

WID *Information*

Office of Women in International Development
University of Illinois at Urbana-Champaign
320 International Studies Building
910 South Fifth Street
Champaign, Illinois 61820
(217) 333-1977

Volume 17, Number 2
December 1996

RESEARCH NOTES

Gender Relations and the Land Tenure System in Kabarole District, Western Uganda By Consolata Kabonesa

The study examined gender relations and rights to land in Kabarole District, Western Uganda; particularly the rights of land allocation, use, disposal and reversion. Some scholars argue that these rights are more important in analyzing customary land tenure systems than land ownership per se, especially, in the African context where land ownership under customary regimes does not have the same meaning as in the British tenure system. In Africa land was abundant, a clan or lineage had control over it, individual ownership was not important nor was it claimed. This argument is particularly relevant to this study because most of the population in Kabarole occupy land under customary tenure system.

Kabarole is part of the former Toro Kingdom in Western Uganda and is occupied by the Batoro (Bantu ethnic group) whose language is Rutoro. In pre-colonial time, the land belonged to the King who disposed of it as he saw fit within the norms of traditional law. Under the colonial government most of the land in Toro became Crown land until independence in 1962 when the land became public land. Historically most women have had secondary land use rights for food production. As Snyder and Tedesse (1995) noted "there is widespread agreement about the fact that women are all but excluded from access to and control over national and international resources..." (p.7). Since agriculture is the backbone of Uganda's economy and women provide the largest proportion of labor in agriculture, it is important to understand the distribution of rights of access to and control over land; and how men and women (collectively and individually) benefit from these rights; and trace changes in inheritance patterns which guarantee women's primary rights of land ownership.

The study used a short questionnaire on land tenure which was administered to 16 adult males and 24 adult females. Simple stratified sampling was used to select 8 villages/localities and individuals.

The sample comprised of 18 married, 11 widowed, 1 divorced, 8 separated, and 2 living together individuals. In addition two male local council officials and four elders (2 males and 2 females) were interviewed regarding traditions related to land tenure. Secondary data was also collected from: 1) Kabarole district: The Local Court Office, Legal Aid Office, and Lands and Survey Office. 2) Kampala district: The Center for Basic Research, Makerere University Library, and Makerere Institute of Social Research.

Mehra (1995) in her study of land tenure and agriculture concludes that in the developing world the majority of poor women, most of whom depend on land for their livelihood, are either landless or have limited and insecure rights to land. Women's relationship to land affects their productive capacity in agriculture. There is a growing literature on women's restricted access to ownership of and control over land (Agarwal, 1994; Babalola and Dennis, 1988; Davison, 1988; Goheen 1988; Hirschmann and Vaughan, 1983; Wazir, 1995). However, in places like Danfur and Kordofar in southern Sudan (Rahama and Hoogerboom, 1988), Tamir Nadu in India (Agarwal, 1988) and Negeri Sembilan in Malaysia (Stevens, 1985), women own land. Since women's access to resources may vary from culture to culture, this study examined women's rights to land using a gender analysis model. Gender analysis basically utilizes three basic questions: Who has access to what type of resources? Who has control over what resources? Who benefits from the resources in question? Specific questions for this research were: who has a right to allocate land? Who can be allocated land and under what special conditions if any? Who decides on the portion of land to be used, say, for arable and/or pastoral farming? Who can and cannot dispose of the land? Who can and cannot inherit the land? Who has control over the production from the land? and Who benefits from the production accruing from the land?

A number of earlier studies examine gendered access to land in Africa. For example, *Agriculture Women and Land: The African Experience* edited by Davison contains a good collection on the subject. Although a number of scholars studies have examined issues of land tenure in Uganda, such as Ndyakira (1991), Kaggwa (1994), Opyene (1993), Muhereza (1992), Bikkako (19), and Mugisha (1992), none of them has exclusively examined gender relations and the land tenure system.

Findings

My preliminary findings report both male and female can acquire land through purchase; the only constraint that females face is the purchasing power. Males are reported to have more rights to land which are propagated by customary inheritance rights that favor males over females. Males control land use as well as benefits accruing from the land. Females exercise usufruct rights; they only exercise equal rights with males if they purchased the land or in the absence of their husbands.

