NORMS AND CUSTOMS OF THE BAGANDA ON PROPERTY INHERITANCE AMONG WOMEN AND GIRLS: A CASE OF BUSUJJU COUNTY, MITYANA DISTRICT

BY

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23rd NOVEMBER, 2018
DECLARATION

I, Fiona Nakibuuka do hereby declare that this dissertation is my original work and to the best of my knowledge, has not been presented in any institution of higher learning for the award of any academic qualification.

I have received all the required and necessary supervision. If there are any errors, mistakes, or inadequacies in this dissertation, I alone I am to blame.

Signature........................................ Date 23/11/2018

FIONA NAKIBUUKA
APPROVAL

This dissertation submitted by Ms. Fiona Nakibuuka has been written under my supervision and to my satisfaction. I certify that this work is now ready for submission and the student has my approval as her supervisor.

Signature.......................... Date 26/11/2018

DR. HENRY MANYIRE
DEDICATION

This dissertation is dedicated to my beloved uncle Mr. Walyomu Wilberforce Kaire, my grandfather Mr. Walyomu Wilson, my Mother, Ms. Walyomu Sarah Kitasarah who have enabled me fulfill my dreams.
ACKNOWLEDGEMENT

I would like to express my heartfelt and sincere thanks to my supervisor Dr. Henry Manyire, who persistently encouraged me to put more effort in this work, constant advice and also for his patience. In addition to that, he read and corrected every small mistake that didn’t add value to this work.

Special thanks go to my friends particularly, Ms. Rosemary Amony and Ms. Bua Martha. I am confident that your constant care, support, advice and love will propel me to a brighter future. I appreciate the contribution of my lecturers who provided me with the knowledge to carry out research and write this dissertation.

I wish to thank all the respondents from the district of Mityana where the research was conducted especially women and young girls of Busujju County for taking time off their busy schedules to interact with me.

It is not possible to mention all individuals who contributed in one way or the other towards the completion of my studies, but I do appreciate everyone’s support.

Above all, I give glory to God, without him nothing could have ever been achieved.
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ABBREVIATIONS AND ACRONYMS

AIDS: Acquired Immune Deficiency Syndrome
AMFIU: Association of Micro Finance Institutions of Uganda
CADER: Centre for Arbitration and Dispute Resolution
CEDAW: Convention on the Elimination of all forms of Discrimination against Women
FGDs: Focus Group Discussions
FIDA: Ugandan Association of Women Lawyers
HIV: Human Immune Virus
ILO: International Labor Organisation
JLOS: Justice, Law and Order Sector
MDGs: Millennium Development Goals
MFPED: Minister of Finance, Planning and Economic Development
NAADS: National Agricultural Advisory Services
NGOs: Non-Governmental Organisations
PEAP: Poverty Eradication Action Plan
SDGs: Sustainable Development Goals
UDHR: Universal Declaration of Human Rights
UIA: Uganda Investment Authority
URA: Uganda Revenue Authority
UWEAL: Uganda Women Entrepreneurs Association Limited
VAT: Value Added Tax
ABSTRACT

This study sought to assess the norms and customs of the Baganda on property inheritance among women and girls. The specific objectives of the study were: to establish the influence of customary norms and practices on inheritance of property among women and girls; to examine the gendered impact of norms and customs of the Baganda on property inheritance among women and girls and to identify ways in which norms and customs of the Baganda on property inheritance among women and girls can be engendered. The study was conducted in Busujju Sub-county, Mityana district among women and girls. Busujju County was chosen because of the socio-economic status of the people that forces them to depend on farming (UBOS, 2014). 80% of the Ugandan population lives in rural areas where they practice farming (UBOS, 2014) and out of that population, majority (57%) are women (UDHS 2011). Thus this necessitated covering the unique experiences of rural women who predominantly rely on land and other related resources to practice farming that majority acquire through inheritance (Deere & Doss, 2008). Qualitative methods of data collection were used thus the study was purely qualitative in nature. Primary sources obtained from the field included personal interviews, questionnaires, focus group discussions, in-depth interviews, key informant interviews and observations. Qualitative methods of data collection were employed to come up with a clear understanding of the experiences of women and girls in relation to inheritance of property, challenges faced and their current position in the society. From the primary data collected, the study established that there is relative change in inheritance of property among widows and daughters of the deceased. On the practice of widow inheritance, though some respondents indicated instances of widow inheritance, majority noted that due to HIV/AIDs, this practice is ceasing completely. Majority respondents indicated that boys or men are made heirs whereas girls and women normally take on the role of ‘Lubuga’ charged with the caring role within the bereaved homestead. Findings further revealed that some women inherit property though still under the threat of losing it to their brothers or other male relatives. Customs and practices showed that women and girls are considered as appendage to men basing on the relationship they attach to each other, as either a wife, mother or sister. There is need to enforce inheritance rights and sensitise societies about the importance of women and girls’ inheriting property.
CHAPTER ONE
INTRODUCTION

1.0 Background

Lack of land tenure affects millions of people across the world, women face added risks and deprivations in Africa and Southern Asia (World Bank, 2001). Women are systematically denied rights to own, control or inherit land and other properties. The vast majority of women cannot afford to buy land and usually can only access land and housing through male relatives which makes their security of tenure dependent on good marital and family relations. At the same time, millions of women in Asia, Africa and Latin America depend critically on land for their livelihood. Gender disparity exists in much of the developing world regarding education, health, income, asset ownership, labour markets, and participation in public and private decision making (World Development Report, 2012). As a result, promoting gender equality and empowering women is of prime importance and features as one of the seventeen Sustainable Development Goals (Open working group proposal for SDG, 2015). Over the years, several programmes and policies have been implemented to increase women's access to rights, resources, and having a recognised voice (World Bank, 2001).

In developing regions, women’s access to own cash labour income and financial services is systematically low (ILO, 2007). This is as a result of the existing statutory and customary laws which continue to restrict women’s access to land, assets and other resources (United Nations, 2015). Furthermore, it’s noted that in some countries, although laws provide for gender equality on inheritance for the overall population, discrimination is still in practice among some groups of population particularly women, children and the disabled (United Nations, 2015). In majority of the cities of developing world, more than half of urban populations live in slums and informal settlements characterised by substandard housing, without basic services and without enjoyment of their human rights to land and adequate housing (Cooper, 2010). Women headed households form a high proportion of the population in many of such settlements.

Inheritance is a key means of acquiring assets, yet there is little information available on the patterns of asset inheritance disaggregated by sex, especially in Africa. The male landholder as
the household head is assumed to be the primary decision maker in matters regarding land use and land transfers. The term inheritance refers to the transfer of the unconsumed material accumulations of previous generations to new generations (Asiimwe, 2009). It involves transfers of property such as cattle, land, plantations, buildings and many others to beneficiaries, wives in cases of death of any of the parents especially the father. The degree to which inheritance is done across generations determines one's economic status in the society (Asiimwe, 2009).

Gender disparities in poverty are rooted in inequalities embedded in access to economic resources (Ngome, 2003). In many countries, women continue to be economically dependent on their spouses (Esther Boserup, 2011). Lower proportions of women than men have their own cash income from labour as a result of the unequal division of paid and unpaid work. In developing countries, statutory and customary laws continue to restrict women’s access to land and other assets, and women’s control over household economic resources is limited (Rugadya, 2004). In nearly a third of developing countries, laws do not guarantee the same inheritance rights for women and men. In addition, half of the countries in developing world have evident discriminatory customary practices against women. One in three married women from developing regions has no control over household spending on major purchases, and about one in 10 married women is not consulted on how their own cash earnings are spent (World Bank, 2014).

Although women and men are both in informal employment, women are often concentrated in the more disadvantaged categories of employment, such as domestic workers, piece-rate home-based workers and assistants in small family enterprises, all of which are among the most vulnerable and lowest paid types of informal work (United Nations, 2015). A large share of domestic workers, who are frequently excluded from the scope of labour laws or are only covered by less favourable legislation, are women. Globally in 2010, 83% of domestic workers were women, slightly lower than the 86% in 1995 (United Nations, 2015).

It is increasingly being recognised by researchers and donors that access to, and ownership of assets is critical for increasing productivity, especially agricultural productivity and for enabling people to move out of poverty (Nsubuga, 2007). Most of these analyses have used the household
as the unit of analysis (Nsubuga, 2007). However, households are not static but are formed and dissolved in part due to economic and social circumstances. Thus, it is important to look beyond and within the household as the unit of analysis to understand the relationships between poverty and asset ownership.

The Baganda (plural: Baganda; singular Muganda), are a Bantu ethnic group native to Buganda, a sub national kingdom within Uganda. Traditionally composed of 52 clans (although since a 1993 survey, only 46 are officially recognised), the Baganda are the largest ethnic group in Uganda, comprising 16.9% of the population (Nsubuga, 2007). Buganda's clan system is central to its culture (Nsubuga, 2007). A clan represents a group of people who can trace their lineage to a common ancestor in some distant past. In the customs of Buganda, lineage is passed down along patrilineal lines. The clan essentially forms a large extended family and all members of a given clan regard each other as brothers and sisters regardless of how apart they are from one another in terms of blood ties. The Baganda took great care to trace their ancestry through this clan structure (Nsubuga, 2007). A formal introduction of a Muganda includes his own names, the names of his father and paternal grandfather, as well as a description of the family's lineage within the clan that he or she belongs to. The clan has a hierarchical structure with the clan leader at the top (owakasolya), followed by successive subdivisions called the Ssiga, Mutuba, Lunyiriri and finally at the bottom the individual family unit (enju). Every Muganda was required to know where she or he falls within each of these subdivisions and anyone who could not trace his ancestry fully was suspect of not being a true Muganda (Wengi, 2001).
Contemporary gender roles in Uganda are influenced by traditions as well as changing social dynamics. Traditional roles of Baganda women in Uganda are similar to traditional roles of women around the developing world. These roles are largely domestic including housekeeping, child care roles, fetching water, cooking and tending to community needs. As it was in 1980s, women in rural areas of Buganda are still expected to kneel when speaking to a man (Bird, 2007). At the same time, however, women shouldered the primary responsibilities for childcare and subsistence cultivation and in the twentieth century, women had made substantial contributions to cash-crop agriculture (Nsubuga, 2007). While it has traditionally been the role of men to control family financial resources, women provide substantial economic contributions to their families and to the larger Ugandan economy. Many women report they continue to struggle to find employment opportunities (Nsubuga, 2007). Some women leave their communities to find greater employment opportunities. Traditional gender roles that have been largely revitalised by US evangelical influence, assert the role of women as based in domestic responsibilities. Therefore, female employment continues to be stigmatised within Ugandan culture. However, there have been greater initiatives to generate women's employment around the country.
Ongoing adherence to male-dominated traditions of property ownership has generally meant that women cannot take advantage of the wide range of benefits associated with ownership and control of property. Land and other forms of property like livestock and machinery not only provide sustenance, but can be the basis for income generation and are often markers of social status. Furthermore, in many countries, title to land is a prerequisite for securing loans and credit. But most women in Africa and Uganda in particular do not enjoy these benefits due to inadequate information and the prevailing gender bias (Steinzor, 2003). The Ugandan succession Act (cap 162) provides for testate or intestate inheritance. However, there is little awareness and use of the district agents of the Administrator General and the institutional structures at the local level which in effect hinders effective functioning of the legal system. Norms, customs and practices are undocumented and as a result cannot be effectively investigated and challenged when they are brought into play. The courts in Uganda have often nulled some of the provisions of the law that are discriminative as the case was in Law and Advocacy for Women in Uganda v. Attorney General where court held that sections 2(n) (I) ( ii), 23, 26, 27, 29, 43, 44 of the Succession Act were inconsistent with and in contravention of the Constitution.

The Land Act, 1998 (as amended) and the Uganda National Land Policy protects the land rights of women and other vulnerable groups, particularly children and persons with disabilities. At policy level, Uganda has a National Gender Policy, whose guiding principles include gender equality, affirmative action, addressing unequal household and family relations and promotion of GAD and WID approaches.

Placing specific concerns in a human rights framework is useful to NGOs, policymakers, legal professionals and individuals worldwide working to promote women’s property and inheritance rights (UN Fourth World Conference Women, 1995). In recent years, Uganda has taken important steps towards improving women’s property rights (Rugadya, 2004). The idea that an improvement in women’s position relative to men’s is desirable, not only for equity, but also on efficiency grounds, is often advanced as an argument in favor of policies targeted towards women (World Bank, 2001).

