



# A Woman & her Land



*A Ray of Hope Beacons*

# A Woman and her Land - A ray of hope beacons

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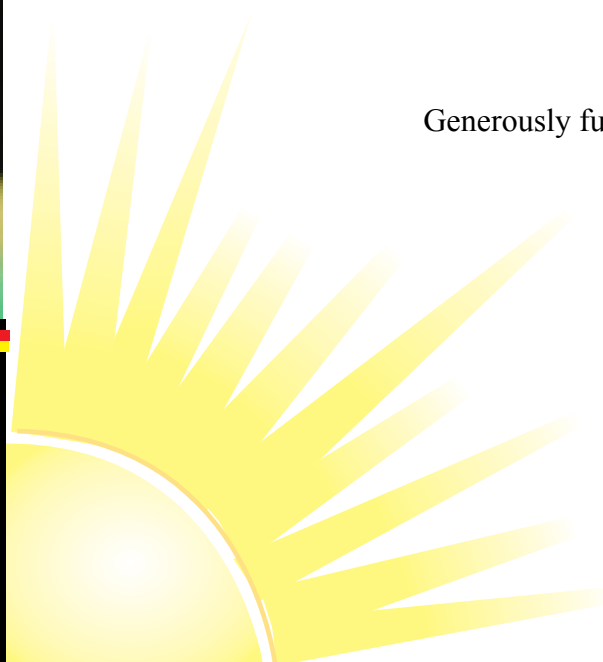
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# APPRECIATION

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# STATEMENT FROM THE MINISTRY OF LANDS, HOUSING & URBAN DEVELOPMENT

## THE SITUATION OF WOMEN'S LAND RIGHTS



*Dennis Obbo*

Land is one of the most important resources in Uganda where women and men derive their livelihoods. The unequal access to and control of land is a major form of economic inequality between women and men and has consequences for women as actors in the development process.

Uganda is a signatory to most International Human Rights and Women's rights conventions including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and has strived to domesticate it in all the relevant sectors, including the Land Sector.

Women constitute 51% of the population and provide 70-80% of all agricultural labor and 90% of all labour involving food production, yet they own an estimated 20% of registered land. The majority of women are dependent on men to access land. Women, who are childless, single, widowed, disabled, divorced, or with only female children often have little or no access to or ownership of land.

Land ownership rights therefore pose the most challenging frontier that Government seeks to tackle in its quest for gender equality and equity.

Government position has zeroed down to address women's concerns. Articles 32, 33, 34, 35, objective XI of Uganda's Constitution put great emphasis on the need to address women related gender issues.

A National Gender Policy is in place to guide the redress of gender imbalances in society and its overall goal is to ensure that gender concerns are incorporated into the national development process in order to improve the social, political, economic lives of people in Uganda particularly women.

### **The Land Act (CAP 227) addresses gender issues related to:**

- Composition of land administration institutions;
- Transactions on Family land; and
- Registration of land

The Draft National Land Policy once approved, will have serious positive implications on the land rights of various categories of women as it seeks to promote gender integration at all levels of planning, implementation, monitoring & evaluation. It also seeks to provide for legislation and law reviews to ensure women's effective participation and contribution to the Land sector and Uganda's development at large.

**Dennis Obbo**

Ministry of Lands, Housing & Urban Development

# EXECUTIVE COMMENT



*Esther Obaikol  
Executive Director  
Uganda Land Alliance*

**I**t's nearly fifteen years today since the world conference on women in Beijing China, the key question regarding the universality of human rights remains largely unanswered, particularly when it comes to women's land rights.

Control and power over land in Uganda today is conferred by interest of the holder who may transfer, pass on by will or through commercial transactions and in most cases is dominated by the men. Yet the power of women to acquire land through purchase, which is the surest available alternative, is limited due to their weaker economic status. To make matters worse, even those to whom land has been transferred by their parents or spouses, it's sooner than later grabbed from them by relatives using all sorts of tricks.

The Uganda Land Alliance and the Women's Land Rights Movement in particular, believe that poor and rural women will only achieve higher levels of economic independence and more secure livelihoods if their rights to land are assured; and that denial of women's rights to property and land in particular reinforces their economic dependence on men, thereby impeding their ability to effectively achieve their own, and contribute to their families' better livelihoods.

It is therefore important for all stakeholders to put in place deliberate laws and policies that will practically ensure the promotion of women's acquisition, control and utilization of land. It's not just enough to mention

these rights in coloured books of law because majority of especially the rural women cannot afford the hefty costs of court representation to defend their land rights.

