hand of a few individuals who hold positions of power. Gender imbalance determination of the land use type like agricultural production and lower incentives for women and other vulnerable groups affects investment in agricultural production for the market.

The above Key gender inequalities in the land sector are further discussed in details in the subsequent chapters in light of their causal-effect relationship and the responsive strategies to address them.



2 PROCESS FOR FORMULATING THE WRLA

2.1 Gender Assessment of the Land Sector

The National Gender Assessment was undertaken to provide information on specific realities, barriers and opportunities faced by both men and women in access, control, and ownership of land and participation and representation in land administration. Women also want to participate in the affairs of land management bodies, both in the formal and informal institutions including government (both centralized and decentralized) institutions, private sector, academic, civil society and traditional/cultural institutions.

The objective of the gender assessment was to assess the status of gender and land at country level; undertake a gender assessment on the protection of women's land rights in policy, legal and action plans in IGAD Member States; and build consensus around priority recommendations amongst key stakeholders that enhance gender equality in land governance at country level.

The consultant and the stakeholders in preparation of the report adopted a document review approach for this process: collection qualitative and quantitative background information. A national validation technical workshop on the findings, conclusions and recommendations drawn from the gender assessment was undertaken.

2.2 Multi Stakeholder Country level consultations

As part of the implementation of the IGAD Land Governance Unit Business Plan (2020 – 2030); which focuses on equal rights for all, women's land rights and youth, IGAD spearheaded the preparation of the National Women's Land Rights Agenda. IGAD is the REC responsible for monitoring and assisting Member States to understand their commitments and align national projects to achieving goals under the regional and global frameworks: Agenda 2063 and AU Declaration on Land; SDGs 2030;

IGAD Member States have agreed to rally around the issue of women's land rights to achieve 30 percent land registered in the hands of women by 2030; the pressure is on governments to ensure that this is achieved.

A Multi stakeholder consultative workshop was organised to formulate the Women's Land Rights (WLR) Agenda, Uganda Chapter in response to the fact that none of the IGAD Member States have a dedicated WLR agenda or commitments coupled with no clear institutional framework for enhancing the Women's Land Rights Agenda.

Major stakeholders were invited to shape the agenda talk and develop a document that defines/sets the WLR agenda for the country. IGAD will monitor progress in Uganda and draw on it to define the Regional Women's Land Rights Action Plan for the next 5 years.

2.3 Prioritization process and criteria

The prioritization process involved selection of the most prevalent problems/issues affecting women's land rights. All participants had input into the prioritization process. Members of the multi-stakeholder working group were mindful of the critical elements affecting women's land rights in Uganda. From the Stakeholders, the following (list below) are the Critical elements affecting women's land rights that were agreed upon;

2.4 Multi-Stakeholder Consensus of Key Issues, Challenges, Gaps vis-à-vis Gender and Land Rights

1. Gender inequality in ownership, control and access to land in all tenure systems;
2. Inadequate participation and effectiveness of representation in land governance structures including translating democratic governance into more gender equitable ownership, control and access to land, property and other economic resources.

3. Dual land governance system. Land in Uganda is managed under different land tenure systems and land disputes are resolved by both the formal and informal land justice system which need harmonisation.⁶
4. Inadequate implementation, awareness and enforcement of statutory provisions relating to women's land rights.
5. Emerging contemporary issues which relate to land such as climate change, digital technology, extractives are not adequately addressed by the current laws in land management.
6. Policy ambiguity and lack of explicit strategy to address current challenges faced by women in land scarce areas and disaster prone areas. This includes: Internally displaced communities and refugee women.
7. Compulsory land acquisition ; There are challenges experienced regarding equitable sharing of benefits arising from compensation, costly and lengthy court process in cases of discontent, and limited protection of third party interests.
8. Large scale land-based investments leading to land evictions.
9. Inadequate funding for the land sector.
10. Resettlement schemes, which escalate land conflicts, in some cases women, are not allocated land, and they are not supported in livelihood restoration.
11. Limited access to land justice by women owing to limited legal aid service, poverty, fear of the courts, delays in adjudication of land disputes, and limited information on procedures for adjudication of land cases.
12. Existence of discriminatory norms, practices, beliefs that limit women's access, ownership and control over land.
13. High prevalence of gender-based violence associated with women's unequal and limited control over land and property, and the unacceptable high levels of tolerance of gender-based violence because of traditions and norms associated with male authority over land and property.
14. Women's limited participation in economic activities due to lack of access and ownership over land, limited financial inclusion; limited awareness, knowledge and skills on investment opportunities.
15. Limited availability of periodic gender disaggregated data (qualitative and quantitative) across all the tenure and justice systems.