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1 Constitutional Petition No. 13/05 & 05/06,
Therefore, this research focuses on assessing the norms and customs of the Baganda on property inheritance among women and girls. Inheritance being a contentious policy issue, there is need to enhance information, dissemination and storage for reference in policy reforms on women’s rights to inheritance.

1.1 Statement of the Problem

The 1995 Ugandan Constitution\(^2\) has several provisions that guarantee equality of sexes, promote affirmative action for marginalised groups, prohibiting laws, cultures, customs or traditions which violate the dignity, welfare or interest of women. Although, matters involving inheritance are fully under the jurisdiction of statutory law as provided under the Succession Act, (Cap 162, Laws of Uganda), in many cases, only a few people are aware of the formal institutions and their mandate over inheritance matters. Many people rely upon traditional institutions especially the clan in matters of inheritance. This is attributed to ignorance of formal institutions and lack of awareness as to their roles (Uganda Law Reform Commission Domestic Relations Report, 2003). Thus people opt to rely on norms and traditions guided by customary law, practices which discriminate against women and girls on property inheritance.

The customs, norms and practices employed are oppressive and discriminatory to women and girls. They fall short of the right standard as set out in the 1995 Ugandan Constitution. The articulation of women’s rights is hampered by customary law, specifically as it relates to women and what they can and cannot own often cited as “Property cannot own property”. This is an often-repeated aphorism in Uganda describing why women cannot own land. It also sheds light on cultural practices in relation to odds with women’s constitutional rights. Customary law in Uganda emphasises past institutional structures relating to land allocation in Uganda and it recognises women as appendages or property (Asiimwe, F 2009).

Scholars like Asiimwe (2009) offer analysis on how women and girls are denied the rights to own property but still those studies did not focus on norms and customs of the Baganda on property inheritance among women and girls. Therefore, in regard to norms and customs of the Baganda on property inheritance, they had not been assessed. This research therefore sought to investigate norms and customs of the Baganda on property inheritance among women and girls.

\(^2\) of the Republic of Uganda, 1995
1.2 General Objective

The overall objective of this study was to assess the norms and customs of the Baganda on property inheritance among women and girls.

1.3 Specific Objectives

1. To establish the influence of norms and customs of the Baganda on property inheritance among women and girls.

2. To examine the gendered impact of norms and customs of the Baganda on property inheritance among women and girls.

3. To identify ways in which norms and customs of the Baganda on property inheritance among women and girls can be engendered.

1.3 Research Questions

This study intended to focus on some research questions that had been generated, for example:

1. What influence do norms and customs of the Baganda have on property inheritance among women and girls?

2. What gendered impact do norms and customs of the Baganda have on property inheritance among women and girls?

3. What can be done to engender the norms and customs of the Baganda on property inheritance?

1.4 Study Scope

In order to assess the norms and customs of the Baganda on property inheritance among women and girls, the study focused on Busujju County as a case study. The study covered women, girls who relate with men either as their husbands, fathers, brothers or sons within their households. The study also focused on individual men and a few opinion leaders as key informants in Busujju County. It sought to understand the Baganda norms, customs and practices on property inheritance for women and girls.
1.5 Significance of the Study

The study seeks to help in empowering women in Uganda in relation to their rights to inheritance of property. The study outcomes will help in improving the status of women in the community through evoking their agency on their rights to inherit property. This study contributes to the body of knowledge on women’s access to and control over land to their socio economic well-being as well as rural livelihood in Uganda. According to the literature, it was observed that, research carried out on land reform policy implementation reveals that the current land administration system has not challenged pre-existing gender biases in actual implementation (Sanchari, 2010).

Study findings give better insights into gender and significance of addressing rural land administration system to ensure women’s equal access to and control over land. The study came up with important recommendations on gender issues to be considered in land policy formulation and reforms that are responsive to the needs of women. This would help policy makers to give emphasis to important gender issues that need to be addressed at the level of policy formulation as well as at the level of implementation. The study also served as an entry point for further research undertakings in areas of women and inheritance of property.

This study intended to research the practices relating to inheritance in order to establish how women in particular are affected upon the death of their husbands and mutual divorce from legal marriages. The study aims at providing information which will facilitate legal reforms, policy improvement and enhance future research that in turn will improve the status of women in Uganda.
DEFINITION OF KEY CONCEPTS

Constitution: The fundamental and organic law of Uganda that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties (Oxford Dictionary, 2012).

Customary heir: Means the person recognised by the rites and customs of an ethnic group or community of a deceased person (Succession Act, Cap 162).

Customary tenure: This is a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons the incidents of which are described in section 33 of the land Act, 1998 as amended (Land Act, 2004).

Customs: An action or way of behaving that is usual and traditional among the people in a particular group or place (Haralambos and Holborn, 2000).

Engendered: This term is used to bring about or give rise to; produce or cause a change for example by bringing on board categories of people who have been marginalised on the basis of history, sex, ethnicity or race (DAC, 1998).

Family: This is the smallest unit of the society. The term is used to refer to a group of people related to each other either by blood or marriage and which has a greater degree of permanence about it than other types of living arrangements (Haralambos and Holborn, 2000).

Gender Discrimination: The systematic, unfavorable treatment of individuals on the basis of their gender which denies them rights, opportunities or resources (Reeves and Baden, 2000).

Gender equality: Refers to equal enjoyment by men and women of socially valued goods, opportunities, resources and rewards (DAC, 1998).

Gender Inequality: This denotes denying women from having the same opportunities in life as men, including the ability related to participation in public sphere (DAC, 1998).

Gender: This is a social construction of masculine and feminine identities, which determines peoples’ entitlements and relationships in households and the wider socio-economic settings (Oxfam 1998).

Gendered: This term is used to mean issues or factors that are characterised or determined by issues of gender (DAC, 1998).
**Intra-House Relations:** The dynamics of how different resources are generated within, or which come into the household are controlled and accessed by different members (Reeves and Baden, 2000).

**Household:** This refers to the basic residential unit in which economic production, consumption, inheritance, child rearing and shelter are organised and carried out (Haddad, 1997).

**Husband:** Means a person who at the time of the intestate death who was validly married to the deceased according to the laws of Uganda or married to the deceased in another country by a marriage recognised as valid by any foreign law under which the marriage was celebrated (Succession Act Cap 162).

**Ideology:** Refers to theory that is out of touch with the real processes of history (Althusser, 1971).

**Inheritance:** This is property received from an ancestor under the laws of intestacy (Succession Act Cap 162).

**Kojja:** Kiganda word meaning maternal Uncle.

**Law:** This is used to mean the aggregate of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action; especially, the body of rules, standards, and principles that the courts apply in deciding controversies brought before them (Oxford Dictionary, 2012)

**Lease Hold:** This is the holding of land for a given period from a specific date of commencement, on such terms and conditions as may be agreed upon by the lessor and lessee, the incidents of which are described in section 3 of the Land Act, 1998 as amended and includes sublease (Land Act, 1998).

**Legal Heir:** Means the living relative nearest in the degree to an intestate under the Succession Act (Succession Act Cap 162).

**Mailo Land:** Means the holding of registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement and subject to statutory qualifications, the incidents of which are described in section 3 of the Land Act, as amended (Land Act, 1998).

**Norms:** This is model or standard accepted (voluntarily or involuntarily) by society or other large group, against which society judges someone or something. An example of a norm is the standard for right or wrong behavior (Haralambos and Holborn, 2000).
<table>
<thead>
<tr>
<th><strong>Patriarchy:</strong></th>
<th>Systemic societal structures that institutionalise male physical, social and economic power over women (Reeves and Baden, 2000).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property:</strong></td>
<td>This is defined to mean moveable and immovable assets (Succession Act Cap 162).</td>
</tr>
<tr>
<td><strong>Senga:</strong></td>
<td>Kiganda word meaning paternal aunt.</td>
</tr>
<tr>
<td><strong>Socialisation:</strong></td>
<td>This involves the inculcation of norms, values (gendered or otherwise) into children, which starts at birth and continues throughout adulthood. Through socialisation, boy and girl children learn to be socially acceptable males and females, as prescribed by their respective societies (Haralambos and Holborn, 2000).</td>
</tr>
<tr>
<td><strong>Succession:</strong></td>
<td>This is the act or right of legally or officially taking over a predecessor’s office, ranks of duties (Succession Act Cap 162).</td>
</tr>
<tr>
<td><strong>Wife:</strong></td>
<td>Means a person who at the time of the intestate’s death who was validly married to the deceased according to the laws of Uganda or married to the deceased in another country by a marriage recognised as valid by any foreign law under which the marriage was celebrated (Succession Act Cap 162).</td>
</tr>
</tbody>
</table>
1.6. Theoretical Frame Work

This study was informed by Cultural Feminist Theory. Cultural Feminist Theory includes theorists like; Akice Echols, Ellen Willis Brook William (Tong, 2009). The theory is based on the idea that in governing society, settlement of conflicts, cooperation, caring, and non-violence beliefs, society seem to be what is expected from women’s or men’s virtues. Cultural feminism is constructed on an ideology of a “female nature” or “female essence” that attempts to revalidate what cultural feminists consider undervalued female attributes. It is a theory that commends the difference of women from men. It is based on the differences between women and men and advocates for women’s independence and institution building.

Margaret Fuller (1845), claims that cultural feminism places women in an overly determined position by what women see as patriarchal systems. Fuller contends that: “Man has said that woman can be defined, delineated, captured, understood, explained, and diagnosed to a level of determination never accorded to man himself, who is conceived as a rational animal with free will”. She argues that cultural feminist interprets woman's passivity as her peacefulness, her sentimentality as her liking to nurture, her subjugation as her advanced self-awareness (Tong, 1989). Margaret Fuller (1845), stresses the emotional, intuitive side of knowledge and expresses an organic worldview that is quite different from the mechanistic view of enlightenment rationalists.

Cultural feminism is used to explain the view that there is a "female nature" or "female essence" which is a related attempt to re-validate attributes ascribed to femaleness. It is also used to describe ideologies that commend innate differences between women and men in societal structures.

Cultural feminism seeks to challenge and overthrow patriarchy by opposing standard gender roles and the male oppression of women and calls for a re-ordering of the society. Early cultural feminism, arising within second wave feminism in the 1960s, viewed patriarchy as the oldest form of domination. Cultural feminists support the theory that due to patriarchy, women have come to be viewed as the “Other”. They locate the root cause of women’s oppression in the male domination, that is, patriarchal gender relations as opposed to legal systems. The theory states that the cause of women’s oppression is biological. Their body is the material base of
reproduction of human beings. It is natural procreative mechanism; its sexuality is controlled by men through institutions of marriage and family. The male culture dominates and oppresses women in socio-economic field. They emphasise institutions like marriage, family all exist to perpetrate the “Sex-role system”. The theory demands change in the organisational sexual culture for example, breaking down traditional gender roles and re-evaluating societal concepts of femininity and masculinity.