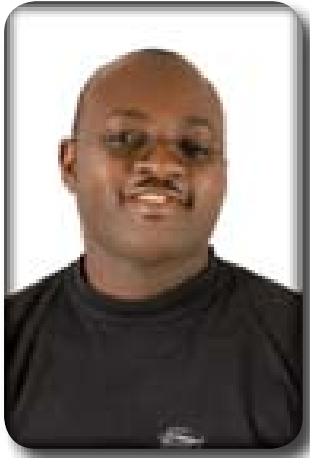
To us, the struggle for Women's land rights in Uganda is more than mere equality as conveyed in the statute books; it is the translation of this equality into practice. It entails determining the minimum standards or levels of resource access, ownership and control by both men and women; the cultural biases embedded in notions of choice, agency and autonomy, most of it revolving around the concepts of patriarchy; the types of public policy needed to address and correct gender injustices, and the locus of responsibility for addressing these injustices, taking into account both the formal and informal structures. Women's right to land is indeed a struggle for equal citizenship.

I wish at this point, to applaud the efforts of all our partners, who have supported us in the struggle to realize the sizeable achievements so far registered towards successfully assisting the most vulnerable women as evidenced in this publication. Oh how we would have loved to be there for all the hundreds of affected women out there!

We call upon Government to put in place functional structures that will reduce emergence of similar cases especially during this age and time when the scramble for land has hit its highest in the recent years. ULA will continue to offer services to the women of this country within the available resources, with a hope that some day, all men, women and children in this country, shall live harmoniously together in a fair and just society.

**Esther Obaikol,**  
Executive Director, Uganda Land Alliance &  
Coordinator; Women's Land Rights Movement-  
Uganda

# EDITOR'S REMARKS



*Tumusiime K. Deo, Editor*

The Government of Uganda has pledged according to the National Land Policy, to legislatively ensure that both women and men enjoy equal rights to land.

Indeed some cultural traditions for example in Acholi have also come up with guidelines to ensure that this principle is realized. However, there's need to establish tangible implementation and enforcement structures to ensure that these rosy promises are translated into action at household level. NGOs have performed quite handsomely as evidenced in the cases profiled in this publication, but the mantle of work needed to transform societal norms is quite enormous.

It is very evident that tenure transformation in Uganda has moved at a whirlwind speed. Unlike days of old, land today is considered a commodity, selling like hot cake. While the passing of the National Land Policy drags on, a number of women have continued to lose their land, and this situation will not cease until everyone rises up to say a big

NO to the infringement of women's land rights.

There are also conflicting legal provisions, for example the law on compulsory acquisition of land for development, whose implementation has had crude implications on previous land owners such as the late Esther Aciro, the blind woman from Amuru whose entire 60 acres of land was grabbed by Amuru Town Council. Such provisions must be refined in such a way that the land owner is adequately compensated before they vacate the land

On the other hand, everywhere we visited during the documentation process, we were welcomed by very miserable old women, some of whom, at the age of 70+, have never owned a piece of land. Why must our grandmothers suffer so cruelly like this? As if having no land is not enough, there's no slightest arrangement in any community we visited, aimed at ensuring the livelihood of the elderly-yet it's on their tireless contribution that Uganda bears her foundation.

There's therefore need for absolute good will and commitment from all key players in order to guarantee a brighter future for this and the next generations to come.

A handwritten signature in blue ink, appearing to read 'Kabwende Deo' with a stylized flourish.

**Tumusiime Kabwende Deo**

Editor,

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# Background to Women's Land Rights



According to Article 2 of the 1948 Universal Declaration of Human Rights (UDHR) to which Uganda is a signatory, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national

or social origin, property, birth or other status...”. This is consistent with Article 1 which states that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”; and Article 17 (1 and 2) “ Everyone has the right to own property alone as well as in association with others; and No one shall be arbitrarily deprived of his property.”

Uganda’s 1995 Constitution is in tandem with the UDHR and other regional and international human rights instruments. Article 33(6) of the Constitution for example prohibits ‘laws, customs or traditions

which are against the dignity, welfare or interest of women”. Considering that all human rights are inherent, and that they apply to everyone by virtue of their status as human beings irrespective of sexual orientation, discrimination of women on land rights is therefore untenable because it impedes the concept of fairness and mutual co-existence.

Despite the promulgation of basic human rights in the Constitution, most traditions across the country, for many years have continued to suppress women’s rights particularly to land and other property, which has kept them trapped in a vicious cycle of poverty. According to the International Land Coalition (ILC), “Women have fewer benefits and protection under legal systems than men and are largely excluded from decision-making structures. Women also lack control of financial resources, have larger work burdens, and are more likely to suffer from social isolation and threats or acts of violence.” This is despite the fact that;

*“Women are primary agricultural producers, cultivating between 60 and 80 per cent of the food in most developing countries, and ensure household food security.”*

Continued to page 2

## Women's experiences on land-An overview

This project is informed by Uganda Land Alliance' field programmes in various districts, in which it has been observed that women continue to face challenges over land ownership. In fact, a 2009 sample study conducted by ULA Land Rights Centres in the districts of Amuru, Apac, Moroto, Katakwi and Pader, indicated that only 22% of over 131 cases reported were resolved. This situation is said to be occasioned by general lack of knowledge on rights and references of less costly redress mechanisms offered by various institutions both formal and informal.

