



POLICY BRIEF

STRENGTHENING WOMEN'S LAND RIGHTS IN UGANDA'S OIL AND GAS REGIONS

FEBRUARY 2026

Context

1.About WEM.....	3
2.Executive Summary.....	3
3.Introduction	4
4.The objectives of the policy brief	6
5.Impacts of oil developments on women& roles and livelihoods	7
6.Existing policy and legislative landscape on women land rights in Uganda	9
7.Policy and Legal inconsistencies that limit women land rights.....	14
8.Other emerging policy Issues	15
9.Recommendations.....	16
10.Conclusions	17

Appreciation

This publication was made possible through the generous support of the Africans Women's Development Fund. WEM sincerely appreciates this invaluable contribution and the continued partnership.

About Women on Environment Mission(WEM)

Women on Environment Mission (WEM) is a Ugandan-based female-led organization dedicated to promoting environmental conservation and human rights. The organization empowers women to stand up against environmentally damaging projects linked to the exploitation of oil and gas. Through lobby and advocacy, WEM ensures that women's voices are heard by decision-makers at all levels.

Our Vision

A world in which women rights and integrity of the environment is protected.

Our Mission

To advance women's empowerment and end the climate crisis, poverty and food insecurity.

Executive Summary

In Uganda, women do not enjoy the same land rights as men, a reality that helps explain why communities particularly women affected by the Tilenga and Kingfisher oil projects, the East African Crude Oil Pipeline (EACOP), and other related oil infrastructure have raised persistent concerns about undervaluation and unfair compensation for their land and property.

Although Ugandan laws formally prohibit gender discrimination in land ownership, land acquisition and inheritance in practice are often governed by customary norms that favour male ownership. While women may inherit land from relatives, receive land as a gift, or purchase land independently, those in customary marriages are frequently regarded as mere users of their husbands' land rather than rightful owners. This disconnect between statutory law and customary practice has resulted in complex and often precarious land tenure situations for women, especially in oil and gas affected regions.

Compensation for displacement was largely determined on the basis of formal land ownership and the assessed value of gardens and housing earmarked for acquisition to facilitate oil development. As a result, women without documented legal rights to land faced significant barriers to accessing compensation for affected land and property, deepening existing inequalities and exposing them to heightened economic insecurity.

Introduction

Uganda's oil exploration has been under way since the 1920s, but the presence of significant oil reserves for commercial extraction was only established in 2006[1]. At that time, oil deposits were estimated at 2.5 billion barrels. This has since been revised to 3.5[2] billion, after appraisal activities in two further blocks that revealed more crude deposits in 2012.

This quantity would place Uganda among the top 50 oil producers in the world, as it moves out of exploration into the production stage. Exporting oil could potentially double or triple Uganda's current annual export earnings of US\$2.5 billion[3]. Such a boom could lift millions out of poverty, if managed responsibly.

These oil reserves have been discovered predominantly in the Lake Albertine Graben. However, this region is politically sensitive because it is shared by two countries including Uganda and the Democratic Republic of Congo with long histories of violent conflict and border disputes. It is also an ecologically sensitive area of great biodiversity. About 79% of the land area in Albertine Graben[4] is devoted to agriculture, settlement and other land uses, while the remainder encompasses national parks, wildlife reserves and forest reserves.

These oil developments are being conducted under the Extractive Industries Transparency Initiative (EITI), which states that, "Gender issues in extractive industries cannot be adequately addressed unless rights and equity concerns are identified and tackled". However, displacement processes linked to these developments have exposed significant gaps in practice, exacerbating existing gender disparities and inequalities.

It is unfortunate that women do not enjoy land and property rights from these resources because they have lower levels of education than men do, work in the informal sector, experience restricted mobility, and carry responsibilities for meeting basic needs such as water, fuel, and fodder. This perspective overlooks how the EACOP and other oil development activities have undermined women's needs. Displaced women encounter daily challenges. They are dealing with unsuitable relocation areas and restricted or polluted access to essential resources[5].