Modes of land acquisition by men and women

The most common mode of land acquisition is through purchase. Almost half of the respondents reported that males acquire land by buying and inheritance. Whereas females were overwhelmingly reported to acquire land through purchase *...if she has a good income* and the majority of interviewees added that *a woman has to work very hard to buy land for herself, but she could be mastered in her own land ...she can only buy herself land, no any other way ...it all depends on her resources or parents' welfare. ...she could get it with determination to labor for it ...she has only one way, that is buying land herself.*

Female land inheritance

Women were reported to inherit land from the father with a number of conditions:

If the daughter is trustworthy. It is rare because she is not a permanent member of her father's family, she becomes a member of the family where she marries. If she takes too long to marry, her parents can give her a piece, but a small piece. ...if the father has confidence in her. If there are no indifference between father and daughter. If the father has no sons, or she is the only child, but culture plays a role here. Reliability and confidence in the girl child and the daughter's respect for the father. ...depends on the will of her father. If he decides to give her land, then it's okay ...if she has brothers, they can give her a piece that is distant, i.e. if the boys are willing to share with their sisters. If she is married and has children, it can not happen ...if she will be of great use\assistance to her father despite whether she has brothers or not.

Women can also inherit land from the husband with conditions:

...if the children are still very young ...if there is mutual understanding ...if she has had children with him and she has no where to go ...if they contributed together in getting that land. Yes, because they will have achieved everything together.

Some respondents, however, expressed reservations over a woman inheriting the husband's land, stating that it rarely happens *...a woman is taken to be an intruder or outsider in a family where she marries*. A widow may be powerless to protect her usufruct rights against those who view land as a marketable commodity. Since this is a patrilineal society, the guiding principle in inheritance has been that land should remain within the lineage, therefore, promoting and institutionalizing the male's right to inherit land.

Female Access to and control over land

Access was clearly reported to be through the father, brothers, husband and children, and in some cases, through kind relatives. Asked whether a woman has the same rights to land as a man, 16 females and 6 males (55%) said yes:

... all it requires is to have financial resources. It depends on the ability of the women to master a business. Yes, if it is her own land - no -if it is for both partners. ...it may vary depending on the resources of the individual. In monetary terms there are no variations. ...These days because everybody can afford to buy; formerly it wasn't possible because men did not have confidence in women. ...the women are economically able nowadays. ...It varies; on some land we have equal rights on others not, but in my family I have more rights over my land than my wife. ...only if she bought it herself; otherwise women do not have the same rights as men.

45% said that men have more rights than women:

...because a woman would get land depending on her ability, whereas a man is to get more - a man is expected to get a family. A man is development minded. ...The man is regarded as a head of the family and requires more opportunities to land. ...the level of education reduces these rights. ...A man has to put in effort to acquire enough land for his off springs while the woman is not far sighted. ...The man has more rights because he is more adventurous. ...The man is physically able to maintain land. On land title, the man's name is considered important to the woman's ownership. ...The woman is culturally a recipient from the man. Tending plantations and roofing houses calls for man's initiative. No a woman has no right over land or kibanja. ...the land belongs to the man or to the father or his grandfather. The results from question on land inheritance, access and control point to the fact that women access land in their status as mothers, wives or wards, daughters, sisters and widows; when they lose their status, they lose their rights as well (Cleaver and Schreider, 1992; ILO, 1989; and Rocheleau, 1988).

48% said the man determines the portion of land to be used for food crops; 28% said the woman *because the woman/wife is the one who knows what types of food the family needs. She feeds the family*. 18% said it is a joint decision. More than 68% said men are responsible for determining land use for cash crops, such as, groundnuts, coffee, etc. 25% said it is a joint decision. About 70% said the man makes the decision while 15% said it was a joint decision. Land for tree planting - including tree crops was anonymously (78%) reported to be the decision of the man. One elderly female said that the man had all rights to land use, but these days a woman can make her own decisions. Almost all respondents said cash crops are tended by men and women tend food crops.

Respondents were also asked who determines how much food to store for consumption, to sell and/or to give away. 66% said women decide on foods to be stored; 20% said women decide on what to sell compared to 50% who said the man decides and 27.5% respondents said it is a joint decision. In giving food, 12 women (30%) said women decide while 6 (5%) said it is a joint decision.

Since the man often decides on the produce to be sold, we wanted to know who keeps the proceeds from the farm produce. 65% said the women keep the proceeds while 27.5% said the man. One elderly female respondent said that *these days it is the men; formerly it was the women*. Another respondent said *the woman keeps the proceeds because the man tends to be extravagant; yet another respondent said if the woman is trustworthy she keeps the money*. Asked who decides what to buy with the farm produce money, 37.5% said the man; 20% said the woman and 47.5% of the respondents said it is a joint decision. The majority of the respondents also said that the woman has no right in lending

or giving fields out; it is only in renting where 14 women and 8 men (50%) said that the woman can rent out in consultation with the husband.

