

## CONFERENCE ON LAND POLICY IN AFRICA

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### Introduction and Context

Prior to the 1995 Constitution of the Republic of Uganda, it was realized that the provisions of the Land Reform Decree of 1975 had not been fully implemented due to issues including, lack of budgetary provisions and personnel, and resistance by land owners under the previous system. Consequently, both land owners and administrators continued to behave as if they were in the pre-Decree period. It was recognized, therefore, that the country had reached a stage where it had to prescribe the type of land tenure that would benefit the country most in terms of environmental sustainability, agricultural productivity, and equitable resource sharing. It was also observed that in Uganda there was lack of a clear land policy and national physical development plan, land fragmentation and continued exclusion of women from land (property) inheritance, open access to resources under communal land use, land degradation due to unsustainable methods of resource use; and demographic pressure leading to encroachment into gazetted areas. While more recent changes in constitutional and legal frameworks strengthened provisions to ensure women's rights, problems with enforcement still remained (National Land Policy, 2011)

### Challenges of Women and Land Tenure in Jinja

In Jinja by 2002 more extensive studies of dominant patterns of land tenure found almost half of the land in the town classified as private or mailo land, approximately one third (30%) in the hands of the Jinja Municipal Council, another 10% under the Uganda Land Commission, 7% owned by various institutions such as hospitals and schools and 4% public land leased to institutions (Manyire, 2002). It has also been noted that a great deal of land in Jinja has never been formally surveyed and boundaries are primarily locally established, usually by trees or other natural markers.

According to the 2002 Housing and Population Census, women make up just over half of the town's population (52.1%). The town also has a relatively large younger population with almost half of the community inhabited by those below 30, and only 7000 older females (Table A1.3 p

84). One also finds a relatively high level (46,000 in 2002) of orphans and vulnerable children, due to the ravages of HIV/AIDS. Women in the community often face an array of economic difficulties including relatively low educational and employment levels, high levels of domestic violence and widespread loss of breadwinners from HIV/AIDS which exacerbates demands of raising children (Oaks, 2012).

Women's access to land is inhibited by dual constraints stemming from traditional customary inequities combined with western patriarchal attitudes (Dauda, 2001). One study of the community in the early 1990's documents women's complaints of "taking second place" when applying for plots of land (Jinja Urban Study, 1991). Manyire's in-depth analysis in 2002 of women's role in housing found that housing development and ownership of rental housing tends to be primarily dominated by men. The study also found significantly different routes to ownership between the genders with women often being gifted property as a result of marriage or as a type of payback for unpaid household work, in contrast to the male path to ownership through birthright. The study also documents the fact that more women than men involved in housing development were older and unmarried (Manyire, 2002).

The Walukuba Housing Estate mentioned earlier, was built in the early 1950s to originally accommodate a class of Ugandan civil servants and industrial workers. The estate was privatized in 2007 with existing tenants given the option to purchase their house-plots as 49-year leaseholds. This process had long been debated and was seen by Jinja Municipal Council as a means to facilitate the upgrading of the increasingly dilapidated housing stock on the estate without incurring costs. Opposition soon developed among local council politicians who were seeking to garner the support of their constituents living on the estates, most of whom were skeptical of privatization. The issue was also complicated by the fact that the shortage of relatively centrally located accommodation in Jinja meant that the rental contracts on the estate had procured quite considerable black market value (so-called 'good-will') which tenants were anxious not to lose.

At the time, many women did not have enough resources to directly purchase their houses, with some eventually defaulting on rent payment, resulting in Jinja municipal land officials often evicting them. Such evictions from which women and their children suffered most, led to the formation of the Slum Women's Initiative for Development (SWID) formed in 2003. Since then SWID has worked to improve the quality of lives of people in Jinja with a stated mission to "improve on the quality of lives in Jinja urban slums and rural communities through empowering them to meet their social, political and economic needs in a sustainable manner" (SWID, n.d.) The primary vision of the organization is to have an empowered community and a home for every woman.

Since its formation SWID has conducted extensive studies in targeted areas within Jinja which continue to document the inherent inequality faced by many women. Their unequal status, reflected in a range of social and economic indicators, highlights specific vulnerabilities they face. In many cases for example, women could not apply individually for land titles under their names and community members often found themselves forced to pay bribes when applying for titles. There were also challenges with the land application processes in terms of delays between the local and district level, although newer efforts are taking place to digitize land records. In

addition, many women were often unaware of their housing or land rights at the national level (SWID,2013).