ULA, in coordination with her field offices and other partners on the ground, identified individuals from 8 districts whose stories were said to be successful examples. The districts in question are; Amuru, Apac, Gulu, Pader, Hoima, Kyenjojo, Mubende and Jinja.

Between May and July 2011, a Documentation

Team embarked on field trips to the districts and visited the identified persons in their homes to listen to and document their stories first hand. The team also endeavored to speak to the respondents, though in some instances it was not possible as they were either unavailable or were said to be unwelcoming.

However, in all cases, an effort was made to capture the perspective of members of the community including traditional leaders, elders, local leaders, parents, spouses and children of the victims, and NGO representatives who handled some of the cases. These helped to collate the stories. Specific emphasis was put on reference to key documentation including wills of the deceased (where applicable) and case judgments and agreements.

The overall purpose of this project is increase the visibility of women's capacity to demand for the fulfillment of their land rights. This will go a long way in enhancing their quality of life through tenure security as they will be able to utilize their land without hindrance.

Continued from page 1



*H. E. Y. K. Museveni*

Uganda President Yoweri Kaguta Museveni while launching the Women's Land Rights Movement in October 2010 at Speke Resort Munyonyo stated that, "Not only is the African woman the child

bearer; she cooks, farms, grinds grain, fetches water and collects firewood, teaches her children, nurses the sick, provides quality companionship to the husband, e.t.c. It is only in a few African societies where this formula of burden sharing is reversed, with men doing more work than women.

He goes on to re-emphasize that "Indeed, Equality is not Equality of Outcomes but Equality of resources, Rights and Voice. According to World Food Programme reports, women in Africa contribute 70 per cent of food production and nearly half of all farm labour."

# Contextual Background from the field



There are four land tenure systems in Uganda namely; Mailo, Freehold, Leasehold and Customary.

However, considering women's torrid background where they are just emerging from the "kitchen", the surest tenure for women to acquire land has been the Customary, and most specifically through inheritance. This is confirmed by the *Africa Studies Quarterly*, which states that "Many scholars have found elsewhere in Africa that, in reality, women's

claims to land in customary arrangements are much stronger than suggested by many studies because of their embedment in social relations..."

Sadly to date in many cultures, land inheritance remains a preserve of the boy child, while the women are only allowed user rights. To make matters worse, even the few women that are chanced to inherit land from either their parents or husbands, later have it grabbed from them by close relatives or in some instances by outsiders-just because they are women!

Majority of the rural women are very poor and have no capacity for legal representation, which puts them at a huge disadvantage when faced with land related court cases. However, there is a glimmer of hope as some few scattered women across the country have successfully been assisted to fight for their land rights either through formal court systems or out of court settlements. The Uganda Land Alliance visited the districts of Amuru, Apac, Gulu, Pader, Hoima, Kyenjojo, Mubende and Jinja to capture the voices of those successful women, whose cases should serve as an example to others facing similar challenges.

# VOICE OF THE ELDERS



In order to understand the emerging concept of women's ownership of land, the Uganda Land Alliance spoke with a number of elders from different communities to get a picture of what the situation was like in their time and what they say the situation ought to be like.

**Fact 1:** In olden days, land was vast; owned by entire clan or families, and everyone lived happily in harmony. There was no need to apportion land to individuals since land belonged to everyone. As such, conflicts over land were very minimal or non-existent.



According to Joana Matama (65), "Long time, boy children used to inherit their father's property on the understanding that they would stay on the land and protect their sisters and mother. They were expected to marry on the land so as to

**Fact 2:** Across various cultures and regions, it was also generally observed, that boy children were the heirs to their fathers' property (including land). The girls had no right to inherit their father's land because at marriage, they were considered to belong to the family of their husband. It's there, that they were expected to make any claims; but in reality, women never even owned land from their husbands but were only allowed user rights. In one case in Jinja, Rukia was almost chased from the land and property her late husband purchased 'together' with her!

**Fact 3:** Once a woman got married, she was not expected to divorce for any reason.

*If a woman got divorced and returned home, her children were rejected on accord of belonging to her husband's clan.*

In fact to date in many cultures, children of such women cannot be buried at their maternal grandfather's home.

increase their clan. They used to be very obedient and respectful.

However today, boys are irresponsible and many of them are so much money-minded. They sell the land and waste away the proceeds in bars and other luxuries". Joana says it's for this reason that fathers ought to give their girl children a share of the family property so that they too can fend for their own life.



Amelia Kabayaga (65) from Butiiti Kyenjojo says that, "When a woman got married, there was no chance for divorce. "You would be beaten and you sleep in the bush, but the next day return

back home and reconcile with your husband. Today, after a small quarrel, women divorce and return back home." Women were said to be very tolerant of violations against their rights, something that the women's movement has vehemently rejected in the contemporary world because it is an abuse of women's human rights. As such, society has got to adjust to suit the change of times because when the women return to their fathers' homes, they need land to survive and to raise their children.