1.7 Conceptual Framework

The conceptual framework below illustrates the ideologies governing femininity and masculinity ideologies on practices of property inheritance basing on the study objectives and the theoretical framework. The theoretical explanations given by cultural feminist theory clearly show the influence of norms and customs of the Baganda on property inheritance among women and girls. This conceptual framework shows how the cultural customs, norms and practices as independent variables influence status of women and inheritance practices. Household characteristics as enabling factors result into status of women and inheriting practices as outcomes. These dependent variables help to explain the gendered impact of norms and customs of the Baganda on property inheritance among women and girls as indicated in figure 2 below:
Customs, Norms and Practices
Cultural customs, norms and practices define femininity and masculinity as ideologies describing interlocking sets of practices, beliefs, and mandates that work in tandem to organise and regulate gender-appropriate emotional expressions, behaviours, bodies, and sexuality that are anchored in politics of gender and thus possible to change (Budgeon, 2014; Schippers, 2007). Gender is constituted and organised in a way that characteristics of femininity are undesirable and subordinate to those of masculinity, the latter being more valued, the norm by which all humans are compared, such that men who do not comply are marginalised and women who evidence them are rebuked (Butler, 1990; Rich, 1980; Rubin, 1984). Masculinity and its impact on roles,
preferences, behaviors and prevailing concepts are specific to socio-cultural contexts, but some characteristics tend to cut across in most cultures. Norms of masculinity influence men and boys’ relationships with women, children, and other men. Ideas about men including ideas that men should be strong and tough, take risks, and endure pain to assert their manhood, appear to be nearly universal. A critical characteristic of masculinity is the ability to provide for one’s family. Beyond providing for their households, another prerequisite of masculinity is becoming a husband and father and having control over one’s family. This expectation puts a lot of pressure on men in regions where single men are considered with suspicion or treated differently. Domestic roles are closely associated with women. According to Buganda cultural leaders, boys and girls are socialised differently on their productive roles. Out of school, adolescent males are taught and encouraged to become independent, managing their own lives with some material and economic support from their parents, the Baganda have a saying, ‘Abasajja nkoba zambogo zejja zokka mubunnya’ literally meaning that a man has to struggle in life to be independent. Many do pieces of work to earn money to meet their basic needs. On the contrary, girls are socialised to help their mothers with non-paying household chores. Hence, girls cannot be independent economically and materially and have to depend on their male partners for their living and the Kiganda saying that describes all this goes, ‘omukazi akaza lujja ’ literally meaning that a woman is supposed to be at home and serve her husband. Because of this, most female adolescents succumb to their male partners’ sexual wishes in order to gain their support and this makes them vulnerable and dependent on men as husbands, fathers or brothers. In Buganda, boys are socialised to produce, achieve, and perform; tendencies that have implications for independence and accumulation of resources. Families are trained to promote an achievement-oriented masculinity for boys and men, with the goal that males should become providers and protectors. Boys are socialised to be aggressive and competitive which skills that are useful for being a provider and protector as goes the saying, ‘Ennume ekula bigo’ loosely translated- that a man has to struggle in life while socialising girls to be non-violent, submissive and sometimes to accept passively male dominance.

**Inheritance Practices**

Traditionally, in Buganda, the most cherished and valued property is land. It is a symbol of status and wealth. The bigger the acreage, the richer and wealthier the owner is. Registered land and
Kibanja (customary holding) is principally acquired through inheritance. Until recently, only the sons and male relatives could inherit the land. But recently, there have been a few exceptions, where the deceased left instructions in their will, that their daughters should succeed them and get a share of the land. It is a taboo to sell land that was inherited, especially land on which are the burial grounds. As daughters get married, they are deemed to be likely to sell off the land they acquired through inheritance. Wives and children are considered as property. They are not taken as possession but as people for whom one exercises responsibility.

In most customary laws of Uganda, females, namely daughters and widows, do not inherit from their fathers and spouses respectively (Wengi 2001). In Buganda generally, where land is individually owned, such land is generally inherited only by the male descendants or male relatives. Women enjoy only usufruct rights either as wives or daughters. The custom has great impact on women’s inheritance rights because the existing social structures, the clan, the family and value systems, reflect and advance the male dominance in villages similarly in cities. The family as a unit of production and reproduction is therefore structurally and functionally male dominated. Among the Baganda, property is culturally inherited following a patrilineal line (Wengi, 2001). The most important items of property that are highly valued but only inherited by males are land and cattle. Women work on the land but do not own it. Even after death of their spouses, women remain custodians of the land for their male children. This tale gives women usufruct rights over their husbands.

**Household Characteristics**

Housing characteristics reflect the household socio-economic status in Buganda society. Education affects many aspects of life, including individual demographic and health behaviours. Educational level is associated with contraceptive use, fertility, general health status, morbidity and mortality of children. A person’s educational attainment relates directly to his or her economic status. Men are more educated than women in all categories (UDHS, 2011). Ownership and control of assets by women and men influence their individual participation in development processes at all levels. Lack of assets makes women vulnerable to various forms of violence and lessens their decision-making power in the household. Tradition and low economic status limit women’s ownership of productive assets such as land and housing. Ownership of
assets confers additional economic value, status and bargaining power. According to UDHS 2011, there are variations in level of ownership of a house and land. Ownership of a house and land increases with age. The survey further notes that tradition is likely to play a bigger part in asset ownership than the socio-economic status of women. Husbands are the most important decision makers on women’s health, care, major household purchase, and visits to family or relatives.

**Status of Women**

Tradition plays a big role in asset ownership than the socio-economic status of women. Men more than women own a house and land (UDHS, 2011). In most of rural Buganda women do not have property rights and may not inherit property at the death of their husbands or fathers. Even in situations where the deceased husband did not have a son, the heir will either be the deceased’s brother or the deceased’s brother’s son. Much as Uganda’s Constitution provides for equal rights to family property for husband and wife, the cultural norms render this provision ineffective. This situation is further exacerbated by the presentation of women and girls as subordinates occupying traditional roles of child care, nursing and midwifery, cottage industry and market trading in contrast to their male counterparts, who are portrayed in glamorous senior roles. This claim is also echoed by the Human Development Report of 2007, wherein the largest percentage of poor people in Sub-Saharan Africa are women who face gender inequalities such as lack of access to land, credit and training, limited participation in decision making, and more dependent on natural resources for greater caring responsibilities. Customary practices provide for the takeover of a deceased man’s property by his relatives rather than by his spouse or children.
CHAPTER TWO
LITERATURE REVIEW

2.0 Introduction
This chapter presents literature reviewed based on the following themes; inheritance, inheritances practices in Uganda and other countries, political and behavioral economies of inheritance in Uganda, women and inheritance rights in modern society and laws on inheritance in Uganda.

Literature has shown that in many countries, inadequate or discriminatory inheritance legislation places widows in a particularly vulnerable situation with regard to asset ownership. For example, 22 Sub-Saharan African countries do not give widows a right to half the estate. And because the writing of wills is not common in low-income countries, intestacy laws (which govern property distribution on death in the absence of a will) determine the division of the estate. So, widows’ access to property is often reduced, leaving them dependent on the goodwill of male relatives or in-laws with little guarantee of support. Another problem is that plural legal systems often apply to widows’ inheritance, particularly land (World Development report, 2012).

In Botswana, Nigeria, Swaziland, Tanzania, and Togo, customary law prevails over statutory law. And in Zambia, about 90 percent of the total land is held under customary law, which excludes the land from the estate and conveys it only to male heirs. (World Development report, 2012).

2.1 Inheritance
Inheritance is the transfer of unconsumed material accumulations of previous generations. Inheritance is a critical mode of property transfers in all societies. At significant life course transitions such as death, birth, marriage and retirement, individual or group accumulated physical assets are distributed according to social conventions, personal preferences and potentially strategic designs (Cooper, 2010). Such transmission affects the relationships to both productive resources such as land and personal valuables. In African countries and Uganda in
particular, this practice always favours male children who always take the largest share. Daughters and wives take the least share or even nothing (Wengi, 2001). The desperate situation of daughters in Uganda stands as an avoidable obstacle to nation’s continued development.

Wengi, (2001) revealed that inequality in Uganda’s inheritance regime compounds the two greatest challenges facing Uganda today, poverty and HIV/AIDS epidemic. By denying women and girls rights to own and inherit property from their own husbands and fathers, the law robs women of power to make their own economic and reproductive choices and prevents them from actively participating in the countries developing economy. This systematic subordination of women undermines the government’s efforts to eradicate poverty and combat HIV/AIDS by making women financially dependent on men. The inheritance regime lies at the heart of women’s subordination. If the government intends to make progress on these fronts, it must take immediate steps to place women on equal footing with men regarding ownership of property in the community. In addition to that, Uganda’s succession laws in theory apply to any one living in Uganda and all deaths must be reported to the offices of the Registrar and Administrator General which the law are often overlooks (convention on elimination on all forms of discrimination Against women (CEDAW, 1995).

Cooper, (2010) argued that heirs of the deceased frequently do not know about their rights under uniform succession law and therefore turn to customary and religious leaders whose rules though not legally binding are accepted according to the law. On the same note, Rugandya, (2004) found out that many Ugandans do not even write wills because they believe that a will is a precursor to death. This superstitious fear of writing a will coupled with under enforcement of the official law means that in most cases, the distribution of estates is not governed by any official law or instrument. In such cases the act of distributing an intestate’s estate is left to clan elders, religious leaders or relatives (Rugandya, 2004).

Customary law is rooted in tradition of patrilinealism, the idea that the property should remain in the male lineage and be passed from son to son. In a patrilineal society, the father’s family and clan determine a person’s identity and status in a community. A new born child, whether male or
female belongs to his father’s clan. Women are disregarded in matters of property because the
traditional notion is that the men of the community will support the women (Cooper, 2010).
When a girl grows into a woman and marries, she becomes the “property” of the new husband
and any children she has are also considered to belong to her husband. The woman is essentially
“purchased” by her husband’s clan through the payment of bride price or bride wealth, as it is
also known (Cooper, 2010). This practice, which is prevalent in Uganda, is a practice by which
the groom or his father offers wealth (money or other property) in exchange of the approval of
the bride’s father or clan to take her as a wife. The new husband’s clan is then entitled to the
bride’s life time of service for example child bearing, farming and maintaining the household.
The payment of bride price gives the husband proprietary rights over his wife allowing him to
treat her more or less like a chattel. In the case of Mifumi (U) Ltd and 12 others vs Attorney
General, Kenneth Kakuru Constitutional Petition No. 12 of 2007, Justice Twinomjuni, Court of
Appeal (as he then was) in dissenting judgment held that the custom of paying bride price in a
customary marriage is repugnant to good conscience and contravenes article 31(3) and 33 (1) of
the constitution.

2.2 Inheritance Practices in Uganda and Other African Societies
According to Human Rights Watch (2003) widowed women and orphaned children are
particularly vulnerable and prone to lose rights of access to property they enjoyed during the
lifetime of their husbands or fathers. Such alienation from property such as houses, land and
other productive resources, has been linked to economic vulnerability, poverty traps, chronic
poverty and the intergenerational transmission of poverty (Cooper, 2010). Inheritance has gained
profile as a public policy issue in African countries for several reasons. Most prominently,
inheritance has been discussed as part of the larger problem of property rights regimes that are
discriminatory against women (Mbote, 2001).

According to Mbote (2001), some clans in Uganda particularly amongst the Bagisu ethnic group
consider property especially land as the most valuable asset of the community. They settle
disputes and exercise a right of option to buy land offered for sale by a clan member. Land
transactions not declared by the clan were null and void. While the individual had ownership, the
community or clan had grazing rights, free use of water, firewood, clay deposits and grass for thatching.

Among the Masai, property was owned by clans and it was inherited along patriarchal lines. Settlement was determined, by water points and a clan claimed ownership of a particular area based on the availability of water. All members of the clan had access to the water point and surrounding grazing land. The rights to use water resources or grazing areas were passed on from father to son. Women had user rights by virtue of belonging to the clan. The Luo and Kikuyu of Kenya followed similar patterns and land ownership was based on paternal kinship. Women had no disposal rights and no right to land in their place of birth (Wengi, 2001).

Wengi (2001), further revealed that the historical context cannot be fully appreciated without demonstrating how the colonial state effectively legislated patriarchy and excluded women from property ownership through law. Women did not feature in the land allocations with the ironical exception of the Queen of England who was given nine thousand square miles of waste and uncultivated land in Uganda (Tsikata, 2003).

2.3 Political and Cultural Norms of Inheritance in Uganda

As a mode of property transfer, inheritance is highly dependent on social principles and norms. Indeed, inheritance invokes some of the most sensitive political and economic questions in many African societies (Wengi, 2001). This aggregate of divisive issues, as well as the long histories that have infused them, makes inheritance a tremendously complicated and contentious public policy issue in many circumstances (www.wikipedia.com/land and inheritance/html). In 2005, there were national referendum campaigns concerning the new constitution in Kenya where they drafted a proposal for the removal of a clause which states that customary law rather than statutory law applies to cases of adoption, marriage, divorce and burial, devolution of property upon death and other matters of personal law (Cooper, 2010). Property rights, through their impact on distribution of wealth, patterns of production as well as development of markets, especially credit markets, have evolved as one of the prerequisites of economic growth and poverty reduction (Jutting, 2009).
Cultural norms influence inheritance of property among women and children in Uganda. Moreover, most of the existing research shows inheritances of property being dominated by the males compared to the females. There is need to understand the impact of property rights, particularly inheritance rights on the rights of women and girls in the community (Sanchari, 2010). Property heirs gain economic security, either in their accumulation of new assets or in the affirmation of their rights to assets they had previously accessed. Other people may lose their previously existing rights to assets as a result of inheritance decisions that exclude them. Inheritance is most often determined through highly localised and subjective interpersonal relations and processes. For example the number and the sex of children among many others. In African societies, inheritance distributions are not commonly done in a formally legalistic way, but rather through intimate interactions among family members such as mutual agreements by the parties involved that is to say the children and the elders of the community (Accettura, 2011).