Findings also indicate that because the majority of women within Jinja district remain illiterate this exacerbates the ignorance of land rights which combines with their lack resources to claim their rights, and experience of internalized discrimination. Previous studies have also uncovered the fact that women often had a fear of courts and police and did not view these institutions as being of service to them (EWPIR Evaluation Report, 2012). Clearly there was also limited participation of women in decision making bodies on land tenure issues. If justice for women and children within the formal legal framework can be provided then there needs to be a strategy to advocate to bring about changes in relevant legislation and government policies as well as building capacity of law enforcement officials within the selected areas so that they can enforce and implement fair judgment on cases handled.

### **Solutions of SWID**

Programming at SWID has aimed to enhance women's control over land; not only based on the important role they play in agricultural production but also because control of land is essential for women to live with dignity. Having women's names on certificates of title to land not only protects them from relatives and in-laws who would grab the land, a common practice in Uganda, but also enables them to have access to credit.

### **The Revolving Loan Fund**

One of the important initiatives started by SWID which has been instrumental in helping to facilitate women's access to land in the community was the Revolving Loan Fund project launched in 2003. The central aims of the project were not only to increase opportunities for people to gain greater economic freedom, but also to strengthen women's groups and savings associations to enable them to provide increased capacity for women to borrow and undertake more financially viable enterprises and increase their income. In addition the objective was to strengthen women's groups' capacity to access land and building financiers by providing trainings to facilitate the group's negotiation for a credit guarantee fund with banks, micro credit institutions, government and donors.

The project involved a cyclical or rotational borrowing strategy whereby a cluster of members involved access a loan as a group, with their loan repayments then lent out to another cluster. In other words, money borrowed by group members is actually their savings which rotate around members in the form of loans to help improve the poor financial standing of the group. The borrowing or group lending criteria is based aggregate personal savings performance. The person is expected to have 20% saving before accessing a loan. The loans are specifically geared towards securing land and housing as well as boasting individual businesses. Because of the saving and loan scheme women were also able to lobby for funds because of the strong foundation within the saving capital, and it was possible to receive additional funding to boost the loan fund from Comic Relief, a British based charity, in 2007. This resulted in an expansion of beneficiaries from thirty members at the start to as many as three hundred grassroots women.

Almost 120 women of one of SWID's Core Group have benefited from the revolving loan fund and achieved security of land tenure therefore reducing eviction pressures, improving shelter, and the ability to meet basic needs such as improved access to water and roads. In addition, another twelve women from the Practical Rural Women's Association, an affiliate group to SWID, have also benefited through acquisition of land for housing construction at a cost of ten million which was eventually paid back. The fund also enabled women to engage a surveyor to demarcate the land so that each of them gets ownership individually. This was through borrowing approximately four million shillings specifically for surveying purposes which was also eventually paid back with interest of 2% within the relatively short period of four months.

Through the project, over one hundred women acquired important knowledge through capacity building in savings and loan management, governance skills, record keeping, business management and business plan geared towards self-reliance. Over two hundred women have acquired loans that have allowed them to not only to purchase land and start on housing construction but also to boost businesses which improves not only their general livelihood but also overall health, particularly for those living with HIV/ AIDs (PLWHA) who have been able to get medication to improve their nutrition status and pay their children's school fees. In fact, twenty children from SWID member's families have been able to graduate with diplomas and degrees which has also helped improve family status. Currently, there are 120 women still in the process of paying for the purchase of their land and houses as well as processing their land titles. The fund has also increased community stability by reducing the numbers of speculators who were buying out women for "peanut" fees and then reselling for large amounts to the rich with the sole aim of obtaining a great deal of money. At the current time, women are no longer so easily selling their lands or plots because they now have increased purchasing power and now have more of a voice to fight for their rights.

This project has also helped reduce the level of stigma and discrimination against women and enhanced unity among women members which was less frequently present before the project began. Previously there was much more discrimination and women could not mix or process loans easily. The project also increased the recognition and visibility of SWID as primary champions on women's land and inheritance rights. There was also a new level of global recognition of the work at events such as the Commission on the Status of Women through elevation of the "Financing Affordable Housing" campaign.

It is also important to recognize however that the revolving loan fund had to overcome a number of major challenges, many of which still remain today. One of the most critical was the overwhelming number of women needing loans to boost their agro- or petty business or purchase land and commence housing construction.