[1] <https://resourcegovernance.org/articles/ugandas-oil-seven-recommendations-after-final-investment-decision>

[2] <https://land.igad.int/index.php/documents-1/countries/uganda/investment-7/r336-the-economic-impacts-of-newly-discovered-oil-in-ugand>

[3] https://landportal.org/sites/default/files/library/resources/PRS_20.pdf

[4] <https://www.international-alert.org/app/uploads/2021/08/Uganda-Oil-And-Livelihoods-EN-2013.pdf>

[5] https://multinationales.org/IMG/pdf/ouganda_odm-en-05-07.pdf

Women are involved in social reproduction through different activities, including but not limited to farming land to feed the household, collecting firewood and water, cooking every day, caring for children and grandchildren and paying for their school fees and others. For instance, when women were relocated due to oil developments, they tend to walk much longer distances to their gardens than before. This has had consequences on their ability to continue farming. It is evident that land is a fundamentally important resource in Uganda, and is the basis of income, sustenance, and identity for the majority of Ugandans. Agriculture dominates the country's economy, and accounts for 80% of export[6] earnings and an estimated over 68% of employment[7] nationwide.

Approximately 87% of Uganda's estimated over 45 million people reside in rural areas, 85% of whom are involved in subsistence agriculture. Women and girls form nearly 80% of the agricultural labour force in Uganda, and according to the 2024 UBOS National Population and Housing Census[8], over 51% of the country's population is female[9] and yet only 31% own land legally registered in their names[10].

In Uganda, while statutory law legally recognizes customary land ownership as equal to other tenures such as freehold and leasehold, the statement that it is more likely to be enforced and respected than statutory law is a generalization that does not reflect the complex reality. This is because the large part of the application is customary land and property ownership, which is more likely to be enforced and respected than other kind of land ownership. Under customary land ownership[11], women rarely inherit land and typically cannot obtain land rights on their own. Sadly, rural communities are some of the hardest hit by climate related developments such as fossil fuels and others, but protecting women's land rights amidst those developments still remains a challenge. Like much of sub-Saharan Africa, Uganda has a pluralistic legal system combining various sources of law. Pre-independence British law, Ugandan civil law, and customary law all figure into Uganda's legal structure. Some British law is still in effect in Uganda, particularly in regard to family law. Additionally, customary law figures prominently in the day-to-day functioning of family law and land rights, with wide-ranging impacts on women.

[6] <https://www.fao.org/4/ac563e/ac563e00.pdf>

[7] <https://www.trade.gov/country-commercial-guides/uganda-agricultural-sector>

[8] <https://www.ubos.org/wp-content/uploads/2024/12/National-Population-and-Housing-Census-2024-Final-Report-Volume-1-Main.pdf>

[9] <https://x.com/uwonet/status/1907834463481938164>

[10] <https://nwoya.go.ug/sites/default/files/National-Population-and-Housing-Census-2024-Final-Report-Volume-1-Main.pdf>

[11] <https://land-in-uganda.org/shared-files/1504/?compulsory-acquisition-doc-3-understanding-customary-tenure.pdf>

To-date, women can be said to have been tactically outplayed by history. The customary tenure system that is prevalent and widely recognized in Uganda, women would ideally be beneficiaries by virtue of them being members of communities sharing common traits and values, but most of our cultures treat women as subservient to men. As such, the most women can expect is user and not ownership or control rights. Even as users of the land, women do not have absolute rights because in most societies, its owned by their male counterparts.

Yet it is common knowledge that land is the most important factor of production anywhere in the world, and the fact that it is also the number one source of livelihood is equally not in doubt. It is, therefore, not surprising that since the 1970s or much earlier, the question of land has remained one of the most contentious, particularly in Uganda. One other thing for sure is women's stake in land issues which has been accorded to least attention, whichever way you look at it.

Despite a number of efforts to attempt having customary land registered for women ownership, but even then, most communities are male-headed, implying that women continue to play the role of mere bystanders, and if they are lucky, they may have the privilege to countersign land documents^[12].

The other two land tenure systems, freehold^[13] and leasehold, would be the most effective vehicle for women's liberation, but they, too, suffer from peculiar encumbrances. Women traditionally earn less^[14] than men even when holding the same type of job. By implication, many women have less purchasing power than men and, considering the exorbitant cost of land generally in Uganda today, the majority of women can only own land if it is offered to them as a gift. The catch in this is that, in most cases, gifts are not necessarily legally binding. The truth is that it is in our homes that boys are favoured as heirs over their sisters; it is in our schools where boys are nurtured as protectors of girls; it is in our churches that women are taught to be submissive to their men.