Conclusion

The preliminary results show that in Kabarole district land is accessed by women and men in different ways. In an increased land market, the main mode of access for women is purchase. Men access land mostly by inheritance and purchase. The women also gain access through marriage, in which case they provide labor to produce food for their family. If the girl takes too long to marry or does not get married, she is given a small piece of land. There is, however, great concern with land inheritance and control over land by women. On the other hand, an increasing number of women are getting land titles although the rate of acquiring titles in the district is still low for both men and women. Between 1970-1979, 75 women applied for land titles, and 3 couples acquired land titles. From 1980 to 1989 the number of women getting land titles increased to 212 and for the couples it increased to 7. The figures between 1980-89 are much higher than reported because some records between 1983 and 1986 were missing. Out of a total of 8821 records of land title applicants and holders, less than 500 were women. However, in the letters of administration for estates of the deceased from 1988-April 1996, out of 292 administration cases, 134 were logged by women.

In summary, allocation of land or control over land is vested in older males who allocate land to young men, and occasionally and temporarily to young women. Women have partial rights to land use; they only exercise full rights over land when they have purchased it themselves. Cultural values shape their activities and access to and control over land; yet money talks, and it appears to be slowly influencing gendered patterns of land tenure in Western Uganda. Since this study was conducted in a small area with a limited sample, the findings cannot be generalized for the whole country. More extensive and detailed research on gender and land tenure should be conducted in order to better inform land tenure policy.

WOMEN IN INTERNATIONAL DEVELOPMENT ACTIVITIES AT UIUC

Dr. Kathleen Cloud, Director of Women in International Development presented a paper on "The Private Revolution: Women, Family and Human Capital" at the 6th International Seminar on "Integrating Family in Social Progress and Development: Implementing Family-Specific Recommendations of Global Conferences of the 1990s." The conference was held in Vienna November 11-12, 1996.

Dr. Jean Due, Professor Emeritus, Department of Agricultural Economics conducted a successful research in Tanzania from September through October 1996.

STUDY & TRAINING OPPORTUNITIES

TRAINING OPPORTUNITIES

● The Program for International Development at Clark University announces a Certificate Program on Gender, Resources Management, and Development and Participation, Resources Management, and Development to be offered Fall 1997 (August 1997 to December 1997). This program offers mid-career development professionals unique opportunities to gain the theoretical base and applied skills for analyzing gender, community organization, and natural resource management in the context of sustainable development objectives. The certificate has two primary aims: - to provide an understanding of gender as a key variable organizing rural Third World

livelihood systems with respect to natural resource management; and to impart skills to incorporate gender analysis into policies and programs as well as project design, implementation, monitoring, and evaluation. Application deadline: April 1, 1997. For more information contact: Dr. Barbara P. Thomas-Slayter, Director, International Development Program, Clark University, Worcester, MA 01610, USA. Tel. (508) 793-7201. Fax: (508) 793-8820.

● **The Washington Center announces "Women as Leaders — An Academic Seminar, May 11-24, 1997,** a fully funded training program designed for women to learn from their peers from across the country, hearing from prominent women leaders, discussing critical issues with experts from leading women's organizations, "shadowing" a woman for a full workday, and exploring career interests. Students are responsible only for travel to and from Washington, DC and personal expenses during the seminar. Financial assistance of up to \$2000 is available. For more information call 1-800-486-8921 or <http://www.twc.edu>

CONFERENCES AND CALL FOR PAPERS

● **The Children's Defense Fund (CDF) announces their Annual National Conference on March 12-15, 1997 at Washington Hilton and Towers in Washington D.C.** Goals of the conference:

- Acquire the information and tools to alleviate the harmful effects of anticipated welfare legislation.
- Participate in crucial and targeted skills-building sessions.
- Participate in strategy workshops specifically designed for community advocates, service providers, and policy professionals.
- Identify new ways to make a difference for children in your community.
- Learn how to forge coalitions with nontraditional partners.
- Participate in special sessions sponsored by the Black Student Leadership Network.
- Network with other professionals and community, religious, and youth leaders from around the nation.
- Meet with members of your state's congressional delegation during Lobby Day on Capitol Hill.
- Listen to inspiring keynote addresses from leaders shaping our children's future, including an address by CDF President Marian Wright Edelman.