This campaign entitled "*The Road to Acquisition of Land, Titles and Housing by Grassroots Women*" has been found to have resulted in a 9.1% increase among participants who were able to improve on their shelter. A final accomplishment has been change at the individual level in terms of improving women's sense of confidence, negotiating capacities, participation in community development forums and interaction with local authorities. (Nangobi J., 2012)

## **Increasing Transparency and Service Delivery**

Another more recent initiative subsequently launched by SWID had the objective of increasing transparency and service delivery. The “Transparency and Accountability Initiative: Empowering Grassroots Women to Reduce Corruption and Strengthen Democratic Governance” came about as a result of a partnership between the Huairou Commission, (the grassroots Global network of networks) with UNDP’s Global thematic Program on Anti- corruption for Development Effectiveness (PACIDE). The project was influenced by the results of the “Seeing Beyond the State” study in which SWID was one out of the 32 working groups that was mobilized to collect data to understand how corruption in specific sectors affect grassroots women. This was done in five countries to raise awareness about corruption and to help map and monitor land titling, urbanization policies, sanitation, water, national identification document delivery and healthy budget implementation.

The project activities helped SWID grassroots women to strengthen partnerships with local authorities, empower communities to understand and monitor services to which they are entitled, improve service delivery across a number of sectors/institutions and increase transparency, as well as increase the participation of grassroots women in local decision making spaces which have greatly advanced the campaign’s action plan goal 3 which reads “To ensure accountable, effective and transparent governance institution and leaders in areas of policy making, programming service delivery and distribution of resources.” The activities of the project also contributed to increasing grassroots women’s informal leadership and participation in development decision making processes embedded in project Goals 1 and 2.

Understanding the context for the project necessitates a brief introduction to facts outlined in a variety of recent reports highlighting problems of corruption related to land throughout the country. For example, Transparency International reported that the country had the highest level of corruption in the region in 2012 and identified land services as the fourth most corrupt sector at that time (TI, 2012). The organization went on to document the fact that their surveys found that many households across the country indicate that interaction with land authorities was an area where bribes are demanded for favorable decisions, with 45% of respondents rating this as a ‘very serious problem’ in 2009 (Transparency International, 2012, 2009).The Bertelsmann Foundation (2012) previously reported on problems such as fraudulent land titles and land registry offices. Indeed, the World Economic Forum Business gave property rights protection a score of only 4.1 on a 7-point scale (with 1 being 'very weak' and 7 'very strong') (World Economic Forum, 2012; Business Anti-Corruption Portal, 2014).

The project in Jinja was initially moved forward through formation of a coalition of 13 community based groups that was formed to champion the process. The project grew over time to have three important components including community mobilizing, community mapping and advocacy through local to local dialogues.

The process started in March 2013, when 50 community members were purposively identified from within the SWID target areas and invited for a meeting. This meeting was facilitated by two consultants, who had a clear understanding of the different tenure systems in Uganda and were able to explain the systems in depth. The consultants had conducted earlier investigations documenting the current process of acquiring a land title. The land office had for two years been undergoing a digitalization exercise, as part of the government’s plan to implement an e-

government structure designed to improve efficiency in delivery of public services. The system is perceived to cut the processing time for a land title from 14 days to ten minutes in the six pilot zonal offices that is Kampala, Wakiso, Masaka, Mukono, Jinja and Mbarara to serve the public to reduce the long queues at the Ministry.

Community members present were taken through a flow chart process so that they could gain a better understanding of each process in acquiring a land title so that at the end they would be asked to actually draw a titling process flow chart. In order to engage women it became clear that it was useful to use simple analogies to help make the issues come “alive”. For example in order to explain navigating the land titling process, members were taken through a typical process of preparing a meal starting with when the idea is conceived to when food is put at table. It was easy for them to relate this to the pictorial flow chart process that was presented again at a later stage and related to concepts introduced at the meeting.

Members were asked to clearly look out, examine and document the steps for and conditions that indicate a need to improve the land titling process including *Bottlenecks* that are points in the process where slows down may be caused by redundant or unnecessary steps, reworks, lack of capacity, or other factors. *Weak links* were mentioned as steps where problems occur because of inadequate training of process workers involved, or because of resources such as equipment that needs to be repaired or replaced, or insufficient technical documentation. Also identified were *poorly defined steps*. These are steps which are not well-defined that may be interpreted and performed in a different way by each person involved, leading to process variation. Finally the *Cost-added-only steps* were mentioned as steps which add no value to the output of the process and should be earmarked for elimination.