2.4 Women and Inheritance Rights in the Modern Society

In most African societies especially in Eastern and Southern Africa, the law has not given women like wives and daughters clear mandate to inherit any property from their husbands or fathers. After colonial rule, most of the laws have not been amended to suit the modern equality campaign engineered by men (Sanchari, 2010). Colonialism put pressure on customary laws, practices and procedures relating to marriage to “modernise” and westernise. Legal courts had come up with different views where all citizens were subjected to the customary law despite of religious or cultural belonging (Mbote, 2001).

Mbote (2001) continues to note that for women to understand their status on inheritance of property, one has to know the category of marriage the woman is involved in. In Uganda today, married women have rights to own property within marriage and at the dissolution of marriage (Green, 2004). The view that all property owned by a party to the marriage belongs to both parties still holds and it is only when a marriage relationship turns sour that the law comes in to determine what each party to a marriage owns (Mbote, 2001). When courts are invited to decide on customary matters, witnesses and experts of customary law are invariably men. This has ensured that the views of customary law that find their way into courts are male-centered and female views are rarely, if at all heard. Since these courts are bound by the doctrine of precedent,
their rulings on such matters binds all subsequent courts perpetuating the dominance of male perceptions of customs (Jutting, 2009).

Jutting (2009), further states that one cannot look at the effect of colonisation on women’s lives without linking it to capitalism for the two operates hand-in-hand in marginalising and downgrading women both in the family and the market place. This has influenced the law of marriage and inheritance to a significant extent. Inheritance was about property but colonialism changed the mode of property transfer to a significant extent. The introduction of new notions of property rights holdings and new types of property like houses changed inheritance patterns significantly. These changes should have opened avenues for women to inherit property but have not significantly done so due to prevalence of notions that preclude women from inheriting property (Mbote, 2001).

2.5 Uganda’s Laws on Inheritance

Article 21 of the 1995 constitution guarantees equality and freedom from discrimination based on sex, race, color, ethnic origin, tribe, birth, creed, or religion, social or economic standing, political opinion or disability. Article 31 guarantees the right of family. Article 31 (1) (a) and (b) state that women and men are entitled to marry if they are of age and have equal rights at and in marriage and at its dissolution. Article 31(2) mandates parliament to make laws for protection of the rights of widows and widowers to inherit property of their spouses and to enjoy equal rights over their children.

The law of intestate inheritance in Uganda provides that a widow (or widows in polygamous marriage) is entitled to only 15% of the value of deceased’s estate, a customary heir, who preferably should be male, takes 1%, dependents get 9% and all children are entitled to 75%(Succession Act 162). This distribution is not equitable in a view of constitutional provisions of equality in marriage, during and at its dissolution. The law stereotyped that males can be heir to deceased males of patrilineal linage. Women and girls were not seen to inherit any property most especially land which is a valuable resource for economic independence of women. In this case of Law and Advocacy for Women in Uganda V Attorney General (Constitution Petition No. 5 of 2006). The distribution formula in the Succession Act Cap 162 was struck down and
declared unconstitutional. Court noted that the allocation of 15% to surviving spouse in intestate succession effectively discriminates against women. However, it is important to note that, although this provision of the succession Act Cap 162 were nullified, they are still followed in the distribution of property. A review of a case in the Eastern and Southern Africa indicates a conscientious departure from discriminatory and customary laws of succession and inheritance. In Ephraim V Pastory Jaizingele (1990) LRC 757 (TZ), the Tanzanian High Court held that a local custom prohibiting females from inheriting and administering clan land was discriminatory on the basis of sex and therefore contrary to the Bill of Rights and Principles of the Universal Declaration of Human Rights (UDHR).

The dual application of both statutory laws and customary laws enhances inequality in inheritance practices in Uganda despite the fact that the 1995 of the Republic of Uganda has been commended for being one of the most gender sensitive Constitutions worldwide. Article 21 of the 1995 Constitution stipulates that all persons are equal before and under the law and shall not be discriminated against on the ground of sex. Article 33 guarantees rights of women, it reads:

Article 33. Rights of women

(1) Women shall be accorded full and equal dignity of the person with men.

(2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.

(3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

(4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

(5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
Under article 31 (1) (a) and (b) of the 1995 Constitution men and women of age of 18 and above are entitled to found a family and to equal rights at and in marriage, during marriage and at its dissolution. Article 31 (2) mandates Parliament to make appropriate laws for the protection of the rights of widows and widowers to inherit property of their deceased spouses and to enjoy parental rights over their children.

Parliament is required to make laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses (1995, Constitution). The constitutional provisions also provide for the emergence of the family and not the clan or kinship community as the focal unit of production, ownership and management of resources (Rugadya, 2004). According to Wengi, (1996), Uganda in realizing these objectives that the Constitution provides for positive discrimination of groups that are disadvantaged by reasons created by history, tradition or custom. The constitution also enfranchises all bona fide occupants of land even if such land is under mailo or freehold tenure. In so doing certain categories of squatters could acquire registerable interests and customary tenants may get title deeds. These far reaching provisions reconstruct resource management by state intervention and attempt to empower persons otherwise dispossessed by the rise of private rights in land since the colonial days.

2.6 Women’s Participation in Agriculture

Land is the most important resource in Uganda because people depend on it for cultivation and therefore their livelihood. In Uganda, as elsewhere in the world, unequal access to land is one of the most important forms of economic inequality between men and women and has consequences for women as social and political actors (Agarwal, 1995). Women provide 70-80 percent of all agricultural labour and 90 percent of all labour involving food production in Uganda, yet they own a fraction of land. Similar patterns are found elsewhere in Africa. Women are generally responsible for the household, therefore their access to land for food production is critical to the welfare of the entire household. Even women who want to get into business need land as collateral to obtain лак loans. Since are completely dependent on men to access to land, women who are childless, single, widowed, disabled, separated/divorced, or with only female children have often little or no recourse because they may have no access to land through a male relative.
Working in fields, factories, and home-based businesses across the globe, women are key producers of food and goods. As such, they play a critical role in the sustenance of their families, communities, and nations. Globalisation and industrialisation have brought increasing numbers of women into waged labor sectors; today, women make up one-third of the formal labor force in most regions of the World (UNCHS, 2009).

Despite these patterns, the UN report (UNCHS, 2009) estimates that women own only one-to-two percent of all titled land worldwide. This lack of control over immovable property, such as land and houses, is mirrored by gender based inequities in ownership of movable property like businesses, equipment, furniture, clothing and personal items, household goods, and capital (UNCHS, 2009).

While traditionally, women in East Africa merely had access to land through male relatives, social rules guarded against exclusion of women from land (Cooper, 2010). Colonial influences such as individualization of land tenure and changing gender relations contributed to an erosion of the traditional protection mechanisms. Women’s position became more vulnerable (Sanchari, 2010). More scholars suggest that the importance of securing women’s property and inheritance rights has been recognized in a growing number of national laws, as well as in international legal instruments in the context of both development and equality; for example, in the International Covenants on Economic, Social, and Cultural Rights and on Civil and Political Rights and the Platform of Action adopted at the 1995 Beijing World Conference on Women (Bird, 2007).

Much as there are many scholars who have written on women and inheritance of property, there are many women in Uganda who have no access or rights to claim or inherit property even when they have families or responsibilities (Bird, 2007). Therefore this research is set to assess the norms and customs of the Baganda on property inheritance among women and girls.

2.7 Conflict over Customary Arrangements and Women Land Rights in Uganda

As elsewhere in Uganda, prior to the introduction of the statutory law of inheritance during the colonial period and its subsequent application to the African population in 1972, matters of inheritance and practices of the people were not considered (Rugadya, 2004). As societies evolved, so did some customs in response to the changing socio-economic milieu. One such
feature appears to be gender based discrimination which adversely affects women in particular ways. Traditional inheritance customs are more in favor of the men than women as part of gender societal discrimination against women (Kamusiime, 2004). The introduction of a cash economy by the British Colonialist radically transformed the social and economic structure of Uganda. The new colonial legal system completely altered the pre-colonial customary regime. Nonetheless in practice to date, the statutory laws relating to inheritance appear not to be followed and most of the population applies customary laws (Whitehead, 2003). This practice has not changed though women have come out to claim or fight for their rights.

Land is a very important factor of development considering that Uganda’s economy heavily depends on agriculture. It is hence important that every individual should actively and freely have a right to own land. The Constitution of the Republic of Uganda article 26 clearly provides that, every person has a right to own land either individually or in association with others and this is further affirmed by the court ruling in Ostraco v. AG High Court Civil Suit No. CC-CV-CS-1380 of 1986, where it was held that it is an exclusive right for every individual to own property without any hindrance.

The law has generally taken a huge stride in ensuring protection of property rights of citizens in Uganda and this led to the passing of the Uganda Land Act Cap, 227 (as amended) has been tremendous achievements. The introduction of the Land Act Cap, 227 revolutionarised land rights in the country and for the very first time in Uganda, customary land tenure was legally recognised as a system of land holding. This implied that people especially in rural areas could own land without necessarily registering it. This was seen as a breakthrough in helping realise their right to ownership, use and dispose of land.

Today, a number of courts in Uganda have made decisions to reflect a huge step in the same direction. For instance in the case of Adong Simon and Others v. Opolot David Soroti Civil Appeal No. 46 of 2013 where court held that a widow had right to dispose of land she inherited from her deceased spouse and when cited with article 31 of the Constitution which confers equal and similar rights to married parties at marriage, during marriage and at its dissolution. In Ebiju and Anor v. Echodu Civil Appeal No. 43 of 2012 where court held that Angwendo was entitled
to benefit from her late husband’s estate together with her daughters. However, despite such efforts, women still hold a considerably low amount of land.

In 2013, when the Uganda National Land Policy was introduced, one of the key issues it pointed out that needed immediate redress was the need to strengthen women’s land rights through enactment of provisions promoting the regime of marital property and joint ownership of land and property for married parties. Although the Land Act introduced the era of owning land customarily, this was more harm than good. Customarily, women do not own land. In Buganda, traditionally women do not inherit land from their fathers or spouses though the trend is changing. It is only the male children that inherit land. Women can only be assumed to own land when they are being allowed to cultivate on it and this only happens when there is a good relationship with their husbands. If one’s husband passes away, her rights to use the land would cease. Therefore, with the new system of customarily owning land, it ensured that women would continuously be discriminated against without any restrictions and furthermore that the courts that were to settle disputes regarding land were bent to siding with the males as opposed to the female. This meant that women were never to get justice at all and that their land rights would continue to be violated and this partly explains the unbalanced ownership of land.

According to the United Nations Human Rights Council Report on discrimination in Uganda 2011, it noted that there is inadequate willingness on part of the government to implement laws that promote women land rights. An example is in the case of Law and Advocacy for Women in Uganda vs. AG where court held that sections 2(n) (I) (ii), 23, 26, 27, 29, 43, 44 of the Succession Act and Rules 1, 7, 8, and 9 of the Second Schedule of the same Act were inconsistent with and in contravention of Articles 20, 21, 24, 26, 31, 33, and 44 of the 1995 Constitution and hence null and void. However, despite the landmark case, parliament has not taken steps to repeal the said provisions of the Succession Act.

However despite all these Constitutional provisions and policy frameworks, the status of women is still low. Facts on the ground are quite different and in contravention of the constitutional provisions of gender equality. The articulation of women’s rights is hampered by customary law, specifically as it relates to women and what they can and cannot own. “Property cannot own property” is an often-repeated aphorism in Uganda describing why women cannot own their own
land. It also shed light on cultural practices at odds with women’s constitutional rights. Customary law in Uganda defines past institutional structures relating to land allocation in Uganda and it recognizes women as labor or property (Asiimwe, F 2009).