2. The objectives of the policy brief

The main objective of the policy brief is:

- i). To analyse the current land governance framework, gender provisions, and gaps affecting women in oil-impacted regions.
- ii). To document the lived experiences of women affected by oil projects, including land acquisition, compensation, displacement, and environmental impacts.
- iii). To identify priority areas for policy and legal reform to strengthen women's land rights.

[12] <https://acfode.or.ug/sites/default/files/Publication/Arise%20Magazine%20Issue%2058.pdf>

[13] <https://www.studocu.com/row/document/victoria-university-uganda/bachelor-of-law/free-hold-land-tenure-system/136039948>

[14] <https://iwpr.org/new-report-women-earn-less-than-men-in-all-occupations-even-ones-commonly-held-by-women/>

3. Impacts of oil developments on women's roles and livelihoods

Available evidence indicates that the displaced communities that were affected by Uganda's oil and gas developments have contested undervaluation and unfair compensation[15] offered by the oil companies in exchange for giving away their homes and land. Sadly, in Uganda, women are not entitled to the same land rights as men[16]. Although Ugandan law prohibits gender discrimination in land ownership, in many cases land is acquired and inherited according to customary traditions which favour male ownership. Women can inherit land from relatives, receive land as a gift, or buy land themselves, yet are considered mere users of their husbands' land in customary marriages[17].

This situation leads to complex and varied situations as women can both own several plots of land, and be considered users of their husbands' land. For instance, compensation for displacements was awarded on the basis of land rights[18], and of the value of the farmlands, gardens, and houses that would be acquired to make way for oil development. Total E&P Uganda and CNOOC Uganda Ltd promised that women with no formal legal rights would be included in the compensation scheme, and have their informal rights to land recognized[19]. Women were identified as potential vulnerable groups. However, this approach failed to deliver fair outcomes of compensation of women as opposed to men.

Available information indicates that women did not benefit from the compensation[20] they were entitled to. The compensation was promised either through a single lump sum payment, or through land-for-land exchange. Women expressed complaints about both options[21].

The cash compensation faced with a multi-layered and complex land ownership context. For instance, the East African Crude Oil Pipeline (EACOP) boiled down the compensation process to a single "silver bullet" solution through opening joint bank accounts, so that both husband and wife would be able to access the compensation money. Spousal consent was used to ensure that women participated in decisions regarding compensation options[22]. In practice, however, access to compensation did not necessarily materialise. Most women claimed they had little to no knowledge of how and when the compensation money was spent and/or if it was spent.

[15] <https://www.business-humanrights.org/en/latest-news/uganda-people-displaced-by-eacop-project-were-inadequately-rehoused-or-compensated-report-says-incl-co-response/>

[16] <https://law.yale.edu/sites/default/files/documents/pdf/LawJournals/Asiimwe.pdf>

[17] <https://acfode.or.ug/sites/default/files/Publication/Arise%20Magazine%20Issue%2058.pdf>

[18] [https://globalprotectioncluster.org/sites/default/files/2023-](https://globalprotectioncluster.org/sites/default/files/2023-19/Women%27s_Rights_to_Housing_Global_Overview_1999_EN.pdf)

[19/Women%27s_Rights_to_Housing_Global_Overview_1999_EN.pdf](https://globalprotectioncluster.org/sites/default/files/2023-19/Women%27s_Rights_to_Housing_Global_Overview_1999_EN.pdf)

[20] https://multinationales.org/IMG/pdf/ouganda_odm-en-05.07.pdf

[21] https://multinationales.org/IMG/pdf/ouganda_odm-en-05.07.pdf

[7] [https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/uganda.oxfam.org/s3fs-](https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/uganda.oxfam.org/s3fs-public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf)
[public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf](https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/uganda.oxfam.org/s3fs-public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf)

[22] https://totalenergies.ug/system/files/atoms/files/land_acquisition_and_resettlement_framework.pdf

The concerns around compensation reaching women is already highlighted as a potential risk by Oxfam's analysis of the EACOP's compensation process where women felt that the cash compensation resulted in a significant loss of decision-making over the household's funds, in comparison with pre-compensation times[23]. The women believed that this situation could have been avoided had they been integrated in the compensation process in a more significant way than being asked for their signature on a bank paper. More so, some men were encouraged to get married just to have the women's signature and get the cash compensation.