For updated information check on CDF's home page at www.atmn.com/cdf/index.html

● **Women's Studies at Middle Tennessee State University announces a conference on Women and Power to be held February 21-22, 1997.** The conference organizers have suggested about 25 sessions covering various fields such as women and the environment, health, education, spirituality, science, sports, arts, history and law. Carol Galligan, professor of education, will be the keynote speaker. For more information contact: Dr. Nancy Rupprecht, Program Committee Chair, Women's Studies Conference 1997, Box 23, Middle Tennessee State University, Murfreesboro, TN 37132. Tel. (615) 898-2645. Fax: (615) 898-5098. E-mail: womenstu@frank.mtsu.edu

● **The organizers of the Global Summit of Women announces the 1997 Global Summit on Women's Economic Power to be held in Miami, Florida, from January 9-12, 1997.** Participants in the Summit will share strategies, model programs and best practices that address women's changing roles in the global economy. The Summit celebrates and examines the full range of women's economic contributions worldwide as workers, business leaders, entrepreneurs and most important, as consumers. Previous Summits were held in Taipei, Taiwan (1994); Dublin, Ireland (1992); and Montreal, Canada (1990). For more information fax: 202-466-6195 or call 202-835-3713.

- **International Restructuring Education Network Europe (IRENE)** announces an international seminar titled: "To Strengthen the Struggle of Women Workers" to be held February 3-6, 1997. Goals of the seminar: To improve strategies for support, action and development education; strengthen exchange; deepen areas where work is carried out; open/discuss new areas where work should take place; and develop future plans. The seminar will specifically examine: Women workers in different industrial sectors and in service sectors in the North, South and East; how women workers are affected by international economic development and policies of multinationals; and strategies for organizing and co-operation of women's organizations, NGOs and trade unions. For more information contact: Anneke van Luijken, IRENE, Stationsstraat 39, 5038 EC Tilburg, The Netherlands. Tel. 31.13.5351523. Fax: 31.13.5350253 or e-mail: irene@antenna.nl

FELLOWSHIPS, GRANTS AND AWARDS

- **Rockefeller Foundation through its African Dissertation Internship Awards (ADIA) Program** currently offers competitive awards to enable graduate students from Sub-Saharan Africa enrolled in universities in the United States and Canada to return to Africa to conduct research in association with a local university or research institution. The Foundation invites application from alumni of the ADIA program, as well as current ADIA holders who expect to defend their dissertations in the near future. **There are no deadlines.** For more information contact: The Rockefeller Foundation, 1133 Avenue of the Americas, New York, NY 10036, USA, or The Program Manager, African SBD Career Awards, The Rockefeller Foundation, P.O. Box 47543, Nairobi, Kenya. Tel. (254 2) 228061. Fax: (254 2) 218840. E-mail rockefeller-nbo@cgnet.com

- **Frederick Douglas Institute for African and African-American Studies** announces postdoctoral fellowships (\$24,000); pre-doctoral dissertation fellowships (\$10,000) and four-year fellowships for graduate studies, with tuition plus academic year stipends ranging from \$6,000 to \$8,000. For more information contact: Associate Director for Research and Curriculum, Frederick Douglas Institute for African and African-American Studies, University of Rochester, 302 Morey Hall, Rochester, NY 14627. **Deadline January 31, 1997.**

ANNOUNCEMENTS/RESOURCES/PUBLICATIONS

ANNOUNCEMENTS.

- **United States Department of State** announces the appointment of **Theresa Loar** former director of the Global Conference Secretariat at the State Department in Washington as **Senior Coordinator for International Women's Issues**. Her appointment reflects the administration's determination to continue to promote internationally the advancement of women and to encourage follow-up to the UN Fourth World Conference on Women. Source: United States Department of State circular.

RESOURCES/PUBLICATIONS

- *More and better jobs for women: An action guide* by Lin Lean Lim is a guide to policy and program options. The book outlines the significance of women's employment and describes the main types of action to improving women's economic position. The book provides useful information and data to understand the complex and multi-faceted problems confronting women. The book also gives

information on how to enhance the quality of female human resources, increase investment in education and training for women, improve women's access to employment and income-earning opportunities; ensure better terms and conditions of work and provide social protection for working women. Cost: \$22.50. For more information contact: ILO Publications Center, 49 Sheridan Avenue, Albany, NY 12210, USA. Tel. (518) 436-7433. Fax: (518) 436-9686. E-mail: wbo@aol.com

● *We can make it: Stories of disabled women in developing countries* by Susan Epstein. 25 disabled women from Asia, Africa, and Latin America tell how they defied the odds to become educators, lawyers, farmers and shopkeepers. The women speak candidly about their discrimination, motivating influences, the quest for education and employment, and the desire to be wives and mothers. The women offer pragmatic advice for policy-makers so that more disabled women can achieve their potential and contribute to society. Cost: \$13.50. For more information contact: ILO Publications Center, 49 Sheridan Avenue, Albany, NY 12210, USA. Tel. (518) 436-7433. Fax: (518) 436-9686. E-mail: wbo@aol.com