6 Customary land system entails; registered and unregistered interests; unregistered interests are largely governed by the customary norms. |

3 PRIORITIZATION OF ISSUES AND ANALYSIS OF THEIR ROOT CAUSES AND PROPOSED STRATEGIES

3.1 Introduction

This section of the report provides information on the overview of the key priority issues affecting women's land rights in Uganda and their root causes/limitations. It also highlights key strategies for addressing the issues identified to women's access, ownership, control and use of land. The proposed strategies are part of a wider multi-stakeholder consensus on what needs to be done to enhance women's land rights.

3.2 Analysis of the Key Issues affecting Women's Land Rights, their Root Causes and Proposed Strategies

Issue 1: Inadequate awareness, implementation and enforcement of the legal and policy frameworks on women land rights across the different tenure systems.

Uganda has a progressive and gender responsive legislative framework that advances gender equality and equity. The Legal and Policy framework in Uganda include; the National Land Policy (2013), The Constitution of the republic of Uganda (1995), The Land Act Cap 227 among others do not expressly discriminate against men and women in regard to access, ownership and control over land. However, there remains a great disparity between law and practice about women's land rights as the well-articulated laws and policies largely remain on paper and are not actualized in practice. As a result, many women in Uganda are still unable to inherit or own land with approximately only 26% of them owning land in their own right (UNHS, 2017).

The Government of Uganda devised a number of strategies geared towards the implementation of existing progressive and gender responsive legal and policy

provisions for women's land rights. This is through several projects and programs including; the systematic land demarcation and registration of land rights, issuance of Certificates of Customary Ownership (CCO), issuance of Certificates of Occupancy (CO) on Mailo land, physical planning programs to cater for social services, among others. These efforts notwithstanding, there still exist implementation gaps due to a number of causes including the following;

a) Root Causes

1. Discriminatory customary norms and practices, which continue to override statutory law in recognition and enforcement of women's land rights.
2. Limited awareness by women and the public on women's land rights that makes it hard for the leaders to appreciate uphold and support women to claim and assert their land rights.
3. Limited participation of women in land governance structures and ineffective representation of women's priority interests in land governance processes. Whereas, there should be at least 1/3 women representation on Land Management institutions, their ability to represent women interests have remained very low due to limited education, capacity, skills and confidence.
4. Lack of skills and capacity among land administrators and actors to translate gender concepts, into practical strategies and actions to actualize women's land rights.
5. Limited and irregular financial, material and technical resources to implement women's land rights activities.
6. "Silo" sector policy planning, and implementation and lack of inter-sectoral coordination within

MDAs especially about women's land rights and land use.⁷

7. Lengthy and complex procedures in process of review and enactment of legislations aimed at addressing gender gaps in land ownership notably: the Succession Act, Marriage and Divorce Bill.
8. Lack of a gender responsive research, monitoring and evaluation framework with specific provisions for collecting gender disaggregated data, setting specific targets and indicators, and feedback mechanisms to inform gender responsive policy decisions and actions.

b) Strategies for Addressing Root Causes

1. Enact, review and fast track legislations that protect women's rights, especially the Marriage and Divorce Bill, which will go a long way in protecting women's property rights under the presumption of marriage with majority of women in Uganda being under cohabitation arrangements. Additionally, Succession (Amendment) Bill 2018, Land Valuation Bill, the Land Acquisition Bill, Marriage and Divorce Bill, and the Land Amendment Act and other legislations that govern land generally to integrate and address gender issues.
2. Integrate gender transformative approaches in land governance/administration through strategic engagement with communities including the custodians of culture and religion, men, women and youth. This helps with the mind-set change and social norm transformation.
3. Increase community awareness on existing land laws and policies that protect women's land rights through establishment and implementation of community friendly information, communication and education mechanisms to undertake civic education.⁸
4. Capacity building and mentorship for women in land administration institutions on existing laws and policies advancing women's land rights, and

other leadership skills that will empower them to represent their constituencies.