The change of times has seen the introduction of individual ownership of land, a notion that has sidelined many poor people, who are unfortunate not to have inherited land from their parents. This development has mostly affected women considering that traditionally they have no ownership rights, yet they continue to carry the burden not only of raising children but also providing food for the family, including their husbands. Also considering that women remain the least well paid compared to their male counterparts including those doing similar jobs, their capacity to purchase land on their own remains significantly low.



"People in olden days lived a nomadic kind of life, moving from place to place depending on the productivity of the land they occupied. There were less conflicts over land. The movement also allowed the land ample time to fallow in preparation for the next planting season."

*Charles Ayo-Otula (72) the Clan Chief from Arak-Ongoda in Apac district,*



During our visit to Kilak County, Pader district, over 12 women participated in a meeting we held with the elders. Save for the fact that traditionally women do not sit in such meetings, their presence was an indication of a renewed spirit. The women made their voices loud and clear before the men, and at the end of the day, many men appeared to be convinced that women indeed deserved their rights to land.

This conviction was compounded by 70-year old Manasseh Acol Pule from Apac who emphasized that "Land belongs to all the people of Uganda; women, children, the disabled and everybody."

# CASE STUDIES

**PADER  
DISTRICT**

## **Aya's Resilience saved her land**



**B**etrayed by a friend she loved so much, Aya Santa (56), a widow with six children to care for, did not sit back and look on as her land was unfairly grabbed.

She pursued the case, and through the LC II Court, had the judgment in her way and broke the stereotype in Acholi culture of women not being allowed to own land; and even when her friend-cum tormentor attempted to violate the terms of the ruling, Aya sought the intervention of the ULA Land Rights Desk Office-Pader and the case was resolved. She did not only win back her land, but also was re-united with her old friend Okumu.

It is a common practice in Acholi culture for people to permit their close friends to use part of their land for cultivation. This was the case in the 70s for Santa when approached by her long time friend Okumu Demu. According to their bilateral verbal agreement, Okumu was to use the land for a period of one year after which he was required to hand it back to Aya.

Three (3) years later, Santa was still waiting to have her land back when she and others were forced into the IDP camp following the Lord's Resistance Army insurgency. At the same time, Okumu joined the army. Recently when Okumu resigned from the army and returned to the village, he settled on the land formerly allowed him to use by Santa, but then the land owner also badly needed her land too as the insurgency had ended and camps were being disbanded. When Okumu resisted, Aya was

left with no option but to seek legal redress and mediation through the LCs and later ULA, and she won her piece of land back.

When the ULA team visited the reconciled Aya and Okumu in Ogom Sub-County, there was evident joy on the faces of the two friends-cum foes-cum-friends as Aya Santa narrated her experience. In her final words as we departed from her home, Aya said, "I thank the LCs and the Uganda Land Alliance for saving my land..."

### *Observations:*

On a positive note, we witnessed the involvement of the community in defending Aya. As we interviewed her, leaders including the LCIII, LCII, Parish Chief, neighbors, children and friends all gathered many of them uninvited-and they qualified Aya's case.



*Santa Aya with her son Micheal Oloya*



*Margaret Adong talking about land matters*



*Acholi women jubilating after a land meeting at Kilak Sub-County in Pader district*



*Kiberina Ayo shares a joke with the Editor*

APAC  
DISTRICT

## MOLLY ETAP RECONCILES WITH ALADO RUFINO



In his own words, Mr. Rufino (right) concluded, *“The only word I can say is; thank you to Uganda Land Alliance and the traditional leaders because they resolved the longstanding conflict between me and Molly”*

As Molly Etap (55) led us to Rufino Alado's (83) home, and with her arm outstretched, she pointed to the vast piece of land given to her by her late father way back in 1981. At Alado's home, we were welcomed by the deafening noise from the barking dogs, but sooner than later, the entire compound was filled with an aura of joy as we quickly settled in. Molly then walked straight to Mzee Alado, who was having his lunch, and tightly embraced him as a mark of their renewed friendship. The two live on opposite hills in Chawente Sub County, Apac District.

In 1981, when Molly's marriage soured up, she returned to her father's home. She decided never to get married again [to date]. Her father gave her a piece of land to start a new life, but little did she know that several years later she would be involved in a protracted struggle to retain the same. At 55, Molly did not have any biological child says she takes care of "uncountable" children and her elderly mother (no record of age). During the interview, we were surrounded by at least 10 children, all below the age of 12.

Trouble started in 2004 when one Alado Rufino

*"started claiming my land. I reported to the LC I and won the case, but he appealed to LC II I again won the case at LC II but he appealed to LC III and I still won".*

Alado was not about to give up. He proceeded to the Magistrate's Court of Apac and Molly was summoned. However, after 6 years of struggle in the formal courts punctuated by repeated adjournments, and after both parties spending so much in terms

of money and time, Mr. Rufino requested that he and Molly seek an alternative form of resolving their long standing conflict. Molly accepted the suggestion and the two presented their case before the Uganda Land Alliance in conjunction with the Lango Traditional Leaders Association that called for a meeting with the parties.