Thus this began a discussion of the issue of problem areas, opportunities for process improvement as well as areas for additional advocacy. This approach made it easy to begin to understand how to spot opportunities for simplifying the process to benefit everyone especially grassroots women, refining the process by analyzing decision points, redundant steps, and rework loops. It also helped trigger ideas to improve transparency at land offices. This exercise helped document the main gaps in acquiring land titles in the Jinja District land offices, and provided a background for framing advocacy necessary for each particular kind of land ownership that would not encroach on their rights as grassroots members of the community.

Participants also had a “hands on” introduction to issues related to government openness, information sharing and transparency. Attention was paid to recent efforts by the Ministry of Lands, Housing and Urban Development to develop an Access to Information Manual published in line with the Access to Information Act (ATIA), 2005. The Act was related to provisions of Section 41 of the 1995 Constitution, and the Access to Information Act (ATIA), 2005 which provides for the right of access to information in the possession of the State. Participants were trained on key components of the manual including the fact that it not only provides for the right of access to information but outlines broad categories of information held by the Ministry. This includes information on procedures for obtaining access to information, appropriate contacts for government including the role of authorized officers who coordinate information access initiatives on behalf of the Ministry. This activity was particularly significant because the walk-through of the contents of this manual was provided in a fashion to help many grassroots members better relate to interfacing with government. It helped women understand the

requirements of acquiring a land title in light of what they actually had in their possession and helped justify whether they could actually get a land title. In the discussion a number of other important interrelated issues were discussed including problems related to how to deal with corruption more effectively.

The meeting also launched a discussion about identifying the appropriate persons to organize an advocacy campaigns. It was decided that this would be collectively done within groups identified during the meeting. Participants also began to reach agreement concerning group leadership, with those involved leaving with greater sense of direction in terms of both decisions about formation of a coalition and a focus on future activities to begin more systematic grassroots' documentation of the current legal procedure for securing land with a title deed. It was determined that SWID would help identify community leaders who are allies regardless of their gender as long as they have been identified as champions for women's empowerment to help with future activities.

The next phase of the project encompassed community mapping. During this phase SWID worked more aggressively to map and involve stakeholders concerned with land titling. These stakeholders included the doing the same work on land. This led to mobilization and formation of a coalition of thirteen community organization. These groups represented a wide range of perspectives and included organizations such as Youth with A Vision, Police Wing Youth Association, SWID Core, Pressure from Below, Baidhumbira, Munomukabi, Ona, Mitamu, Mpumudde Women's Group, Practical Rural Women's Association, Kakira Community Initiative for Development, Buwenge Development Group for Women's Empowerment and Budondo Post Test Club. Each of the groups committed themselves to championing the projects goals and objectives by guiding each of their own grassroots members on the land titling process in their own groups. In addition the fifteen community-based groups began to mobilize to raise awareness on corruption with almost forty grassroots women trained to lead the initiative across five sub-counties in the area.

The project then moved on to the important phase of awareness-raising. One key step at this stage was the decision to bring on board a consultant who helped to develop a very detailed, user friendly manual in April, 2013 which detailed the current land titling process, mapped out each step, the relevant offices as well as the documents required and necessary fees. An awareness raising meeting with 100 community members was held in July 2013 to explain the process. The guide helped to provide clear information for women about the current legal procedure for securing land with a title deed; clearly mapping and documenting in manual form a wide range of information including the key actors in the land offices. As part of this stage, SWID helped to document the process of acquiring a land title. The decision was also made that all the groups in the newly forming coalition were to try to master and utilize all the requirements stipulated in the manual and use these as part of interaction with the land offices in efforts for women in the community to try and secure a land title, after which findings would be used to help develop a flow chart highlighting all the process sequences of steps. Since that time, SWID and the coalition have helped to disseminate over five hundred and fifty copies of the land titling manual throughout the community.

The radio also provided another an important tool that was utilized as part of increasing community awareness and involvement particularly through widespread airing of a Sensitization Workshop focusing on the theme of corruption involving one hundred participants in late summer 2013. The radio broadcast increased understanding of the issues, and resulted in follow up by members of the community who returned to the office of SWID for ongoing guidance and assistance on the titling process.