5. Capacity building for land administrators at all levels including the male leaders and traditional leaders in gender and women's land rights to promote gender responsive land governance.
6. Increase budgetary allocation to the land sector to facilitate implementation of programs that have far-reaching positive impacts on women's land rights.
7. Strengthen coordination amongst stakeholders dealing in women's land rights for example MLHUD, CSOs, MoJCA, MAAIF, Uganda Police, NGOs, and State House Land Implementation Unit through establishment of a multi stakeholder women's land rights committee/ working groups/ engagement platform to facilitate stakeholder engagement among actors, peer learning , support and coordination of efforts.
8. Undertake gender responsive research and data collection, monitoring and Evaluation and documentation of status quo on women's land rights through establishment and implementation of a practical M&E policy framework, with targets, indicators and feedback mechanisms. This will generate gender-disaggregated data that will inform policy review and development, programming and gender mainstreaming processes to advance women's land rights. Documentation of best practices will facilitate peer learning and replication of practices.

Issues 2: Limited access to land justice by women within the formal and informal justice systems

Access to justice is a basic principal of the rule of law and is very critical because delay in disposal of land cases contributes to commission of crimes, negatively impacts on security of livelihood and economic development. In Uganda, land disputes are handled by formal and informal justice institutions that mediate land cases. The informal justice institutions include

⁷ The agencies whose interventions have a bearing on the Women's Land rights Agenda currently include: MLHUD, MoJCA, MAAIF, Uganda Police, national and international CSOs and the State House Land Implementation Unit.

⁸ This should be done through community radio, community land forums/Barazas, production and dissemination of user friendly and translated popular versions of the laws and illustrative print IEC materials

traditional Institutions; religious leaders; civic leaders and civil society organizations, while the formal justice institutions include Courts of Judicature, Local Council Courts; Police, Directorate of Public Prosecutions and the Resident District Commissioners. Majority of women in Uganda faced with land disputes report them to the informal justice systems and upon unsuccessful resolution of the matters some of them proceed to the formal justice institutions. Women's access to land justice through both formal and informal justice institutions, encounter different challenges as underscored below:

A) Limitations to access to land justice by women

1. Rampant corruption in both formal and informal justice systems, this includes; solicitation of bribes or sexual favours from women, which deter women from accessing land justice.
2. Limited satisfaction amongst women of the services offered by the formal and informal justice systems.
3. Customary norms on inheritance support transmission of land to men.
4. Limited capacity and understanding among land justice actors of gender and women's land rights, which has in some occasions led to gender insensitive dispensation of justice.
5. Delays in adjudication of land cases, the lengthy and complex procedures of accessing justice make it costly for women because they do not have the economic capacity to follow up cases to their logical conclusion.
6. Limited reporting of cases by women due to stigma associated with reporting a case, burden of care and limited knowledge on the existing justice systems and their operations.
7. Patriarchy and male dominance in traditional justice institutions and Local Council Courts.

8. Limited gender disaggregated data on cases related to women within the formal and informal justice systems.
9. "Forum shopping"; land matters are reported by women to multiple institutions which mediate and handle land related issues.
10. The Covid 19 pandemic limited access to courts of law and other institutions that handle land cases during the lock down and slowed down land dispute resolution throughout the pandemic period.