### 2.8 Conclusion

Literature has shown that women in many parts of the world continue to face discrimination in access to land, housing, property and other productive resources and have limited access to technologies and services that could alleviate their work burdens. Unequal access to resources limits women’s capacity to ensure agricultural productivity, security of livelihoods and food security and is increasingly linked to poverty, migration, urbanization and increased risk of violence. Population growth, climate change, the spread of markets and urbanization have created new opportunities and new challenges in women’s access to land, housing and other productive resources.

From the literature reviewed, it is evident that gender inequality in access to land and property is substantial due to discriminatory inheritance practices, unequal access to land markets and gender-biased land reform. Some progress has been made in legislative reform, but implementation is hindered by sociocultural norms and women’s lack of knowledge of their entitlements. Socio-economic contexts determine the appropriateness of different types of rights to land and property—including Individual rights, joint-titling and group rights. Continued efforts are needed to promote gender sensitive legislation, enforce existing legislation, make judicial systems more accessible and responsive to women, and provide legal aid to women seeking to claim their rights.

Land reform processes, such as land-titling projects and resettlement schemes, can play an important role in addressing inequalities in access to land and property. Land markets have, however, not been an effective means of transferring land and property to women in many parts of the world.
CHAPTER THREE
METHODOLOGY

3.0 Introduction
Methodology are tools, instruments, approaches or techniques used in collection and analysis of data (Kumar, 1999). This chapter presents the research design, study area, study population, sample size and selection, methods and tools of data collection, data management and analysis, limitations of the study and ethical considerations.

3.1 Study Design
The study was qualitative in nature using a case study approach. It employed multiple sources of evidence to assess norms and customs of the Baganda on property inheritance among women and girls. Further still, the fact that the questions used in the study were semi-structured, this made the design to be relevant. Also, the fact that there was an extensive in-depth description of some phenomenon, in this study, the case study design was equally appropriate. This brought deeper insights and better understanding of how norms and customs influence the inheritance of property among women and girls in Uganda.

3.2 Study Area
The study was carried out in Busujju County, Mityana District. This area was chosen because of the socio-economic status of the people living in Mityana District. 80% of the Ugandan population lives in rural areas where they practice farming (UBOS, 2014) and out of that population, majority (57%) are women (UDHS 2011). Thus this necessitated covering the unique experiences of rural women who predominantly need land to practice farming and land being a resource that majority acquire through inheritance (Deere and Doss, 2008).

3.3 Study Population
The target population included female participants who either lost one of their parents or a husband thus were eligible to inherit property and a few men to avoid female biased responses. The targeted population was purposively selected, in order to focus on norms and customs of the Baganda on property inheritance among women and girls. Women councilors at the Sub-county
level, recognised Buganda cultural leaders (Mutubagu 1) of Sub-Counties and the Saaza (County) cultural chief (Pokinno) of Busujju in the Buganda kingdom were interviewed as key informants.

3.4 Sample Size and Selection

The researcher used purposive sampling and snow ball methods to get a representative sample for the study. Purposive sampling helped to identify participants who either lost one of their parents or a husband. The snow ball method was used to identify location of participants. Though the study was basically for women and girls, some men were also included as participants to avoid female biased answers thus making the study balanced. Two Focus Group Discussions consisting 8 members each were conducted with women who were eligible for the study’s topic. Focus groups were conducted in order to get in depth understanding of the study.

3.5 Methods of Data Collection

Qualitative methods were used to assess norms and customs of the Baganda on property inheritance among women and girls. These included; reviewing of secondary data, interviews with the participants using interview guide, key informant interviews using key informant interview guide and Focus Group Discussions using Focus Group interview guide. This helped the researcher to interact directly with the participants. The researcher was the facilitator during the group discussions. Recorded interviews were transcribed and narratives are reported.

3.5.1 Reviewing of Secondary Data

Secondary data sources mainly official policy documents were reviewed and analysed for contextual information in order to get more insights on issues of inheritance. The researcher also reviewed the Uganda Constitution (1995).

3.5.2 Surveys

Surveys in qualitative research are usually wide ranging, probing in detail. One useful technique is the critical incident study, in which participants are asked to comment on real events rather than generalizing views. This reveals more about beliefs, attitudes and behaviour. The researcher was able to obtain more detailed information.
3.5.3 Key Informant Interviews

Eleven key informant interviews were conducted with some opinion leaders using interview guide for key informants. These included; 5 women councilors at the Sub-county level of Banda, Maanyi, Butayunya, Kakindu and Malangala respectively, 5 Buganda cultural leaders (Mutuba 1) of Banda, Maanyi, Butayunya, Kakindu and Malangala Sub counties and the Saaza chief (Pokinno) of Busujju County in the Buganda kingdom were selected purposively. They were thought to be knowledgeable on the norms and customs of the Baganda on property inheritance among women and girls.

3.5.4 Focus Group Discussions (FGDs)

Focus Group Discussions (FGD) are qualitative research methods. Two Focus Group Discussions were conducted as means to collect qualitative data using FGD Guide. Each FGD comprised 8 women. This approach was considered favorable for the study because it helped to identify trends and patterns in perceptions on how norms and customs influence the inheritance of property among women and girls. It also gave an opportunity to the researcher to interact with many participants at a time. Focus Group Discussions also enabled the researcher to gather large and rich information at ago. Selection of these participants was based on having certain characteristics in common that relate to the study topic, most especially cooperation and willingness to participate in the FGD.

3.5.5 Interviews

In-depth interviews use the same principles as focused group discussion, but subjects were interviewed individually by the researcher. Interviews in qualitative research are usually wide ranging, probing in detail. One particular useful technique is the critical incident study, in which subjects are asked to comment on real events rather than giving generalisations. This can reveal more about the norms, customs, beliefs, attitudes and behavior. The research was able to obtain more detailed information for subject, but loses the richness that can arise in a group in which people debate issues and exchange views.
3.5.6 Case Studies

Three case studies of women were conducted for intensive analysis. Case studies examined emerging themes around Baganda norms and custom on property inheritance. Particular attention was paid incidents when the father dies and how property is distributed among the children, what influences the patterns of distribution, the kind of properties women/men and boys/girls get. Participants narrated their ordeals and experiences that they had gone through at the death of their spouse, parents among others.

3.6 Data Management and Analysis

The fact that the research was basically qualitative, data was categorised and analysed according to themes of major variables. This was done by reading through the data to obtain the desired information as per research questions and objectives. Then the major issues covered were classified. Themes were identified to obtain the relation among them. Major issues or words used in the study were identified to show how important they are in the study.

All interviews and FGD were tape recorded to ensure that information is accurate. The tape recorded information was transcribed and narrative transcriptions were written out of each interview and FGD. Transcribing was done co-currently with data collection. The interviews/FGDs were conducted in the local language, Luganda and then translated into English. Transcribed interviews and FGDs were then analysed for recurring responses and divergent views in regard to the study objectives. Themes that emerged from the analysis were then presented and discussed using verbatim quotations from interviews and FGD for clarity on the findings.

3.7 Limitation of the Study

Some respondents were not available on the agreed day for the interview. This was managed through making re-appointments and at times the interviewer had to keep waiting for the key informant who would tend to first attend to their subjects who came to them during interviews.

3.8 Ethical Considerations

The researcher collected data after getting a clearance letter from the Dean of the School of Women and Gender Studies Makerere University. The clearance letter introduced the researcher
to the respondents highlighting the purpose of the research and also requesting for their participation. Since property inheritance is quite sensitive in the cultural structures of Uganda, the study was conducted with a lot of care and responsibility. Thus, respondents were informed about the study and the information provided was purely for academic purposes.

3.9 Limitation of the Study

The cost of data collection stretched the researcher financially most especially the cost of transport on boda-boda fares to the different villages (LCs), meals and accommodation for both the researcher and the research assistant.
CHAPTER FOUR
FINDINGS AND DISCUSSIONS

4.0 Introduction
This chapter presents the findings and discussions of the study under themes. It also presents background characteristics of the study respondents. Themes are arranged based on specific objectives that is, influence of norms and customs of the Baganda on property inheritance; gendered impacts of norms and customs on property inheritance, ways in which norms and customs of the Baganda on property inheritance among women and girls can be engendered.

4.1 Background Characteristics of the Respondents
Background characteristics of the respondents included; sex, age, religion, level of education, marital status and occupation. These characteristics were quantified for matters of cross tabulation and percentages are indicated though this is purely a qualitative study as indicated below:

Table 1: Background characteristics of the Respondents

<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Females</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>Males</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age bracket</th>
<th>Frequency</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-24 years</td>
<td>04</td>
<td>13.3</td>
</tr>
<tr>
<td>25-34 years</td>
<td>12</td>
<td>40</td>
</tr>
<tr>
<td>35-44 years</td>
<td>08</td>
<td>26.7</td>
</tr>
<tr>
<td>44+ years</td>
<td>06</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religion</th>
<th>Frequency</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catholics</td>
<td>10</td>
<td>33.3</td>
</tr>
<tr>
<td>Protestants</td>
<td>14</td>
<td>46.7</td>
</tr>
<tr>
<td>Muslims</td>
<td>04</td>
<td>13.3</td>
</tr>
<tr>
<td>Born again Christians</td>
<td>02</td>
<td>6.7</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

**Level of Education**

<table>
<thead>
<tr>
<th>Level</th>
<th>02</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>09</td>
<td>30</td>
</tr>
<tr>
<td>Secondary</td>
<td>08</td>
<td>26.7</td>
</tr>
<tr>
<td>University/Tertiary</td>
<td>13</td>
<td>43.3</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

**Marital status**

<table>
<thead>
<tr>
<th>Status</th>
<th>02</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>18</td>
<td>60</td>
</tr>
<tr>
<td>Widow</td>
<td>02</td>
<td>4.3</td>
</tr>
<tr>
<td>Single (orphans)</td>
<td>10</td>
<td>35.7</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

**Occupation**

<table>
<thead>
<tr>
<th>Occupation</th>
<th>02</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td>01</td>
<td>3.3</td>
</tr>
<tr>
<td>Farmer</td>
<td>14</td>
<td>46.7</td>
</tr>
<tr>
<td>Traders</td>
<td>04</td>
<td>13.3</td>
</tr>
<tr>
<td>Formal Employees</td>
<td>10</td>
<td>33.3</td>
</tr>
<tr>
<td>House wife</td>
<td>01</td>
<td>3.3</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

**Source:** Field work findings, 2017

From the table above, 60% of the respondents who answered semi-structured questionnaires were females and 40% of them were males. These findings clearly show that the majority of the respondents were women and girls.

---

3 A student refers to a person who is school going and still under the care of her parents
4 A farmer is a person who either grow crops, rears animals and carries out poultry rearing
5 Traders are persons dealing in produce sale and retail shops in villages outlets
6 Formal employee means any person employed in Uganda under a contract of service or employed as a permanent and pensionable worker of the government.
4.1.1 Age
Field work findings indicated that the majority (40%) of respondents were between 25 - 34 years, followed by those respondents between 35 - 44 years (26.7%). The least (20%) were between 44 years and plus and 15 - 24 years (13.3%). This implies that the respondents targeted by this study, those between 25 - 34 years are influenced more by the norms and customs of the Baganda on property inheritance. Participants who are in the age bracket of 15 - 24 years were the least influenced because in this age bracket, they are still referred to as girls who can still depend on relatives for both moral and material support.

4.1.2 Religion
In regard to religion, the majority (46.7%) respondents were Protestants (Anglicans), followed by Catholics (33.3%), Muslims (13.3%), and born again (6.7%). This implies that protestant women are influenced by norms and customs of the Baganda on property inheritance more than women in other religious sects. This is because of the norms and stereotypes embedded in different religious sects that shape norms, beliefs and decision-making. They range from choices on who should provide for the home, whether a woman can be a bread winner when the household head passes away (dies), more so whether to educate daughters or sons of the deceased in case resources are scarce. This is in relation to Inglehart and Norris’ (2003) argument that formal religious institutions shape cultural norms, social rules, behaviours and have a measurable impact on the rigidity of gender positions and attitudes.

