



Patterns and trends of women's participation in land markets in Uganda

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Summary

This paper discusses the trends and patterns of women's involvement in formal land markets, the reasons for their involvement, and briefly highlights the extent to which there are women as co-owners of family land. The authors tackle the contentious issue of land rights, contentious because it cuts across culture, politics, and economics. Issues concerning land and land tenure in Africa are not just related to factors of material gain but also rotate around power, wealth, and meaning. The traditional African way of relating to land is through membership in the clan, for example, as a network of an ethnic group. Here, the notion of land as a form of wealth was a non-issue as all the members of the group had usufruct. The commodification of land, which was to gain momentum, was introduced in the continent only after contact with Western cultures. Land now began to acquire market value for several factors such as accessibility and/or location, productivity, and the existence of modern amenities such as electricity, water, and other valued infrastructure.

In the process of commodification, women's interest in land remained on the periphery and a misconception developed that women had no interest in acquiring land. This misrepresentation is based on the belief that most women have access to land through marriage. Studies, however, indicate that women are fairly insecure in marital arrangements where they find themselves disenfranchised whenever there is marital conflict. The behaviour of husbands and the use of family resources are also causes for the woman's increasing desire to acquire personal land.

Although indigenous African traditions accord women rights over land at their marital place, the introduction of the Western perception of landownership

has generated three-dimensional operative principles in land matters. These are the right to access, right to use, and the right to control. In other words, there has been a transformation of land rights from usufruct to control for males while the same rights for females appear to have been frozen as user rights. Currently, women and some men of the younger age group are accorded access – but not control – and use of land. This lack of control is a source of controversy in Uganda today, and the trends in the region show that this extends to many countries in Africa.

Nevertheless, a small proportion of women has always participated in land exchanges, although informally. The Western definition of property rights which ascribe things – in this case, land – to be meaningless without the right of an individual or group to exclude others, forces women's interest in land to change from rights of access and use to that of the right of control. The control of land enables an individual to earn income by making the land productive. Women, whose major activity is to make the family land productive, are increasingly becoming appreciative of the market value of this commodity.

In Uganda, a new land law came about in 1998, following heated debates over access, use, and control of land. Some of the key aspects of this new law were the co-ownership of family land by the two main people constituting a family.

Since the introduction of titling in Uganda in 1900, a few women in Buganda (Central Uganda) have been granted individual titles, which they disposed of at their will and in the manner they wished. In the early 1920s, inheritance practices, which tended to overlook the rights and interests of the girl-child in their father's land, sparked off debates in local newspapers. In 1952, Southall, one of the leading anthropologists of the time, noted that quite a few women directly inherited land from their parents. This early involvement in acquiring land titles enabled women to participate in land transactions.

Various studies over the last 15 years indicate a small but steadily rising trend of individual women's land ownership. In 1988/89, according to Friends of the Don East United Nations Children's Fund (FODE/UNICEF), 7% of women landowners in the districts of Kabale, Mbale, Mbarara, and Lira acquired their land through titling. By 1995, 20% of women landowners constituting 17% of the total number of landowners in Mpigi, Lira, Mbale, and Kabarole acquired land through titling. Other studies too show an increasing trend in ownership of land by women.

Reasons for women wanting to own land included the right to bequeath it without restrictions, security in case of divorce, and the desire for financial independence. That the insecurity of marriage is the main reason for the need to own land confirms that women are dissatisfied with the access-only status quo.



The Land Act Monitoring Exercise found that the number of women applicants for titles in Mbarara district increased progressively from 3 to 5% from 1996 through 1999. Ongoing study of the prevalence of joint titling in Mukono district with a sample of 5 out of 500 cadastral blocks to produce composite characteristics of urban, rural, and peri-urban areas showed that out of 1,758 titles, 1158 (66%) were held by men, 424 (24%) by individual women, and 176 (10%) were joint holders including a woman. This puts the total of titles held by women at 600 (34%).

There are various reasons for the participation of women in land markets. One study, identified no less than four different ways in which women get involved in land matters that translate into formal land markets. These include: inheritance from father to daughter, inheritance from mother to daughter, or inheritance from aunt to niece, and purchase of land from relatives (regardless of gender), from a woman or a man. Apart from land inheritance, the reason cited most often for women's ownership of land is 'security of livelihood', which simply means, something to fall back to in case a marriage fails.

Conclusion

There are indications that the number of female-headed households is steadily increasing. Given both women and men's scepticism over the permanency of marriage, this number is expected to rise further. The changing gender roles within the family and the increasing number of educated and employed women also indicate that more and more women will be demanding control of land for themselves and for their children. They will also be engaging more in formal land markets. Finally, with regard to credit, micro finance institutions (MFIs) have indicated that women are more disciplined in repayment of loans. Their involvement in land markets enables them to access credit with greater credibility and secure collateral.