B) Strategies for addressing the limitations to access to land justice by women

1. Fast track the completion and implementation of guidelines for the harmonization of formal and informal justice systems.
2. Strengthen formal and informal justice structures to expeditiously address land disputes and emerging issues, this includes; resourcing, capacity building and retooling the institutions and duty bearers.
3. Strengthen women's economic and entrepreneurial capacities to enable them sustain themselves and their households. This should be accompanied with awareness raising on tenure security, institutions which adjudicate land disputes, referral pathways, and legal aid service providers.
4. Develop training materials for informal justice institutions.
5. Fast track capacity building of Judicial officers and Local Council Court officials, and incorporate in the training materials subjects on international and national legal frameworks on women land rights, emerging issues such climate change, extractives and digital transformation.
6. Fast track capacity building programs on Alternative Dispute Resolution Mechanisms (ADRM), promote the use of ADRM⁹ in resolving land cases and provide low-cost land justice options.

⁹ Alternative Dispute Resolution Mechanisms (ADRM) include: advocates, traditional leaders, religious leaders, Resident District Commissioners, judicial officers, Local Council Courts, Civil Society Organizations, land management structures. Low-cost land justice options include: community paralegal services, free legal aid services pro bono services and community courts

7. Fast track the National Legal Aid Bill, 2020.
8. Sensitize women on their rights to access available/existing justice institutions and options to empower them to utilize the existing systems to assert their land rights when violated.

Issue 3: Illegal and forced land evictions to make way for investment which negatively impacts women's access, ownership and control over land.

In Uganda, evictions on registered and unregistered land have become rampant due to disputes between land occupants and landowners. This happens despite the fact that the National Land Policy (Para 43) and the Land (Amendment) Act 2010 grant statutory protection to the bonafide and lawful occupant and/or his or her successors against arbitrary eviction as long as the prescribed nominal ground rent is paid.

However, the nominal ground rent provided for is ignored, creating a land use deadlock between the tenants and the registered landowner resulting in conflicts in many areas. It is essential that the guaranteed fundamental rights be protected as provided for by the Constitution of Uganda (Article 17), irrespective of race, creed, colour and sex. These fundamental rights include protection of pastoralist land rights from instances of evictions despite allegations that nomadic pastoral practices tend to be associated with land invasions, land grabbing and in some areas, "illegal" land buying.

Large-scale land-based investments are characterized by massive land acquisitions with no consideration of sitting tenants. This has led to massive evictions of existing tenants that disproportionately affects women, the poor and children.

a) Root Causes

1. Rampant illegal acquisition of land for investment that has led to violent displacement of locals to pave way for "large, corporate-run agricultural plantations for crop export, huge infrastructure projects and the unfettered exploitation of natural resources.

2. Unclear and non-transparent procedures in land allocations done by different controlling Authorities including; the Uganda Land Commission, Uganda investment Authority , District Land Boards among others.
3. Obsolete land laws (Land Acquisition Act, Survey Act, Registration of Titles Act) and lack of a comprehensive Land Acquisition Policy to guide Land Acquisition in the Country.
4. Lack of legal documentation of land ownership rights most especially under customary tenure that makes up 80 percent of Uganda's land holdings. This creates opportunity for conflicts and evictions, which mostly affect mostly the poor, women, and children, and other marginalized groups.
5. Lengthy and bureaucratic procedures involved in land registration and the hectic court processes in case one wants remedy or decided to defend their interest in the land.
6. Inadequate knowledge on the land policies, laws and guidelines especially by the marginalized groups and women thus not in the position to provide feedback when affected by the evictions from the large-scale land-based investors before acquisition of their land. Further still where the opportunity is availed, women are shadowed and never participate in the consultations.

b) Strategies

1. Fast track the approval of the Land Acquisition, Resettlement and Rehabilitation Policy and Law including developing guidelines and procedures for the allocation and distribution of land complying with the principles of equality and natural justice.
2. Development of resettlement plans for squatters before they are evicted and undertaking social and environmental impact assessments (ESIA) prior to any acquisition of land for investment to deal with alternative areas of accommodation and support to livelihood restoration.¹⁰

¹⁰ This should include socio-economic and cultural restoration. Subsequently, enforcement of the requirement for wide ranging consultations for prior consent by the PAPs in any acquisition of land for investment including women and marginalized groups participation in the consultations.