At the meeting, "We started with prayers, and the elders read for us a verse from the Bible. They then asked us to go out and negotiate. Rufino requested a share of the land. I said I would only give him on condition that he admits the land doesn't belong to him." According to Molly, Rufino admitted and the two returned to the meeting with a wide smile and broke the news. The entire mediation process is said to have lasted about 2 weeks. According to Molly, Mr. Rufino who owns another piece of land elsewhere was tempted to snatch Molly's land after the death of her two brothers.

*"After I won Rufino, it came to my mind that it would be very bad to remain enemies with him since we stay in the same village. I consulted my family and decided to give him a piece of land. We have been living peacefully since then".*

Mr. Rufino told us that;

*"The conflict was resolved and now we are living together with no problem."*

Rufino walked to his house, picked out a file and showed us copies of documents verifying that the case had been settled. One of the letters, Reference, CL/D/2010 dated 10th/March 2010, indicated that 21 people had participated in inspecting the land before the case was rested.



*Molly Etap shows her piece of land at Chawente Sub-County, Apac district. (and with her arm outstretched, she pointed to the vast piece of land given to her by her late father way back in 1981)*



*Molly Etap poses for a group photograph with her family after the interview at her home in Chawente Sub-County, Apac district*



*Molly Etap digging in her garden at Chawente Sub-County, Apac district*

## AMURU DISTRICT

# THE BLIND WOMAN BATTLED FOR HER LAND TO THE POINT OF DEATH



*Esther Aciro's grave beside her homestead*

*The late Esther Aciro whose land was grabbed to build Amuru district headquarters*



*This was Esther Aciro's chair. Every member of the family had a chair with their name inscribed on it*

Esther Aciro may not have lived to enjoy the first installment of her compensation as it was only sent to her account 8 days before her death; but wherever her soul is [there in heaven], she must be resting in peace having won a high profile case against the Amuru Town Council. The blind woman was a proud land owner with over 60 acres to her name; but when Amuru was declared a district, all her land was grabbed and a pea-nut monetary bargain forced into her hands, before sympathizers came to her rescue. Esther (70) succumbed to death just as her case had reached its climax and was buried in the very land she fought so hard to defend.

As we entered Esther's compound in Ower Ward, Amoyokoma Sub-Parish; our first sight was her grave right in the compound near the entrance to the hut where she once lived happily with her family. Esther's 4th born son Bosco Oluba, still in shock over his mum's death welcomed us, but sadness was written all over his face. He picked a number of small chairs for us from the family hut, so small that you'd think they were for little children. However, interestingly, they were strong enough even for a huge and heavy person. Each of the chairs was branded with a family member's name. Among them was Esther's chair with her name clearly marked in blue- but the owner was no more.

An old adage says that "one man's meat is another man's poison"- this was the reality in Esther's life when the elevation of Amuru County to district status meant that the old woman's land had to be grabbed from her. According to Donato Oola-Olam, the Assistant Chief Administrative Officer (CAAO) who at the time was the Town Clerk and therefore at the heart of the entire process: "Given

our mandate of ensuring effective planning for the district, we decided to acquire land from owners and to allocate it to developers." Apparently, this was done under the cover of a constitutional provision on compulsory acquisition of land.



*Bosco Oluba and his brother Joe Odong during the interview at their home in Amuru district headquarters.*

Bosco (40) explained to us that the Town Council authorities connived with Kinyera Simon a clan brother and engaged in dirty rushed-up negotiations. At one point, we were told, Esther was given an ultimatum either to sign the agreement or lose her land altogether!

Thanks to the intervention of one resident Openy Edward, who was also LC III Chairman at the time, Esther was aided to lodge a case in court. The Town Council had arbitrarily decided on a price of 2 Million per acre, a move that the Judge found wanting before ordering a proper valuation of the land. The two conflicting parties were urged to



*Bosco Oluba poses for a group photo with his family at their home in Amuru district*

engage professional valuers, but interestingly, the government valuer came up with the same figure of 2M per acre as had initially been offered by the Town Council, opposed to the 4M figure of Esther's valuer. According to Mr. Openy [statements corroborated by both Bosco and Donato], the initial price of 2M per acre had been assented to by



*Donato Oola-Olam, Assistant Chief Administrative Officer, Amuru*

Kinyera and others, and indeed a down payment of 20 Million Shillings was made by the Town Council; 8M paid to Kinyera and 12M on behalf of the family to Odur Cijar another relative involved in the deal-

all without Esther's consent.

Our documentation team reviewed a series of documents related to the case that included a letter from the Surveyors' Registration Board that read in part, "I have searched the register of registered surveyors and found that the above named person is not and has not been a registered surveyor under the requirements of Cap 275," signed, C. I Inyangat, the Registrar's Secretary. This was in response to the fraudulent undervaluation of Esther's land by one Denis Omodo Ogwang who was acting on behalf of the Town Council.

After the successful court battle, the conflicting parties were urged to engage in an out of court settlement in which it was agreed that the Council pays Esther 4M per acre less of 10 acres, the land where her homestead was located.