In addition, the language used by the EACOP proponent to assist the Project Affected Persons (PAPs) to open bank accounts with their spouses was also reductive of women's role as household fund managers. A 2022 report by Just Finance[24] even mentioned that single women, or unmarried women, still hadn't received any compensation. This suggests that the recognition of women's informal rights to land by oil companies was superficial at best.

Although TotalEnergies claims that the majority of women engaged found the joint disclosure exercise held with their spouses to be useful which fails to integrate the context that women were in any case not given an alternative option for the delivery of a monetary compensation, there's no any fact provided to prove that women really benefited from the compensation received with their husbands. The EACOP's compensation success is measured by the percentage of compensation agreements signed by both wives and husbands, which is insufficient to monitor the longer term impacts of joint bank accounts on marriage dynamics.

In the cases where women were offered in kind compensation, they fell short of expectations. Although Principle 5 of EACOP's relocation strategy mentions that resettlement would be undertaken in a culturally appropriate manner, some women were concerned that their new relocation areas were inadaptatable to their cultural needs[25]. For instance, the new homes lacked a space for women to cook outside. Stoves were put inside the house and ended up smoking the entire living areas. More so, some women especially the oil refinery affected communities that were relocated to the Kyakaboga resettlement camp were also concerned about their cultural distortion because children are not supposed to live in the same house as their parents as they grow older, yet everyone was relocated in one house. Although oil companies have always claimed to have had new houses and farmlands approved beforehand, this directly contradicts all the testimonies from displaced women, who were given little, if not missing, information as to the new relocation areas[26].

[23] https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/uganda.oxfam.org/s3fs-public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf

[24] <https://justfinanceinternational.org/2022/11/16/risk-of-poverty-after-land-acquisitions-for-ugandas-mega-oilpipeline/>

[25] https://multinationales.org/IMG/pdf/ouganda_odm-en-05.07.pdf

[26] <https://www.afiego.org/wp-content/uploads/2024/03/AFIEGO-research-report-Impacts-of-oil-refinery-project-on-the-affected-people-r.pdf>

In addition, women were unable to voice their concerns regarding them receiving fair and meaningful compensation before being displaced. Whereas the EACOP claims to have led specific meetings for women, it has not provided any information about the number of women who attended. Some reports indicate that women never had a chance to attend meetings because their husbands did not want to. And there was no room for asking what happened during those meetings. That lack of participation can only result in women's exclusion from the compensation process right from the beginning.

According to an Oxfam report[27], consultations were often conducted early in the morning, at a time when most women were farming and unable to attend. This suggests that wives were restricted from active involvement in decision making pertaining to their own relocation. According to TotalEnergies' response, the risk of women being unable to attend these meetings had been identified by the Human Rights Impact Assessment[28]. But the company denies any responsibility in women being unable to attend to the meetings, and greatly underestimates the number of affected people[29].

In the context of compensation having not reached women, any incremental efforts aimed at improving the lives of women were largely seen as insufficient by displaced women[30]. The testimonies from women on the ground leave no room for doubt that oil companies have shown a clear lack of commitment to gender equality.

In the context of complex land rights, where women are at a disadvantage compared to men, TotalEnergies left women significantly disempowered compared to their situation before oil development. They either did not receive monetary compensation or were left with inadequate and even worse housing. Shockingly, women testify that they now have less control over collective funds, reinforcing inequalities within the household.

4. Existing policy and legislative landscape on women land rights in Uganda

There are numerous international and regional conventions, treaties, instruments and frameworks that have been developed to guide the promotion, protection, and actualization of women's land and property rights, whose overarching principles are non-discrimination and equality across political, social, economic, cultural and civil spheres of life.