3. Strengthen on-going Government efforts on capacity building and retooling of the local council courts and land administrative structures.
 4. Sensitization on land rights should be done between bonafide or lawful tenants, and registered & unregistered landowners.
 5. Benchmark with Kenya on their Alternative Dispute Resolution Policy and programs as well as their special courts for handling land matters and Ethiopia on how documentation is conducted on collective rights of pastoralist communities.
 6. Strengthen and scale up current efforts of documenting land rights including customary land and issuance of CCOs and Certificates of Occupancy. This will entail establishment of a Customary Land Register for the customary land and integration of land records from CCOs and COs in the National Land Information System – NLIS.
2. Lack of awareness, implementation and enforcement of existing legal/policy provisions aimed at promoting and protecting women's land rights.
 3. Limited protection of women's land rights under the current legal framework.
 4. Women's inability to afford land on the market because of their weak economic capacity ties women in a vicious cycle of poverty, vulnerability and powerlessness.

b) Strategies

1. Male engagement for social norm transformation on discriminatory traditional norms, practices and values that discriminate against women including; girls/women cannot inherit/own land.
2. Registration of women's land rights through issuance of Freehold, Mailo and Leasehold titles, CCOs, COs. This can be done through scaling up systematic land demarcation program and promotion of joint registration of land.
3. Mass community sensitization on women's land rights targeting men, women, leaders, using community friendly IEC mechanisms and encouraging interrogation of existing discriminatory norms and practices affecting women, men, and families, community in order to facilitate social norm transformation.
4. Fast track the finalisation of amendment and development of the Succession (Amendment) law, the Marriage and Divorce Act respectively, to cater for gender equality in succession and inheritance and at marriage and its dissolution.
5. Undertake research/data generation on the linkage between gender- based violence to land and document best practices for scale up and replication.

Issue 4: Land disputes and conflicts including gender-based violence associated with women's unequal and limited control over land and property

Women face a number of conflicts related to land which have contributed to gender based violence most often associated with women's unequal control over land and property. Such disputes include; disinheritance, land ownership disputes, and boundary encroachment.

Approximately 80% percent of land is held under customary tenure and is regulated by customary law. However, though statutory law does not bar women from owning property, the reality within which they live effectively denies them the rights in such a way that there are so many social-cultural practices that discriminate against women owning land or sanctioning them for it. For example, certain customary practices like giving bride price and polygamy reduce women's security on land hence they are denied their rights to land resulting in to gender-based violence.

a) Root Causes

1. Patriarchy and its associated discriminatory practices against women in land ownership.

Issue 5: Limited explicit support to women's land rights for food production, sustainable land use and climate smart agriculture.

Agriculture remains the mainstay of Uganda's food security at both the household and national levels and has been a significant contributor to GDP (24 percent), to export revenues (about 48 percent) as well as

providing a livelihood for over 70 percent of the population¹¹. Uganda's Third National Development Plan III (2020/21 – 2024/25) and Vision 2040 explicitly recognize agriculture as a central sector to the country's food security, economic growth, income enhancement and employment.

However, with effects of climate change and the increasingly unreliable rainfall pattern, the need for investment in irrigation and climate resilience has become of paramount importance to increase the levels of food production. In addition, none of the key policies that have a direct bearing on land, land use, agriculture production, or food and nutrition security, is explicit and deliberate enough about women's land rights and their key role in food production.

Policies and the strategies devised to implement them tend to be very general and yet, given their central role as land users, climate change and its effects on their livelihoods more adversely affect women and coping mechanisms, which are different compared to its effects on men. Women in rural communities are more vulnerable to the effects of climate change as they are more likely to be poorer, they tend to put the needs of their families before their own, and they have less access and are excluded from assistance and influencing the recovery efforts. As the main caregivers, women are responsible for gathering and producing food, collecting water and sourcing fuel for heating and cooking. With climate change, these tasks are becoming more difficult as accessibility to environmental resources has become more challenging.

Although the National Land Use Policy recognizes gender roles in the use of land as a pre-requisite to appropriate land use planning, little is reflected in the budgeting and implementation processes.

a) Root Causes

1. Policy ambiguity and gender-neutral policies on food production, sustainable land use and climate smart agriculture and in regard to women's land rights
2. Limited awareness on sustainable land use, climate change, causes, mitigation and adaptation.