The project continued to focus on advocacy with nearly one hundred members of the community participating in two Local- to Local Dialogue (L2L) meetings with local authorities about the issues of concern. L2L Dialogue is a specific grassroots-driven strategy used effectively in many places to transform women's space in the public sphere developed in the internationally based "network of networks" known as the Huairou Commission, of which SWID is a participating group. Adaptation of the L2L Dialogue took place because of understanding the utility of this methodology in empowering women as partners and stakeholders in local development and encouraging participation by local authorities (Stillman, 2011). The process encourages local governments to develop a peer-to-peer attitude with marginalized communities. One of the dialogue meetings involving fifty participants was held in May. 2013 with a second dialogue involving 46 held in July of that same year. One of the goals of local to local dialogues is to stimulate action and follow up with local authorities. As a result of their participation in the dialogue, the Area Land Committee Chairperson made public commitments to take more of a "hands on" approach to help guide women on how to apply for land titles and also gave assurances that land officers will move around the community to clearly verify ownership of land by individuals. The chairperson of Local Council II urged women to always report land grabbing cases to their offices, with cultural leaders in attendance urging women to continue the process of titling to reduce land grabbing and disinheritance.

This phase of the project also helped the women involved interact with different local committees that directly deal with land issues, including the district land board. As a group they have paid required fees, visited the land office and made the necessary submissions that are required for the issuance of a land title.

Although the process is still underway what is left is clearly much more promising than before. It has resulted in numerous partnerships that have been developed between SWID, the local authorities and with other local community based organizations. Thirty-five women have received land title verification in their own names with another 120 women in the process of preparing their land ownership documents which are to be submitted to the land office for verification as part of the continued quest for titles.

### **Challenges and Recommendations**

This project has revealed a number of current challenges which still remain to be worked through. These include;

- One challenging issue concerns the office of the Senior Surveyor who lacks the mandate to give Deed Prints directly from his office, particularly those for the Walukuba Estate,



because they were left in block form. As a result although women apply through his office he then has to get them from Entebbe.

- There are also ongoing problems of document management with particular difficulties associated with efforts to enhance collective gathering and management of members' documents in groups which is part of the project strategy.
- Logistical issues also make it hard to educate people about the importance of keeping records of documents and paying what is known as the Ground Rate on time. In many cases this stems from the historical tendency towards a lack of documented evidence of past payments and agreements.
- Another major challenge relates to the continued complexity of the land titling process since each level is more often more complex than expected. This problem intertwines with SWID's limited staff numbers that sometimes hinders the organizations capacity to help community members process documents or attend appropriate community based trainings. In addition to organizational issues, both time and money also present obstacles to the projects flow. It has become clear that acquiring a plot within the stipulated time frame is generally quite expensive for many grassroots women.
- There are also numerous informal costs involved during the process especially in regard to proof of ownership.
- Finally, one continues to deal with overcoming the mindset of many in the community who still perceive women as threats, with men sometimes discouraging women's efforts to proceed.

## **Recommendations**

We have several useful recommendations and insights for future direction.

- First of all it is clear that additional information on land titling is still critical and must be made available to even more community members.
- We also find that approaching government officials as a group yields more results than women working solely as individuals, which tends to attract corruption. Through collective action grassroots women become more powerful in the face of authority which is an important lesson learned.
- In addition, involving an Area Land Chairperson has helped grassroots women bridge gaps between national level policies, rights and local implementation.
- Once challenged, we find that officials can identify the gaps within the process in relation to the law and address it appropriately. Other members of the community have also clearly gained confidence in the process once the first grassroots group was able to progress and currently more are gathering documents to move forward as a team.
- In addition, more community members have started coming to SWID to ask for help with documents and advice on the titling process. With respect to the issue of corruption, occurrence of this problem during the titling process at the local level is being monitored which has made the process more efficient and less problematic at the district level.

## Conclusion

In Jinja, grassroots women are creating their own opportunities to mobilize and influence through strategic linkages that they themselves define. When faced with choices for new directions relevant to their lives and community, marginalized women may best lead the way towards decisions which provide the most solid foundation for sustainability and lasting impact. In spite of historical injustices and colonial legacies, winds of change are influencing not only government policy but also current practice in the communities we will explore. Mobilization, participation and training are making inroads in practices which have been obstacles for years. We will learn from new steps towards empowerment by women in the Jinja community who are continuing to make strides towards overcoming gender inequality and changing from passive to more active advocates with respect to security of tenure as well as the serious threat to development posed by the recent trends towards climate change.

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