Regarding women's land and property rights, these frameworks including; the Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Civil and Political Rights (ICCPR) No. 14668 (1966), the CEDAW 1979[31], the African (Banjul) Charter on Human and Peoples' Rights 1981, the African Charter on Human and Peoples Rights[32] (The Maputo Protocol-2003), the Beijing Declaration and Platform for Action, 1995, the Sustainable Development Goals (SDG) 2015 and many others are pertinent.

[27] [https://cng-cdn.oxfam.org/uganda.oxfam.org/s3fs-](https://cng-cdn.oxfam.org/uganda.oxfam.org/s3fs-public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf)

[public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf](https://cng-cdn.oxfam.org/uganda.oxfam.org/s3fs-public/file_attachments/EACOP%20ESIA%20Gender%20analysis_o.pdf)

[28] https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2022-07/Tilenga_HRIA_Full_Report_r.pdf

[29] https://multinationales.org/IMG/pdf/ouganda_odm-en-05.07.pdf

[30] https://multinationales.org/IMG/pdf/ouganda_odm-en-05.07.pdf

[31] [https://www.thecommonwealth-](https://www.thecommonwealth-library.org/index.php/comsec/catalog/download/153/150/1096?inline=1)

[library.org/index.php/comsec/catalog/download/153/150/1096?inline=1](https://www.thecommonwealth-library.org/index.php/comsec/catalog/download/153/150/1096?inline=1)

[32] <https://au.int/en/treaties/african-charter-human-and-peoples-rights>

Once ratified, the state parties are required to incorporate the articulated principles that promote non-discrimination, equality, and equity in national policies and laws. This involves drafting policies, reviewing existing policies, amending existing laws, and drafting new laws[33].

Uganda is a signatory to most of these conventions, treaties, instruments, and frameworks the country has gone ahead to domesticate these frameworks by developing and implementing policy, legal and regulatory regimes that expressly and deliberately focus on the need to close the gender gap on land and property to advance equality and equity amongst men and women. In addition, the Ugandan government has made tremendous steps towards domestication of these conventions, treaties, instruments, and frameworks. These policies and laws that are progressive and gender responsive have been developed to advance women's land rights[34].

This can be seen in the use of gender-neutral language, disregarding the use of discriminatory words, and outlawing sections upholding discrimination in policy and law. These include the 1995 Constitution (as amended), the 1998 Land Act, the Registration of Titles Act (Cap 230), the Succession Amendment Act 2021, the Marriage and Divorce Bill 2009, and the National Land Policy 2013 are examples of the policy and regulatory framework directly concerned with women land rights. These are discussed below:

The Constitution of Uganda (1995) as amended. It paved way for meaningful reforms aimed at strengthening women's land and property rights under statutory regimes by providing the minimum threshold upon which all other laws governing land and property rights should conform[35]. It opposes and nullifies laws and practices that violate women's dignity. Importantly, its provisions aimed at promoting gender equality are based on international frameworks like the CEDAW-1979 and is generally in line with the Maputo Protocol-2003[36]. These two signal a successful enunciation of women's rights as human rights and impose the main obligation on member states to review, amend, draft, and implement policies and laws to their conformity. The following Articles are pertinent:

a) Article 21(1) states that all persons are equal before and under the law in all spheres of political, economic, social, and cultural life and every other respect and shall enjoy equal protection of the law. Same as Article 15 (1) of CEDAW[5], Articles 2, 2a, and 2 (c) of CEDAW; Article 18 (37)-Banjul.

[33] <https://social.desa.un.org/issues/disability/resources/handbook-for-parliamentarians/chapter-five/chapter-five-national>

[34] https://www.cifor-icraf.org/publications/pdf_files/Books/Socio-legal-review-Uganda.pdf

[35] https://media.ulii.org/media/legislation/r8222/source_file/f3992rf283dfcd00/r1995-constitution.pdf

[36]