Painfully still, Donato said to us:

*"If your land has been planned for example to be a civic area, it has to be so. Aciro has to leave at some point."*

He added,

*"We delayed some processes, but the plain fact is that the area has been planned and it will be implemented as per that plan."*

At the end of the day, Esther was a victor to a certain extent, but the exchange of her property [land] with tinted paper, meant that her family will never be the same again.

**GULU  
DISTRICT**

# LEASE OF LIFE FOR ORAMA



A somber mood still hang around Pauline Orama's face when the Uganda Land Alliance Documentation team visited her home in Kweyo village, Ongako Sub-County, Gulu; but as she narrated her painful ordeal, the star of the winner in her was very evident. In her words mentioned to us through a translator, Pauline said, "At least I am now happy and somehow settled because FIDA helped me".



*Pauline Orama poses for a group photo at her home in Kweyo Sub County, Gulu district*

Pauline Orama (46), a mother of 8 children succumbed to the practice of widow inheritance following the passing on of his first husband Obote Godfrey. She explained to us that in their culture, "The issue of a man owning his land does not exist," but if he dies, the wife continues using the land where she used to dig. The confidence with which she hinted on this showed no signs of land ownership hinged on a thin thread because as indeed many cultural leaders explained; land in yester-days was never a problem!

Throughout the interview, Pauline appeared to have disturbed memory of critical events that happened in her life, but it appears that she was later advised by her mother in-law to get married to her brother in-law for the sake of raising the children. She consequently was inherited by Opira Samuel, who sadly also died not long after delivering with him, another set of 4 children.

By now she had transferred from her first husband's land to Opira's, where she continued to stay until another brother in-law attempted to chase her away. Pauline was not about to become destitute. She raised the matter to the LCs who ruled in her favor, but the judgment was

not honoured by the respondent, Peter Onek. We spoke with the LC I Chairman Olango Bosco and he confirmed participation in this case at some point. He said, "... since then she has not come back to complain."

The matter was only settled after a friend advised Pauline to seek redress from FIDA-Uganda-Gulu office. FIDA Uganda is a long serving member of the Uganda Land Alliance. A date was set for the inspection of the land in question and a meeting was called, attended by clan leaders, LCs and the conflicting parties. It was later agreed that Pauline retains part of the land where she resided and a portion of the land under conflict was to be given to Peter Onek, in the interest of keeping peace.

Pauline now says that since the mediation meeting, she has not had any other problems over her land. She has now planted some Maize, G. Nuts, Cassava, and wants to also plant some Cabbages soon.

**HOIMA  
DISTRICT**

**DESPITE THE WILL,  
GANYANA ALMOST LOST IT ALL**





*Legal Officer of Legal Aid Project of Uganda Law Society, Susan Zemei during an interview in Masindi Town*

She had been technically defeated in court despite possessing the will in which her father bequeathed property to her, but thanks to the Legal Aid Project, the hand of gold reached out just in time. The story of Florence Ganyana tells of how her step brothers disobeyed their deceased father's will, argued their way in court and summarily evicted her out of her father's house. She stayed out in the cold for close to a month until a Good Samaritan offered to help her challenge the unfairness meted against her.

All was well with Florence Ganyana (56), a mother of 3 till one day when she divorced from her husband and decided to return home to attend to her sick father. The father, Bagada Yowasi had recently separated with his official wife Bulandina Nzeireki, and needed someone to help him out. His daughter's return home upon divorce, was therefore a blessing in disguise. Ms. Ganyana nursed her

father and says, "It's me who treated him-he died in my hands".

As if to reward Ganyana for her care, and being a blood daughter anyway, Yowasi chose to bequeath his house and land to Ganyana. However, after his passing on, this state of affairs did not go well with Ganyana's step brothers and step mother. They threatened her and demanded that she returns to her ex-husband. According to the traditional culture in Bunyoro and indeed many other parts of Uganda, only boy children can inherit their father's land as girls are said to belong to the family they get married to.

Ganyana quickly rushed to Magistrate Grade II for redress. She can be forgiven for not knowing that in Uganda, this court does not hear land cases, but for the Magistrate not to have advised her accordingly, and even going ahead to make judgment in her favor, was a terrible legal mistake. Ganyana's step brothers who were relatively well off immediately enlisted the intervention of a lawyer only identified as Baryabanza, who filed a case at the Chief Magistrate's court, challenging the judgment of the Magistrate Grade II. Their appeal (*Civil Appeal No. HMA-OO-CV-C5 of 2009*) reiterated that the latter, had no powers to entertain a land case; they prayed that "It is proposed to ask the Honourable Court for orders that the whole decision of the learned Grade II Magistrate be set aside and costs therefore be provided. As the court granted the order prayed for, Ganyana had the uphill task to represent herself, which she did in vain.