3. Limited and scattered government interventions to support food production and climate smart agriculture. This has been escalated by limited and irregular information on climate change; the weather forecasts are not accurate and relevant to agricultural time zones.
4. Lack of technical support on land use and agricultural production for commercial farming and the collapse of public extension services at the district level in preference of demand-driven extension service provision, which is limited to cash crop, and livestock production.
5. Majority of women do not own land in their own right and therefore do not take decisions on land use and this affects their climate change adaptability and mitigation strategies.
6. Even though the Climate Change Policy acknowledges the importance of mainstreaming gender, its proposed interventions are generic and do not spell out clearly how mainstreaming gender is to be done.
7. The budget for climate change mitigation and adaptation is not adequate.
8. Male dominance in the management of community natural resources, which has escalated climate change, impacts for instance due to deforestation, widespread brick-making, extensive plantation of eucalyptus, etc. Extension services for climate smart agriculture tend to target men even though it is the women who are more involved in land use and agricultural production.
9. Limited control over finances by women to support climate smart technologies and inputs, a situation made worse by the fact that women are rarely consulted when these technologies are being developed;

b) Strategies

1. Develop a gender strategy for the implementation of the Climate Change Policy and Climate Smart Agriculture that is contextualized to the different agro ecological zones in Uganda.

11 National Development Plan III (2020/21-2024/25)

2. Develop and implement a gender responsive IEC strategy on food production, land use policy, nutrition policy and climate change.
3. Harmonization of the food policy, land policy, land use policy, nutrition policy and climate change.
4. Awareness creation on climate change, resilience and its negative impact and strategies for mitigating its negative impact on women. This should involve repackaging information on women's issues for advocacy with relevant duty bearers by development of strategic partnerships with the media, policy briefs and position papers. Timely and accurate dissemination of gender-sensitive climate change information at all levels is crucial for proper planning.
5. Establish cooperative societies and identification of women to access and benefit from appropriate technologies, access land, and undergo climate smart agriculture trainings, value addition and markets. Similarly, proactively seek out and engage appropriate women's land rights organizations and female community leaders when selecting project partners.
6. Appropriate technology developers such as NARO should consult and involve women in the development of the various technologies for effective and gender responsive adoption of the technologies.
7. Involve women in the mapping and management of sustainable use of communal natural resources i.e., water, land and forests.
8. Undertake a gender analysis of all plans, budgets and financial instruments and assess the different implications of planned programme interventions, including risk assessments and research;

Issues 6: Unfair resettlement and compensation schemes that escalate land conflicts and deny women and girls' land rights.

Most resettlement and compensation efforts have caused more harm than good to the women to the extent that the majority of women are sidelined because the cultural biases that limit women's involvement in land matters escalate land conflicts. Uganda's legal

and policy frameworks provide for both the Central and Local Government to acquire land in accordance with articles 26 and 237(2) of the 1995 Constitution. The Government also reserves the right to resettle affected persons and provide means of livelihood and to restore the livelihood of the affected persons to the state they were in before the resettlement project. However, in many resettlement processes, many women lose their livelihood, and they are not supported through the process of adaptation and livelihood restoration.

This situation is partly due to the failure to implement the provisions in a wide range of legal and policy frameworks applicable to resettlement and compensation, these include: the 1995 Constitution, the Land Acquisition Act, the Land Act 1998 and the National Land Policy 2013.

A. Factors that contribute to Unfair Resettlement and Compensation

1. Gender blindness in land allocation , compensation and resettlement schemes; In cases where land allocation and compensation schemes have been implemented, women have not been consulted and the benefactor is the household head leaving out the persons with third party rights including the women and children.
2. Inadequacies in the legal framework on land acquisition, resettlement and compensation and limited awareness of the law and policies by women and the general public and the implementers;
3. Lack of proper legal documentation on land ownership and user rights. Resettlement packages are based on evidence of ownership not taking into consideration that many of the women do not own land.
4. Prevalence of corruption, fraud, speculation on land, and manipulation of the poor which lead to loss of land, disruption of livelihoods which affects women more severely;- and loss socio-cultural identity, without equivalent compensation
5. Prevalence of cases of untimely payment as well as unfair and inadequate compensation and cases of no prior and informed consent before land acquisition

6. Dual ownership of land (landlord – tenant relationship). Compensation schemes often target individuals with legal documentation over land leaving out the tenants who are the sitting occupants on the land.