● **Urban Poverty and Social Policy in the Context of Adjustment (UPA) Study** is a community based research project based in Guayaquil in Ecuador, Budapest in Hungary, Metro Manila in the Philippines, and Lusaka in Zambia. In order to understand urban poverty, answering questions such as who are the urban poor, where they work, and what they do to survive and the constraints they face, the *Urban Sourcebook* provides answers to these questions. The *Sourcebook* is two volumes: *Urban poverty research sourcebook. Module I: Sub-city level household survey*. Working Papers Series #5 by Caroline Moser, Michael Gatehouse and Helen Garcia. The module presents research methodology which uses an integrated set of multi-level research tools to collect data at community, household, and individual level. The data are used to analyze the characteristics of urban poverty and vulnerability, and to examine coping strategies of household and individuals in a specific low-income urban community. *Module II: Indicators of urban poverty* reviews selected indicators typically used to evaluate sectoral and project performance in poverty reduction. It incorporates indicators which were tested in Urban Poverty and Social Policy in the Context of Adjustment (UPA) study and emerged as significant indicators of urban poverty. The book provides techniques for rapid assessment of poverty at city, community, and household levels using primary data. For more information contact: UNDP/UNHCHS/The International Bank for Reconstruction and Development/WORLD BANK-UMP, 1818 H Street, N.W., Washington, D.C. 20433, USA. Tel. (202) 473-7009. Fax: (202) 522-3232.

● *Women's education in developing countries: Barriers, benefits, and policies* edited by Elizabeth M. King and M. Anne Hill. This anthology examines the educational decisions that deprive women of an equal education. It assembles the most up-to-date information, organized by region. It shows the relationship between education and women's welfare in terms of fertility, mortality rates, life expectancy and income. The anthology concludes that when a country denies women equal educational opportunities, the nation's welfare suffers. Cost: \$34.95. Available from The World Bank, 1818 H Street, N.W., Washington, D.C. 20433, USA. Tel. (202) 473 1155

● The Buffalo Women's Journal of Law and Social Policy at State University of New York at Buffalo is actively seeking submissions of scholarly works, creative writing, and artwork for the January 1998 issue of *Circles*. *Circles* is an interdisciplinary journal which provides a forum for exploring the legal and social challenges facing women. *Circles* publishes scholarly articles, student-written notes, book reviews, commentaries, prose, poetry, and artwork. *Circles* publishes materials that illuminates women's lives and furthers our understanding of each other. All materials must be submitted in triplicate and submitted on disk using Word Perfect or Microsoft Word. Enclose a bibliographical note and a brief abstract for longer submissions. The selection process is anonymous,

therefore, your name, address, and phone number should appear on a separate title page and not on the submission itself. Art work must be submitted in photograph or slide form. **Deadline for submissions: April 1, 1997.** Send submissions to The Buffalo Women's Journal of Law and Social Policy, State University of New York at Buffalo, School of Law, 11 O'Brian Hall, Buffalo, New York, 14260, USA. For more information: (716)645-3715 or e-mail: CIRLES_JNL@acsu.buffalo.edu

● *Women, Poverty and AIDS: Sex, Drugs and Structural Violence*, edited by Paul Farmers, Margaret Connors and Janie Simmons. The first of the new series in, "Health and Social Justice", the book examines AIDS through the eyes of those living in poverty. The book is divided into 3 parts:

* Part I - Rethinking AIDS: locating poor women. This part contains four chapters: women, poverty and AIDS; a global perspective; sex, drugs, and structural violence; and women and HIV infection.

* Part II - Rereading AIDS: Examining Claims of Causality. The part has three chapters on: Rereading Social Science; rereading public health; and rereading clinical medicine.

* Part III - Reconceptualizing Care: pragmatic solidarity. This part has two chapters on confronting obstacles; and making common cause. Price: \$19.95. Available from Common Courage Press, P.O. Box 702, Monroe, ME 04951, USA. Tel. (207) 525-0900. Fax: (207) 525-3068. Or The Institute of Health and Social Justice, Partners in Health, 113 River Street, Cambridge, MA 04139. Tel. (617) 4416288. Fax: (617) 661-2669.

**Office of Women in International Development
University of Illinois at Urbana-Champaign
320 International Studies Building
910 South Fifth Street
Champaign, Illinois 61820**