Ganyana subsequently lost the case and in his



*Florence Ganyana and her mother Cecilia Basala during the interview at her home in Hoima district*

judgment [Dated and stamped February 2nd 2010], the Chief Magistrate A.G Opifemi equally erred by making extra orders that Ganyana vacates the premises. The ruling read in part, *“The Magistrate Grade II does not have powers to resolve land disputes even under the guise of resolving family matters.* By doing so in this case, he exceeded his powers by trying a case for which he did not have legal authority...For this matter...it is ordered that the respondents pay the costs of the appeal...It is also ordered that the respondents vacate the premises... until a competent court orders otherwise.” It is at this point that the Chief Magistrate’s competence had to come under scrutiny.

Having won the case, Ganyana’s step brothers quickly secured police and court brokers and had the old woman’s property thrown out. Her house was locked. Her elderly mother Cecilia Bazaala [possibly in her late 80s] compounds the entire story, “whenever she would go to court, I would stay outside in the cold. The rain at the time was so heavy as it is nowadays. It rained on us a lot.”

Upon being tipped off by a Private Lawyer Chris of

Mwebaze and Co. Advocates, Ganyana rushed to Legal Aid Project as a last resort intervention. They appealed to the Deputy High Court Registrar Margaret Muntonyi, who immediately overturned the vacation order in her ruling and directed the District Police Commander Hoima to “Put back Ganyana Florence in the house, pending determination of their appeal.

The case later took a significant twist when LAP requested the Deputy registrar to engage the parties in a mediation exercise, whereupon they agreed to share the land in question. A consent judgment was signed by all parties on the conflict divide, to the effect that the property of the late Bagada Yowasi, be divided equally among his 5 children and widow in equal shares. When we visited Ganyana on her shared property in Busisi village on June 14th, 2011, she had just completed a semi-permanent home with iron sheets contributed by the Christians in her village. She said with a lot of joy on her face,

*“If it hadn’t been for Legal Aid Project, they had finished us. Now we can sleep and live happily”*

Ganyana may not have retained all that belonged to her as per the father’s will, but according to her, the very fact that the sharing aspect restored harmony in the home, was the master piece she’ll keep on her memory forever.

**KYENJOJO  
DISTRICT**

## **SAVED BY THE WILL - CECILIA RECOUNTS HER ORDEAL**





*Cecilia Kyenda attends to her garden*

*“...Enju ekaleho, abaisiki babyamege kandi hanu omuka ha Sesilia. Busaho muntu akumutalabaniza-busaho kutunda. Eki nikyoo nagamba”, translated as “The house should remain for the girls to sleep comfortably, and this home shall be for Sesilia. No one should interfere with her, no one should sell. This is what I have said”. These were the words contained in Mzee Paulo Nyakaana’s Will dated 1st November 2004. He divided his land among his children and wife, stating each one’s boundaries; he emphasized that none should sell. The home and*

surrounding land was given to the wife, and Paulo said, “Here my girls should sleep peacefully.” Paulo passed away 2 years later.

We met the widow Cecilia Kyenda (61) at her home in Kisambagwa village, Butiiti Sub-County on the 15th of June 2011. She told us that trouble started when her son Selegio Basiima acted against his father’s will, and without even consulting her, sold off the family land [size unspecified] to one, Robert Baguma.

Upon learning about the sale, Cecilia decided to seek for redress from whoever could be of help in this situation. Her star led her to Uganda Law Society (ULS) offices in Kabalore where she narrated her problem. ULS is an active member of the Uganda Land Alliance.

ULS then summoned all the conflicting parties (including the buyer) and the community for a mediation meeting held at the land in question. 39 persons participated in this meeting. It was observed that Selegio had violated his father’s will by selling off the family land. Consequently the meeting resolved that he refunds the money to the buyer, a position he consented to.

During our interview with Cecilia, her joy was simply unconfined as she repeatedly expressed her appreciation to ULS for saving her land. In fact she could not even pronounce ULS. She said, “The people I ran to helped me a lot. I don’t know the office properly but it’s in Kabalore. They helped me and saved my land and now I have it.”



*The Editor interviews Cecilia Kyenda at her home in Butiti, Kyenjojo district*



*Cecilia Kyenda shows her piece of land to ULA officials at her home in Butiti Sub-County, Kyenjojo district*

**MUBENDE  
DISTRICT**

**HOW THE CDO SAVED JULIET'S LAND**



“I was at home when a Community Development Officer (CDO) Yahweh Willy passed around. He asked where the man was. He handled him with an iron hand, threatened to have him arrested. On hearing this, he ran away, to date”.

Juliet Kusemela (31) was only 16 when her father died-but before his passing on, he said “If I die, Juliet should take over this piece of land. He wrote on a piece of paper and gave it to my auntie”. This is how Juliet explained the history of her 2 hectares of land and a plot she received from her father. This ownership status was confirmed by elders Nakate Magdalene (80) and Bukirwa Josephine (60). Magdalene, who is Juliet’s step mother, recalled the contents of her late husband’s will, “I have left you this land to stay with your brothers. No one should sell. The land I have given you is your wealth”.