B. Strategies

1. Fast track the development and implementation of the National Land Acquisition, Resettlement and Rehabilitation Policy and Law.
2. Gender awareness, sensitization and capacity building in the legal and policy provisions on human and women's land rights among all duty bearers involved in compensation and resettlement schemes;
3. Effective inclusion and participation of women in compensation and resettlement processes.

Issue 7: Exclusion of women and girls' equal rights access to and needs in urban planning, design and adequate housing.

Urban planning and design is very critical in women's sustainable development in that it shapes the environment around women and girls – and that environment, in turn, shapes how women and girls live, work, play, move, and rest. However, Uganda does not have adequate legally binding frameworks for effectively including gender in urban planning, design and housing.

Women's multiple responsibilities in society i.e., providing food and water, maintaining a household, and caring for children, elders, and sick family members – lead to diverse interactions within their neighborhoods. Their work determines how often they navigate their neighborhood or city, at what times of day or night, and by what modes. Due to women's multiple responsibilities, their journeys are typically more varied and complex than those of men.

Whereas the whole country is a planning area, towns and cities that have been majorly planned and designed for the 'neutral' male user while neglecting the needs, interests, and routines of women and girls. There are differential needs of men and women, hence the need for equal participation and enhanced role of women in making human settlements, safe, equitable and productive. Similarly, inadequate housing common in the informal settlements where majority of women reside

is characterized by overcrowding, indoor pollution, inadequate building materials and the absence of safe drinking water, sanitation and electricity.

Although Government has undertaken affirmative action to design and implement housing projects majorly targeting women, based in informal settlements in Masese, Jinja City and Maluku in Mbale, the issue of inadequate housing for women remains a challenge where majority of women especially low-income earners cannot enjoy the freedoms that contain adequate housing.

A. Root Causes

1. Ineffective consultative processes that hardly involve women and girls in the design of physical development plans and infrastructure projects to capture their needs.
2. Lack of gender disaggregated data on access by women and girls to social services and challenges faced and therefore this affects preparation and effective implementation of strategies to address the challenges leading to a vicious cycle of exclusion and discrimination of women and girls in the urban environment.
3. Male domination in the field of spatial planning and design that has largely caused gender blind legislation. The patriarchal mind-set of planners and decision-making authorities lead to the gender equality agenda not being prioritized and, in many instances, being seen as a formality to be completed without conducting due diligence and fact-finding
4. Lack of gender indicators in Policies and other legislations in spatial planning, urban design, housing design and urban development.
5. Limited funding to support women in attaining affordable and decent housing that can cater for their economic activities while enabling them to attend to their social roles.
6. Whereas the Physical Planning Act, 2020 (as amendment) and physical planning regulations provide for representation of women on the National Physical Planning Board (NPPB), it is not provided for at the lower physical planning committees where actual implementation

of decisions related to physical planning takes place. This is hampered by the committees that are comprised of technical officers whose gender cannot be determined or influenced from Public service commission.

B. Strategies/ Actions

1. Allocate a budget to the preparation and implementation of Integrated Physical Development plans that are gender responsive putting into consideration the needs of women and girls.
2. Collect and analyse social economic and geo-spatial data disaggregated by sex and geography (such as urban and rural) with clear developed gender disaggregated indicators
3. Town planning meetings should have representation of both women and men. In areas where women are shy to provide their views or customs prohibit them to attend meetings with men, focus group discussions should be organized to capture their desires for planning and development of their neighbourhoods.
4. Physical Planning committees at the Local Governments and lower local governments should co-opt more women representatives for example from CBOs, CSOs to ensure that women's agenda is adopted in spatial planning.
5. Operationalize the National Urban Policy of promoting mixed-use zoning (residential and commercial) to enable women to work in close proximity to their homes such that they can earn an income while attending to their social roles in a home.
6. Career guidance of girls in schools to join the architectural and town planning courses. Women architects and planners shape dwellings from the perspective of women as the primary users and managers of home space. With the COVID 19 pandemic, it has revealed the importance of women's work in the home and the need for the home to suit their needs in social reproduction and for working from home as they manage their children.
7. Support women investment groups and housing cooperatives with subsidies to purchase, own and construction of affordable housing.
8. Develop a gender responsive Information Education and Communication strategy to popularize the relevance of urban planning and design.
9. Offer specialized trainings to key sectors, community members directly responsible for implementing gender-sensitive urban design projects especially in the rural set up and sub counties.