4.1.3 Education Level
The majority (43.3%) of the respondents had attained tertiary education. They were followed by those who attained primary level (30%). 26.7% of the participants stopped at secondary level. This is good enough to justify that formal education evokes ones agency thus the ability to make meaningful actions. Education is the foundation of rational thinking and it enhances ones’ reasoning and their ability to make decisions. Lack of formal education limits women’s capacity to undertake independent actions including questioning norms and customs on property inheritance.
4.1.4 Marital Status

Findings revealed that 60% of the total respondents were married, followed by those still single (35.7%), 4.7% were widows. This implies that married women question norms and customs on property inheritance more. This is because the inherited property can help them to provide and sustain their households.

Marital partners are important to the issues of asset inheritance in Uganda. The different types of social norms and laws in Uganda influence inheritance patterns for women in unique ways. Further findings revealed that the majority of respondents were married under the customary marriage system. 7% percent reported that they wedded from Christian religion. Less than 3% of respondents were married under statutory law or had wedded from Islam religion. 4.3% were widows and 36% reported that they had never been married.

Customary marriage is typically guided by traditional norms and practices of a community and un governed by national legal statutes on marriage. According to Nsubuga (2007), customary marriage in Africa broadly “provides a framework for attaining wider objectives, beyond the interests of the two parties getting married. These interests include continuation of the lineage group, establishment of alliances and provision of domestic services. Individual interests are viewed within the wider interest of the community. Hence, marriage is considered more of a social rather than legal institution.

Customary marriages are legally regulated by the Customary Marriage (Registration) Act of 1973, Cap 248 whose sole stipulation is for customary marriages to be registered by the government. However, failure to register customary marriage does not invalidate it. The Act does not specifically address the rights and responsibilities of each party in the marriage and is silent on the law and procedures concerning the dissolution of customary marriages (Customary Marriage Act 1973, Cap 248).

In addition, to the Customary Marriage (Registration) Act (1973), Cap 248 described above, is the general law that governs all marriage in Uganda. It provides for civil marriages of all religions and gives legal recognition to customary marriages while making it illegal for an
individual customarily married to contract a civil marriage. In relation to property rights, the Act unfortunately “does not spell out any rights and duties that accrue to spouses contracting a marriage, including any mention of spouses’ rights to property before, during or at the dissolution of the marriage (Marriage Act (1973), Cap 248). The shortcomings of the Marriage Act (1973), Cap 248 on the issues of divorce, property rights, and inheritance in Uganda, have no law that regulates issues of conformity to the Constitutional provisions on equality of both spouse at marriage, during marriage and at its dissolution.

4.1.5 Occupation

Majority (46.7%) of the respondents who were influenced by the norms and customs on property inheritance are farmers. These were followed by formal employees (33.3%), traders (13.3%), house wife (3.3%) and a student (3.3%). This statement is in line with statistics provided by UBOS 2014, revealing that majority of women in Uganda live in rural areas where they predominantly practice farming.

4.2 Norms and Customs of the Baganda on Property Inheritance

Table.2 below shows the percentage of women who own land and how they acquired it.

Table 2: Ownership and Land Acquisition by Women

<table>
<thead>
<tr>
<th>Land Ownership:</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>14</td>
<td>47</td>
</tr>
<tr>
<td>No</td>
<td>16</td>
<td>53</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Basis of Ownership</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inheritance</td>
<td>08</td>
<td>57</td>
</tr>
<tr>
<td>Purchase</td>
<td>06</td>
<td>43</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field work findings, 2017
The findings revealed that (47%) of the women own land. When respondents were also asked on how they acquired the land in question, 57% stated that they inherited it while as 43% purchased it. This finding confirms that trends are changing, women can now inherit land since some parents are giving daughters land upon their death. All the widows interviewed are managing the properties of their deceased spouses however with hardships.

Findings of the study noted that the attitudes towards women inheritance of property in Busujju County and Mityana at large, were not favourable and inclusive of women and the girl child. This was emphasised by a male key informant who noted that it’s useless for women to inherit land and a lot of valuable property among others. He went ahead asking some questions as noted below;

“Why would women inherit property in the first place” or why would we even think about such a matter like inheritance of property in our society” (Mutuba 1 of Maanyi Sub-county, 2017).

Another male participant who wished to remain anonymous noted that;

“It would be so wrong for women and girls to inherit property as they have no hierarchical role in the family. He further added that he wouldn’t allow his sisters to inherit any valuable property as it would become their husband’s property as soon as she gets married” (45 year aged male participant, 2017).

It seems cultural norms and customs are strongly embedded in people’s beliefs. It is in these beliefs that innate differences between women and men in societal structures are strongly upheld as indicated in the theory of this study that due to patriarchy, women have come to be viewed as the “other” (Margaret Fuller, 1845). This could be realised in an interview with an elderly widow as reflected in the below case.
A Case Study of Nassuna (pseudo name) on what Influences the Patterns of Distribution

Nassuna aged 63 is a widower retired primary teacher. Currently, she is practicing farming particularly growing vegetables like ‘nakatti”. She resides in Kakindu, Busujju County.

‘I got married at a tender age when I was working as a licensed teacher. During our days, there were opportunities for one to teach even they had gone through a teachers training college. I met my husband to be at the school but for him he was a trained teacher. As how you also know, things started from there, we prepared and got married. But our days are not like these days of yours, for us we were prepared very well, received counsellings from our paternal aunty (Ssengas) as men would also do the same with their maternal uncles (Kojjas). Now, people assume that those counsellings are all about bedroom issues which is not the case. And it’s you people, our daughters who have spoilt things by going to these commercial Ssengas’ as if you don’t have relatives. And what amuses me, there you have to pay for the counselling services and more over which is wrong information instead of going to your auntie and get the right information. So during such counsellings, a real girl would be told how to handle the man, his family members and your own home. It is from these counsellings that you would know your exact space as a woman and his exact space as the head of a family. Now, like mine was later transferred to go and teach in Kyadondo as me I remained behind teaching at Kakindu Church School as I take care of our home. But I want you to know that there are things I couldn’t decide in his absence and remember those days there were no phones. So now, if you were the one what could you have done? I mean for example, you have harvested coffee and buyers have come! Since you are shy to tell me, let me now explain to you the ideal situation. I had to look for my husband’s brother to be the one to sell and keep the money of his brother. That’s why during our days we could live in harmony with our in-laws. Our daughters, you need to understand your culture very well and uphold what it says rather saying ‘gender equality’ and many other useless words. Now, I have told you my husband died, but don’t I see children of his brothers and sisters bringing things like sugar, materials for clothes and many others. Of course, mine too also provide because I raised them properly. So you see how being cooperative can reward. I can tell you I am better off than many women who choose to become stubborn and end up being ousted from their late husband’s estate. For me, I can tell you it is just upholding what the culture says that I have managed to stay here without conflicting with any person in this village. You go and ask anyone in this village if they have any issues with “Nassuna”, you will definitely find none’.

To larger extent, a number of people in the society had poor attitude towards women inheritance of property. However, women themselves noted that they are also born in those families and have equal rights as men, so they deserve equal and fair treatment.

This was emphasised by a female participants who had this to say;

“I and my twin brother were always assigned similar domestic chores at home. We would both go to the banana plantation for weeding. So it would be unfair for him to say I don’t
have a share on our parents’ banana plantation when I also used to contribute labour. We are all siblings in that home” (A female participants in the 1st FGD conducted from Church’s compound, 2017).

It was further noted that payment of bride wealth by men also breeds a poor attitude towards inheritance of property. Women are marginalised and this makes women subordinates to the men. In a FGD discussion, one female participants expressed a common sentiment by adding;

“My husband paid bride price. So he thinks I am his property. I don’t have a say over the family belongings” (A female participant aged 29 years, 2017).

In addition to that, bride price is also used to legitimise subordination. Findings of the study, noted that, payment of bride price is considered as payment for the woman’s time and labor. This is the kind of value gained by her husband and his extended family. This has made the living conditions of women in the society very poor thus having an influence on the inheritance of property. The women argued that since men pay bride price for them, they are supposed to be submissive. So by sharing property with men in form of inheritance, men view it as if they are being cheated. These are general perceptions majority of the people hold towards inheritance of property by women and girls in society.

According to the research findings, it was also observed that women’s lack of control over productive resources and assets is a systemic issue. Inequality in marital status and property ownership intersects with cultural attitudes and beliefs to create formidable obstacles for women’s advancement. This is normally embodied in the question “how can property own property?” This is underpinned by the fear that women will become promiscuous and indulge in extra marital affairs if allowed to own resources. Men express the view that women will become “uncontrollable,” “unmanageable,” “unruly,” or disrespect men if they gain economic independence. There was great fear that allowing women to own property may lead to family breakup. Women taking control of household property will enable them abandon their husbands once they are not economically dependent on them. Such assumptions have contributed to the development of a poor attitude towards inheritance of property by women.
Women in the society are largely regarded or taken as property thus property cannot inherit property. This was also pointed out as one of the factors influencing norms and customs of the Baganda on property inheritance among women and girls in society.

Research findings further revealed that women are denied opportunities to inherit land due to cultural norms and systems of patrilineal inheritance and patriarchal residence. It was noted that when a man dies, his heir is ordained by the cultural leaders of his clan. Heritage is patrilineal traced. Hence it is customary for land to pass to the man’s relatives than his wife becoming heir in only a few instances. Under customary settings, widows are to be taken care of by their husband’s relatives through the practice of grooming by one of the deceased’s male relative, locally termed as “omukuzza”, a modified system of widow inheritance. Widow inheritance was shunned down due to prevalence of Sexually Transmitted Diseases especially Human Immune Virus / Acquired Immune Deficiency Syndrome (HIV/AIDS). Grooming of the widow and her children by the brother of the deceased husband has also resulted into acute challenges. In some instances, widows and their children have been chased off the land, with no provision made for their welfare.

One of the male participants attached to a Local affiliated Human Rights Group stated that he has witnessed such instances happen within the society. In his words, he said;

“*In many instances; women have no voice or even don’t know where to go for redress. I saw relatives of the deceased chasing the wife off the land, making false accusations to her so that they could have a standing reason of ousting her*” (A male resident of Butayunja Sub-County, 2017)

Respondents noted that HIV/AIDS has made ousting of women and their children a frequent occurrence, with relatives telling widows and their children that they don’t need to inherit any property since they are unlikely to live longer. Thus, there is no reason for them to own the land. The findings of the study also indicate that women in society are not equal to men in all aspects of life which is another great factor affecting the inheritance of property in the society.

The study findings revealed further that society and different norms that they put in practice regard men as superiors in the society. This has discriminated a number of women in all spheres of life, that is, socio political economic and cultural aspects of life.
This was emphasised by one female participants, she noted that;

“Women can never be equal to men in any way as society has made them submissive no matter what. In addition to that, religion too has made the inheritance of property among Women and girls very difficult” (A female Diocesan Secretary Mityana Diocese, 2017)

Namuddu (not real name) emphasised the feeling that society treats men and women differently when narrating her ordeal captured below as an individual case:-

**A case study of Namuddu (pseudo name) on the kind of properties women/men and boys/girls Inherit**

<table>
<thead>
<tr>
<th>Namuddu aged 25 is an orphan dealing in retail trade. Her shop doubles as a tea room. She resides in Banda Trading Centre, Busujju County.</th>
</tr>
</thead>
</table>
| ‘My father died five years ago and had fifteen acres of land which he left us as children. We are five (05) girls and three (03) boys. We are all from one mother, our father had one wife. After his burial, we all stayed with our mother as we waited for the clan leader to organise a meeting on how to distribute family property. He didn’t leave behind any will since he died of a motor accident. After a year, as we celebrated his funeral rites, the clan leader convened a meeting of elders and they agreed on how to distribute his property among us. Boys were given all the land and we girls were told that there was no need for us to get land since we could still stay in our mother’s house. They argued that for boys though they are also still staying with us in the family house, time will reach when they want to establish their own independent homes. Our brothers equally added up their voices to the elders’ explanation by arguing that the girls will get married and start a new life with their husbands. That the boys needed property since they will use it to build the family a gain. Of course, the rest were simple plantations, which could not be detached from land thus each boy automatically took ownership of the garden that was on the land granted to him. But the good thing, our mother was already in like two (02) village savings revolving groups. She called us and said we shouldn’t mind, she was going to borrow money from these groups so that I as the eldest daughter could join business, make money to provide for the needs of my sisters. And even she was not sure that our brothers will not be influenced to sell the land distributed to them. As we talk now, one has already sold. He is also here in this trading centre riding a bodaboda (commuter motorcycle). That one shows how us as girls and our mothers we are marginalised. Honestly, we were not given a chance to get anything as part of the family members. I just looked at those elders and asked myself, what if what they are doing to us because we are girls is done to their own daughters? In case I was given an opportunity of sharing on the family property, maybe I would sell my part of land and add more capital in the shop so that I can generate a lot of profits. But as you can see, only these few things I have in my shop which I have to supplement with tea. All this is due to the customs and norms of our cultures since it gives a priority to the men more than the women. If all these customs give us equal opportunities as human beings, we would all enjoy our rights to inherit family property’.
Such experience is in conformity with the Cultural Feminist Theory which is based on the idea that in governing society, settlement of conflicts, cooperation, caring and non-violence beliefs; society seem to be what is expected from women’s or men’s virtues (Tong, 2009). Asset ownership is based on acceptable social norms and customs. It is linked particularly to social norms regarding property rights and also to those regarding marriage and inheritance.