However, Juliet’s troubles started after building herself a small house, was joined in there by a man with whom they cohabited for 5 years. “In real time, it was like I had married him...” says Juliet. Within this cohabiting period, Juliet and Constantine had 2 children; but her new catch regularly battered and ill-treated her. At the end of the day, he made attempts to sell off Juliet’s land, a move she vehemently rejected. He had assumed that by virtue of their staying together, the land belonged to him as-a-man. The laws of Uganda do not recognize cohabitation as a form of marriage and as such, Constantine’s claims were untenable- and even if

they were, he would have had to seek the consent of his wife before proceeding to sell family land.

Having attended sensitization sessions organized by the Uganda Community Based Association for Child Welfare (UCOBAC), Juliet had a fair clue about her rights over land as a woman. She approached the L.C Chairman, whose service charges (15,000/= and a Jerrycan of Alcohol) were far too prohibitive for a woman that has no source of income.

Juliet’s land was saved by a Community Development Officer (CDO) who threatened the aggressor with arrest before the latter took off without warning. “Now I am peaceful”, says Juliet

We asked 80 year-old Nakatte Magdalene for a comment on whether women deserve to own land, and this is what she had to say as the reason why:

*“Today, it’s the girls who take care of their parents, while the boys only care about their own families. Girls never forget their parents. Girl children in the past were less considered. Long time; if someone produced a boy, he was congratulated; but if a girl, nobody cared”.*



*Juliet Kusemela's mother Magdalene Nakate comments on her situation*



*How did you get to this age? A bemused Editor asked Magdalene Nakate*



*Juliet Kuselema with her daughters at her home in Mududu village, Mubende district*



*Juliet Kusemela leads the documentation team to her piece of land*



*Juliet Kusemela during the interview at home in Mududu village, Mubende district*



*Juliet Kusemela during the interview at home in Mududu village, Mubende district*

**JINJA  
DISTRICT**

**TAUNTED BY BROTHER IN-LAW,  
RUKIA NEVER GAVE UP**



Even when her brother-in-law threatened to cut her into pieces with a panga, Rukia did not give up on her land. She did not know her rights to land before the law, and neither did she have so much money to hire lawyers to pursue her case in court. However, the knowledge she acquired from a training conducted by Slum Women's Initiative for Development (SWID) gave her the momentum to take on her brother-in-law. The will, which clearly stated her status over the land in question, was enough to bail her out of an apparently calamitous situation.

Rukia Kigaiga (43) is a mother of 7 children, 4 girls and 3 boys. She was one of her husband's three wives. The other two passed on, one before and the other after her husband. Rukia's husband, Musa Kigaiga died in 1999 at a time when the two were planning to formalize their marriage. Before his death though, Musa had purchased the piece of land in question from one, Nabongo Charles (size unspecified). In a will he prepared prior to his death, he bequeathed a plot of land, his house and other property to Rukia and her children. "I testify that the land belonged to my brother-in-law, and that he left it with his wife and children", says Isiko Musene Joshua (67), Rukia's elder brother.

Sadly for Rukia, soon after her husband's death, her brother-in-law Baker Kigaiga started claiming her land and threatening to throw her out. He claimed the land belonged to him and that he's the one who had built the house in which Rukia was staying. Among the tactics Baker used to intimidate Rukia, was a court case in which he made a series of allegations. However, the case was dismissed

after the complainant failed to produce witnesses. When we met Mzee Musene at his home in Bugiri district, he informed us that it's a common practice in Busoga for in-laws to attempt to inconvenience the widow upon her husband's death.

We spoke to Rukia's elderly 'mother' Kampi Miliyonsi (80+) to find out why girl children in the Busoga culture were always denied a chance to own land as opposed to their brothers. This is what she had to say: "When a girl got married and had children, she would get land from her husband's side because that's where she belonged." However, she added, "Today's children are wild-they even turn against their parents." Kampi's statements correlate with many others we gathered from different parts of the country, to the effect that stable homes are no more guaranteed, and as such, girl children deserve to be offered land by their parents as a precautionary measure to prevent them from being negated by the largely male-dominated society.

Rukia's daughter Morine Nyanzi, who has just completed Senior Six (S.6) says, *"Many people consider girl children as low and useless. I am glad you appreciate our importance. We'll do everything to stand up for our rights".*

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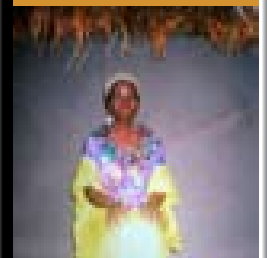
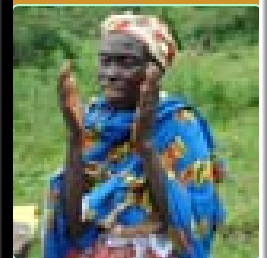
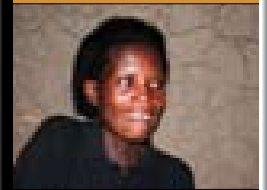
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