4 CONCLUSION

Gender discrimination in ownership, access and control of land prevents women from realizing their full potential and contributing to sustainable development. Women's economic empowerment is essential in promoting equality between women and men and a precondition for sustainable development and pro-poor growth. Women's economic empowerment can only be achieved through equal access to and control over resources including land, and the elimination of structural gender inequalities in land ownership, control and use. Women's unequal access to land and property is a key obstacle to women's economic

empowerment and an area that Government of Uganda is committed to address.

This Agenda addresses the critical issues affecting Women's Land Rights in Uganda, and strategies to address the issues identified through a Multi-stakeholder approach to address the Women's Land Rights challenges in Uganda. This will facilitate improvement in the Economic wellbeing of the women who are pivotal in the advancement of the standards of living in Uganda.



REFERENCES

Kenya Land Alliance @NLC_Kenya @ Lands_Kenya, March 17th 2021

Ministry of Gender labour and social Development (the national Action plan on women 1999)

National Development Plan III 2020/21-2024/25

National Land Policy, 2010

Public Finance Management Act, 2015

Rugadya, M. Gender in Uganda's National Land Policy: Issues, Theories and Policy Responses:

Implications for Poverty Social Impact Assessment in Uganda. Presentation for the Poverty Social Impact Assessment (PSIA) Training, Ministry of Finance, Planning and Economic Development. 2007.

Tacoli, Satterthwaite. Gender and urban change, 2013

Vigneri, Marcella. Mainstreaming Gender Sensitivity in Cash Crop Market Supply Chains, 2011

Uganda National Household Survey, 2017

ANNEXES

Annex 1: Stakeholders Involved

No.	Name	Organisation
1.	Naome Kabanda	Ministry of Lands, Housing and Urban Development
2.	Enock Mugabi	UN Women
3.	Frances Birungi	Uganda Community Based Association for Women and Children welfare (UCOBAC)
4.	Nabakembo Peace	Ministry of Lands, Housing and Urban Development
5.	Nnassuna Jacquelyne	Ministry of Lands, Housing and Urban Development
6.	Stella Rose Akutui	LANDnet
7.	Dratte Pamela	Ministry of Lands, Housing and Urban Development
8.	Grace Angeline Chelimo	Justice, Law and Order Sector Secretariat – Ministry of Justice and constitutional Affairs
9.	Steven Bogere	Ministry of Lands, Housing and Urban Development
10.	Maggie Kyomukama	Ministry of Gender, Labour and Social development
11.	Kabarungi Annet	Ministry of Gender, Labour and Social development
12.	Denis Obbo	Ministry of Lands, Housing and Urban Development
13.	Emmanuel Mabale	Ministry of Lands, Housing and Urban Development
14.	Jesse Kijambu	Ministry of Lands, Housing and Urban Development
15.	Nandujja Nivatiti	Action Aid International Uganda
16.	Esther Kitembo	Action Aid International Uganda
17.	Jordana Wamboga	Uganda Community Based Association for Women and Children welfare (UCOBAC)
18.	Mary Namuddu	Ministry of Lands, Housing and Urban Development
19.	Caroline Kayanja	Uganda Community Based Association for Women and Children welfare (UCOBAC)
20.	Lillian Achola	LANDnet
21.	Bakkidde Bernadette	LANDnet

IGAD Secretariat

Ave Georges Clemenceau, Djibouti

P.O. Box 2653, Republic of Djibouti

URL <https://land.igad.int/>

Twitter @igadsecretariat

Facebook @igadsecretariat