A Key informants noted that;

“Ownership rights are assigned to individuals but individual asset ownership must be viewed within the context of families and households. Assets may be owned individually or jointly and marriage is the primary context in which individuals own assets jointly. Inheritance is an important means of acquiring assets and bequeathing productive resources to the next generation” (Pokinno, Busujju County 2017).

The above argument was criticised by the woman councilor of Malangala Sub County. She noted that;

“If asset ownership is an important source of resources, it is equally true that exclusion of individuals from asset inheritance increases vulnerability to and generational poverty. Thus, understanding gender patterns in asset inheritance is critical to understanding women’s vulnerability and opportunities. Gender patterns of asset inheritance can be determined largely by social norms and customs that guide our societal beliefs” (Woman councilor of Malangala Sub-County, 2017)

Furthermore, the findings of the study revealed that another great factor affecting inheritance of property by women and girls in society is limited access to family resources, and constraints to participation in gainful family economic activities. The respondents highlighted that very few women in the society own property as noted. It thus ignores the situation of the majority of the women who reside in male headed households and contribute to the welfare of the entire household.
One of the female respondent noted that;

“\textit{I was supposed to own a large proportion of land for my family to live happily as we do farming but I was obstructed by lack of capital to finance my intended project. My land was later occupied by hostile brothers to my late husband. Lack of resources that can be translated into capital by women and girls in societies is a great challenge to us as women}” (A female respondent from Kakindu Sub-County, 2017).

Laws regarding property rights within marriage are key to women’s property rights. However, customary marriages are still the norm in rural Uganda (Doss, 2010). With relatively few couples obtaining statutory marriages, customary marriage is typically guided by the traditional norms and practices of a society. It is unregulated by national legal statutes on marriage, including those governing inheritance and the division of property. Within Mityana and Busujju as a case study, customary marriage is traditionally viewed as a social institution that involves many interests beyond those of the married. Customary marriages confer a sense of social recognition and legitimacy on couples through the traditional ceremonies and celebrations that accompany them. Those who live in consensual unions do not have the social recognition and legitimacy of customary marriage. For example, the kindred to the man influence marriage.

\textbf{4.3 Gendered Impacts of Norms and Customs on Property Inheritance}

The findings of the study show that forced marriage in the society is one of the challenges women and girls face after death of their parents or husbands. The findings of the study show that many of the adolescent girls are forced into marriages as soon as their father dies in case they have no support or an immediate guardian to support them. They are denied continuation in education and access to valuable property which they are entitled too as beneficiaries.

The above finding is confirmed with a narration below;

\textit{“I was forced into marriage at the age of 15 years after the demise of my father. My young brother was left to continue with school. He was even lucky that our paternal aunty opted to go with him to the city. It was an arranged marriage, I didn’t know the man but I was told by my aunties that I better accept to get married since there was no}
one to care for me. Our mother was supposed to either get married to my uncle or she had a choice not to but then to go away from our home and start a new life of her choice”

(A Moslem married woman, aged 33).

It is now a common practice for a widow to be thrown off the land, with no provision made for her welfare. This is because women’s property rights within marriage and the family are still governed primarily by social norms and customary laws as noted by another participants;

“Customary law is often cited by members of the man’s extended family to justify their claims of need to control the matrimonial home of their deceased brother or son. They even claim property that the wife owned by herself or which she acquired jointly with her husband because all property is deemed to belong to the husband and his relatives. These relatives frequently steal the widow’s property, including valueless things like bed sheets, evict her from her home under threat of physical beating, at times death threats, and take away her children” (A woman aged 50 years a resident of Maanyi Sub-County, 2017)

This kind of experience is not pleasant as noted by the participants. It seems the brothers of the deceased have a bigger say over the entire estate of the deceased. In addition, women too are perceived as part of the estate according to norms and customs of an ideal Baganda cultural setting.

Again, the findings of the study noted that in Busujju society, asset ownership is based on social norms. It is linked particularly to social norms regarding rites of passage. Busujju society being patriarchal in nature, property tend to escalate from the hands of males specifically through inheritance.

However, the 1995 Uganda Constitution guarantees equal land rights for men and women, during marriage and in the event of its dissolution, with a clause on the use of affirmative action in favor of marginalised groups based on gender or other reason created by history, tradition or custom, for the purpose of redressing existing imbalances (Constitution of the Republic of Uganda, 1995). Despite of the above legal provision, the social norms in Busujju society are superior to this statutory constitutional law. Norms are designed in favor of males on the expense
of females. This largely influence the inheritance of property by women and girls in the community.

Field work findings revealed that women’s and girls’ property rights are usually discussed in the context of access to land. Men insist that every woman is supposed to live under the guardianship of a male as either their brother, father or husband. So there is no need for a woman to own land if she can access it through the relationship she attaches to a man. So most women in rural Busujju have controlled access to land which impedes their capacity to accumulate capital that would enable them to participate in any income generating activity hence improving on their livelihood. Similarly, very few women have access to livestock and other forms of physical capital such as buildings in form of shops and houses for rent. This is because of the standard situation of the majority of women living in male headed households.

One of the respondents stated that;

“I have not been able to do a lot of work for myself like my brothers’ because I don’t own any form of property and don’t even have rights to claim any of my late father’s property. If I had money, I would have been able to do a lot of great things for myself” (A graduate single young woman, Busujju Sub-County, 2017)

Therefore denial of property rights to women and girls embedded in the norms and customs of the Baganda are a great hindrance to women and girls’ empowerment and economic advancement.

While there are provisions in the Land Act to include women in the ‘land boards’ charged with adjudicating land issues at each level, little is made to have the norms and customs adjust in the same line and interest. Norms and customs pertaining land issues have remained predominately orchestrating the male face value. These norms and customs continue to privilege men in the Busujju society.
Case of Shadia Nalima (not real names) on her ordeal in fighting for her Land Rights after demise of her husband

Nalima Shadia was married to Masembe Patrick who had a brother whom they would benefit from their own parents estate.

‘My husband died four years ago and my husband’s brother whom my husband had land disputes with, started disturbing me by farming on the land that belonged to me and my children. I have been to different LC (Local Council Courts) for assistance but nothing has come out. The LCs minimise me and hardly do anything to assist me. My brother-in-law has done so many things which include planting maize in my garden of cassava and beans. He brings his goats to graze in my garden and at the end of the day, I have no food to feed my family. At one time, he came to beat me up but I alarmed thus my neighbours came and rescued me. He also once came with a panga, an axe and a stick to harm me. I know my brother-in-law does all this to me in order to chase me away from the land. Our case has gone up to the Parish Land Committee and to court but up to now nothing has been done. The magistrate came one day to see the land in dispute but went back without meeting the witnesses from my side. He only stopped at the home of my brother-in-law with whom I had the dispute. It seems the courts need money before they can do anything’.

It was revealed that many of the women who are married are seen as property because of the numerous gifts that were paid as bride wealth. Respondents noted that when girls become teenagers, their parents especially fathers begin valuing them in terms of how much bride wealth they will generate. Such perception eludes women and girls of their human rights by tagging a price upon them. Respondents further stated that bride wealth payments lead to the perception among people that men own women and is therefore the woman’s role to live her life for satisfying the man and his relatives. In a FGD conducted from Busujju Saaza compound with 8 women, one woman expressed a common sentiment and had this to say;

“I was bought by the man, so my body is his asset to use as he wishes” (A married primary teacher in a FGD, 2017).

This clearly justifies the fact that women are perceived as property and payment of bride wealth is used to legitimise women’s dependence on men thus living a life of patronage. Such practices disempower women and entails dispossession of inheritance of property and children, especially girls.
4.4 Ways in which Norms and Customs on Property Inheritance can be Engendered

The mode of the wills used in societies include privileged and unprivileged wills. Privileged are in form of writings or they are made by word of mouth. The unprivileged have to be attested by two or more witnesses. But society being patriarchal in nature, all these mode of wills tend to privilege men on the expense of women. When one of the key informant was asked on how norms and customs on property inheritance can be engendered, she referred to adaptation of Succession act (CAP 162). She argued that by referring to the succession act, fairness will be guaranteed to all the beneficiaries. Her argument conquer in line with another participants who had this to say;

“Our culture limits women from inheriting property. They can access property when the man is still alive. If one is not included in the will openly, she is not entitled to get a share from the deceased’s estate. But if she is included in the will she will get her ascribed share from the deceased” (Female respondent from Butayunja Sub-County, 2017).

Norms and customs have made property inheritance among women and girls very difficult. If they are engendered that means there will be equality in sharing of family property. This is also in line with an argument made by a participants in a focus group discussion who said that;

“If men and women inherit property equally, women also will be entitled. The issues of inequality in our societies will be reduced, men will also respect their wives since the norms and customs of our societies will also be in favour of both men and women” (Woman councilor, Butayunja Sub-County, 2017).

On the same note, another participants said that;

“Equality in our society is needed when sharing property, at times the deceased person can leave a will behind and the family members hide it and instead change it at their own interest” (Female respondent Butayunja Sub-County, 2017).

Another female respondent added that;

“When my husband died, my in-laws took the will from the person my husband had kept it with. They suggested that it will be read two weeks after his burial. This is not the norm
among the Baganda. We are supposed to first have his funeral rites respected and which takes place like after a year. They went and changed it for their own interests and ended up taking our properties. They left me homeless with my children. But if our society starts according the same value to everyone equally, women will be able to have a say and their property will not be grabbed from them.

This shows that already respondents knew that norms and customs are not static, they are liable to change and can change for the betterment of people’s lives. If these norms are changed in societies, this means that archaic norms and customs embedded in inheritance rights will also change which will improve gender relations.

A participant in a Focus Group Discussion highlighted that;

“If these cultural leaders in Buganda can accept these norms and customs to be changed then our people in our societies can understand and appreciate the change” (A Female participants in the 2nd Focus Group Discussion, 2017).

Cultural leaders should open up and accept good values from other societies and the entire nation. Then adopt these strategies that can add value on their own societies. More so, religious institutions should also start talking about inheritance. The religious institutions are better institutions in enhancing good morals of their followers. This is also in line with the study findings where the female respondent and had this to say;

“When my father died, the property he left behind was shared to us with the help of the Sheikhs who distributed the property” (A female Moslem respondent, Kakindu Sub-County, 2017).

This affirms that norms and customs can be adjusted as long as they don’t deviate from the original intention of fostering social order.
CHAPTER FIVE
SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction
In this chapter, summary of findings, conclusion and recommendations are presented. The chapter focuses on assessing the norms and customs of the Baganda on property inheritance among women and girls.

5.1 Summary of Findings
5.1.1 Personal Characteristics of Respondents
Field work findings revealed that respondents aged 25-34 years were most likely to be influenced by the norms and customs of the Baganda on property inheritance than any other age group. The respondents who are in the age bracket of 15 - 24 years were the least influenced. In regard to religion, Protestants (Anglicans) are more likely to question norms and customs of the Baganda on property inheritance than any other religious sect. Born again Christians were the least who question the norms and customs. On education level, majority of the respondents had attained tertiary education than those who dropped out of school in secondary level and primary level. The findings revealed that married women were affected by norms and customs on property inheritance, followed by those still single, the least affected were widows. Farmers were most likely to be affected by the norms and customs on property inheritance, followed by formal employees while students were least affected. This reflects the theory of the study which is based on the idea that in governing the society, settlement of conflicts, cooperation, caring, and non-violence beliefs, seem to be what is needed from women’s or men’s virtues (Margaret Fuller, 1845).
5.1.2 Norms and Customs of the Baganda on Property Inheritance

The findings revealed women own land and they were acquiring it through inheritance and purchase. This confirms that inheritance trends are changing hence women are free to own land. However, still norms and customs have continued to influence the inheritance of property among women and girls. Traditionally, heirs are men and women were delegated the role of ‘Lubuga’, an assistant and a moral role to the customary heir. As the heir (Omusiika) is given more productive resources like land, the ‘Lubuga’ is given a knife and a basket which symbolises what is expected of her. For the widows, the situation is not different. A widow can’t become the ‘Lubuga’, this position is given to the girl related to the deceased by blood and is of that clan. A widow can be allowed to remain on the land as long as she remains unmarried. In instances where the widow wishes to re-marry, she is not allowed to bring a man to the matrimonial home even if she contributed to the acquisition of such property unlike the widower who is free to do so. Property inheritance comes into lime light when the deceased is a man and was the head of the family. In case it is a woman who has died and was equally a wife or a mother in a home, her property is automatically inherited by her husband. If she is still at her father’s home, her father can automatically inherit her property and no one will question that.

5.1.3 Gendered Impacts of Norms and Customs on Property Inheritance

Forced marriage in the society is one of the challenges women and girls face after the death of their parents or husbands. Many of the adolescent girls are forced into marriages as soon as their father’s die in case they have no support or an immediate guardian to take care of them. They are denied continuation in education and access to valuable property which they are entitled too as beneficiaries. Furthermore, it is a common practice for a widow to be thrown off the land, with no provision made for her welfare. It seems the brothers of the deceased have a bigger say over the entire estate of the deceased. In addition to that, women too are perceived as part of the estate according to norms and customs of an ideal Baganda cultural setting. Women’s and girls’ property rights are usually discussed in the context of access to land. Very few women have access to livestock and other forms of physical capital such as buildings in form of shops and houses for rent. Men insist that every woman is supposed to live under the guardianship of a male as either their brother, father or husband. So there is no need for a woman to own land if
she can access it through the relationship she attaches to a man. Many married women are seen as property because of the numerous gifts that are paid for them as bride wealth. This clearly justifies that the payment of bride wealth is used to legitimise women’s dependence on men thus living a life of patronage. Such practices disempower women and entails dispossessment of inheritance of property and children.

5.1.4 Ways in which Norms and Customs on Property Inheritance can be engendered

Wills used in societies include privileged and unprivileged and society being patriarchal in nature, all these mode of wills tend to privilege men at the expense of women. Norms and customs have made property inheritance among women and girls very difficult. If they are engendered that means there will be equality in sharing of family property. Cultural leaders should be open to changes and accept good values from other societies and the entire nation. Adoption of these strategies that can add value on their own societies will improve people’s livelihood. More so, religious institutions should also start talking about inheritance. The religious institutions are better institutions for helping in shaping morals of their followers. This affirms that norms and customs can be adjusted as long as they don’t deviate from the original intention of fostering social order.

5.2 Conclusion

The patterns of property inheritance are embedded in relationships within the household and the society at large. Many women and girls gain access to land through their family and marital relationships. These rights frequently depend on the stability of the marriage. However, rights over land differ for men and women, with women’s land rights largely limited to only access. It was noted that women do not inherit land both from their fathers and from their husbands, although it is much more common for men to inherit land. But is important to note that a widow can claim land that belonged to her husband only if she has a son. The land will be inherited by the son, and the mother can continue to farm on it until the son is grown and can claim it. Women without sons are at risk of losing access to the land, depending on their relationships with their husband’s family and society.
In contrast to that, widow inheritance is not regular, though it is a strategy which society believes that it can facilitate bereaved widows’ adjustments to normal family life. The practice may be customarily well intentioned, with the aim of ensuring that all bereaved women are well taken care of while adapting to the new circumstances brought about by the deaths of their husbands. Nevertheless, this practice is on the verge of ceasing to exist in Mityana.

More to that, the young girls are taken care of by the members of the society until they reach the marriage/puberty age. But the insensitivity of relatives have often resulted into a situation which is very disappointing to the orphaned girls, especially sending them into early marriages. Thus one needs to understand the various interested groups conceptualisation and justification of the practice before arriving at any conclusion and suitable interventions. Nevertheless, a small number of women and girls are inheriting land and other valuable property from their parents. This is prevalent where a deceased parent has only girls thus in such scenario, girls can are left to inherit their deceased parent’s estate. In other instances, some girls/women though they have brothers have started forcing their rights to inherit from their deceased parent’s estate equally like their brothers with freedom to dispose off such properties when they so wish.

**5.3 Recommendations**

Parliament should amend the provisions of the Succession Act Cap 162 especially section 27 which was declared unconstitutional and discriminative to women.

There is a need to strengthen statutory policies and laws that guarantee women equal rights to land as those of men. This may not necessarily mean granting married women independent land rights but ensuring that they have claims over the land in case their fathers or husbands die or in case of divorce.

There is need for policy makers to consider how to grant women property rights similar to those of men with an aim of guarantying their safety and financial security in the society.

There is need for the government to enforce inheritance rights and sensitise societies about the importance of women and girls’ inheriting property.
Workshops and society trainings should be presented even at the lower level which will enable the village leaders to be trained on how to help people affected by land challenges.

5.3.1 Suggested Areas for Future Research
The present study was carried out in Mityana District. It is therefore suggested that similar studies be conducted in other districts and regions to compare results.
REFERENCES


Reeves and Baden, (2000), Gender and Development: Concepts and Definitions, Department of International Development (DFID) Institute of Development Studies, University of Sussex, UK.


APPENDICES

Appendix I: Field Introductory Letter

TO WHOM IT MAY CONCERN

This is to introduce Ms/Mr. Nakanda Fred, Reg. No. 2011.1863.22854, who is a student of this School on MA (Gender Studies) programme. She/He has completed the taught part of the course, and has embarked on a Research Project.

The research is on:

The Influence of Uganda Customs and Inheritance norms on the Inheritance of Property among Women and girls: A case study of Kyangwali District.

Any assistance given to her/him will greatly be appreciated.

Consolata Kabonesa PhD
DEAN
Appendix 2. Authorisation Letter from the Office of CAO-Mityana

TO WHOM IT MAY CONCERN

RE: INTRODUCTION LETTER OF MS. NAKIBUUKA FIONA

This is to introduce to you the above mentioned person who is a student of Makerere University on MA (Gender Studies) programme. She is carrying out a research on influence of Buganda Customs and inheritance norms on the inheritance of property among women and girls in your Ward.

Please accord her all the necessary assistance to enable her achieve her desired goals.

Yours in service,

Ssebulu Joseph
town clerk
MITYANA MUNICIPAL COUNCIL

Copied to: The Town Clerk, Mityana Central Division
The Chairperson/Mityana West Ward, Mityana Central Division
Appendix 3. Authorisation Letter from the Office of parish Chairperson-Nakibanga

MITYANA DISTRICT LOCAL GOVERNMENT
PO BOX 459, MITYANA
19/08/2017

TO WHOM IT MAY CONCERN

This serves to introduce the bearer of this letter as Ms. Nakibuuka Fiona a student of Women and Gender Studies from Makerere University. She is undertaking research in Mityana District for the fulfillment of her academic requirements.

Any assistance rendered to her will be highly appreciated.

Thank you,

[Signature]

Chairperson, Nakibanga Parish
Appendix 4: Questionnaires for Respondents

This questionnaire is for respondents in Busujju county, Mityana District, Uganda.

**STUDY: “NORMS AND CUSTOMS OF THE BAGANDA ON PROPERTY INHERITANCE AMONG WOMEN AND GIRLS: A CASE OF BUSUJJU COUNTY, MITYANA DISTRICT”**

Dear Participants,

My name is Fiona Nakibuuka, thank you for your time and willingness to share your views on the study topic. Research has demonstrated that there is need to empower women in socio-economic and cultural aspects of life. The researcher is therefore interested in using your responses to assess the norms and customs of the Baganda on property inheritance among women and girls. Please know that your anonymity is guaranteed, no one will be able to access your individual responses and also your identity will not be disclosed unless permission is expressly given.

Objectives of the study are;

Specific Objectives

To establish the influence of norms and customs of the Baganda on property inheritance among women and girls.

To examine the gendered impact of norms and customs of the Baganda on property inheritance among women and girls.

To identify ways in which norms and customs of the Baganda on property inheritance among women and girls can be engendered.
SECTION A: Personal Characteristics of Respondents

Name(s): ............................................. .......................... (Optional)

Age: ..............................................................................

Sex: ..............................................................................

Marital Status: ..............................................................

Religion: ...........................................................................

Education Level: ..............................................................

Occupation: .................................................................

Section B: Norms and Customs of the Baganda on Property Inheritance

1. Do you have children?
   a) Yes ☐
   b) No ☐

   If yes, how many?

   ........................................................................................................
   ........................................................................................................

2. Do have own any piece of land?
   a) Yes ☐
   b) No ☐

   (ii) If yes, how big is the piece of land?

   ........................................................................................................
   ........................................................................................................
4. How did you acquire the land?

   a) Inheritance from father
   b) Inheritance from my Husband
   b) Bought Land
   c) Others

specify……………………………………………………………………………………………………
……………………………………………………………………………………………………

Section C: Gendered Impacts of Norms and Customs on Property Inheritance

Please for Sections C below, Indicate by Ticking how you Agree or Disagree with the Variables whereby; 1=Strongly Agree, 2=Agree, 3=Undecided, 4=Disagree, 5=strongly disagree

5. Section C. Dependent Variables

<table>
<thead>
<tr>
<th>Variable (observations)</th>
<th>Strongly Agree (1)</th>
<th>Agree (2)</th>
<th>Undecided (3)</th>
<th>Disagree (4)</th>
<th>Strongly Disagree (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i Norms and customs related to the inheritance have made inheritance of property by women and girls in the society difficult.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ii The current family structure of a man’s status in families as bread winner is assumed to be another hindrance to the inheritance of property by women and girls.</td>
<td></td>
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</tr>
<tr>
<td>iii The fear of competition for wealth, wellbeing and known status is another challenge</td>
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</table>
assumed to be affecting the inheritance of property by women and girls.

iv The marginalisation of women in society is assumed to be another hindrance to property inheritance.

7. Do women inherit land in Mityana District?
   Yes ☐ No ☐

ii) If no, give reasons to support your answer

........................................................................................................................................
........................................................................................................................................

8. What is the attitude towards women who inherit properties from their fathers and spouses?

........................................................................................................................................
........................................................................................................................................
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9. What is the influence of African customs and inheritance laws on the inheritance of property among women and girls in Uganda?

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........................................................................................................................................
Section D: Ways in which Norms and Customs on Property Inheritance can be engendered

Section D. Opinions of Respondents

10. What suggestions do you think can be done to ensure that property inheritance is equally and fairly implemented?

.................................................................................................................................
.................................................................................................................................
.................................................................................................................................

THANK YOU FOR YOUR TIME AND COOPERATION
Appendix 5: Interview Guide for Focus Group Discussions

a) What challenges do widows and girls face after the death of their husband with regard to property inheritance?

b) Do widows and girls have the right to continue using the land after the death of the husband? Yes or no

c) What source of threat do you encounter for example from in laws, war veterans, village heads and neighbor after the death of your husband in relation to land problems?

d) What are the people attitudes towards widows remaining on the deceased’s land in the community?

THANK YOU FOR YOUR TIME AND COOPERATION
Appendix 6: Interview Guide for Key Informants

a) To whom does the land in the communal areas belong to?
b) Which criteria do you have in place for land allocation in the communal areas?
c) Who has the right to inherit it in the household? Give reasons for your answer?
d) Do women have rights to land in communal areas?
e) What kinds of rights do they have?
f) Do women have sufficient rights to land in the communal areas, give reasons, if yes are those rights secure?
g) Is the government land policy in line with the human rights frameworks demands for equal rights for men and women?
h) Do women’s secondary rights to land limit their performance in agricultural production, give reasons for your answer?

THANK YOU FOR YOUR TIME AND COOPERATION