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightssofWomen.pdf>

[37] <http://archive.ipu.org/pdf/publications/cedaw-en.pdf>

- b) **Article 21 (2)** states that a person shall not be discriminated against on the ground of sex, race, color, ethnic origin, tribe, birth, creed, religion, social or economic standing, political opinion, or disability: Article 1 of CEDAW; Article; Article 2 (1) of the ICCPR; Article 3 of the ICCPR[38]; Para 13 (c) ¶Habitat III; Para 37 of PGIESCR[39].
- c) **According to Article 21 (3)** “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, color, ethnic origin, tribe, birth, creed, religion, or social or economic standing, political opinion, or disability. Article 1 of CEDAW.
- d) **Article 26 (1)** Every person has a right to own property either individually or in association with others. Article 17 of the UDHR; Article 2 of CEDAW; Goal 1, Target 1.4 of the SDGs; Goal 5, Target 5 (a) of the SDGs;
- e) **Article 26 (2)** No person shall be compulsorily deprived of property or any interest in or right over property of any description. Article 17 of the UDHR[40];
- f) **Article 31 (1)** Men and women of the age of eighteen years and above, have the right to marry and to found a family and are entitled to equal rights in marriage, during the marriage, and at its dissolution. Article 16 (1), 16 (1) (a), and 16 (h) of CEDAW; Article 7 of the Maputo Protocol, and Article 20 of the Maputo Protocol.
- g) **Article 31 (2)** Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children. Article 16 (1), 16(1) (a) and 16 (h) of CEDAW.
- h) **Article 32 (1)** The State shall take affirmative action in favor of groups marginalized based on gender, age, disability, or any other reason created by history, tradition, or custom, to redress imbalances that exist against them. Article 9 (1) of the Maputo Protocol.
- i) **Article 33 (1)** Women shall be accorded full and equal dignity of the person with men. Article 1 and 2 (a) of CEDAW.
- j) **Article 33 (3)** The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. Article 2 (c) of CEDAW.
- k) **Article 33 (4)** Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic, and social activities. Para 61 (b) and (f) of the Beijing Declaration[41].

[38] <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[39] https://nlcuganda.org/wp-content/uploads/2024/03/WLR-in-Uganda_Implementation-gaps.pdf

[40] https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/?utm_source=google&utm_medium=cpc&gad_source=1&gad_campaignid=1357523470&

[41] <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

l) **Article 33 (5)** Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action to redress the imbalances created by history, tradition, or custom. Article 9 (r) of the Maputo Protocol.

m) **Article 33 (6)** Laws, cultures, customs, or traditions which are against the dignity, welfare, or interest of women or which undermine their status are prohibited. Article 2(f) of CEDAW.

The National Land Policy 2013. The policy^[42] provides strategies aimed at resolving inconsistencies, contradictions, and conflicts in the existing legal framework (Land Act, Succession Act, and the various marriage laws) responsible for violating and denying women's land rights during marriage, at divorce, and at succession. For instance, paragraph 68 (ii) advocates for "domestication of all international conventions ratified by Ugandan government which outlaw discrimination against women and children".

The Land Act, Cap 227. The Land Act 1998^[43] (as amended) is progressive in establishing protections for women's land rights, but it stops short of establishing co-ownership rights among spouses. There are only two sections of the Land Act that directly address gender, land, and property rights, that is, Section 38a of the Land (Amendment) Act 2004 which provides for a spouse's security of occupancy on family land, and section 39 which requires spousal consent for any land transaction on which the spouse resides on and uses for sustenance.

For instance, section 5 (r) (g) provides for safeguarding the interests and rights in the land which is the subject of the application of women, absent persons, minors, and persons with or under a disability.

In addition, section 16 (4) (b) states that "where not less than 60 percent of the group determine so to incorporate themselves, elect not more than nine nor less than three persons, of whom not less than one-third shall be women, to be the officers of the association." Same as Article 9 (r) of the Maputo Protocol^[44] and Para 13 (c) ¶Habitat III.

Further, section 27 states that any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions, and practices of the community concerned, except that a decision that denies women or children or persons with disability access to ownership, occupation or use of any land or imposes conditions which violate Article 33 of the 1995 Constitution on any ownership, occupation or use of any land shall be null and void. Article 2(f) of CEDAW, Para 37 of PGIESCR and Para 55 (h) of PGIESCR.

[42] <https://mlhud.go.ug/wp-content/uploads/2015/10/The-Uganda-National-Land-Policy-February-2013.pdf>

[44] <https://mlhud.go.ug/wp-content/uploads/2019/03/Land-Act-1998-as-amended-CAP-227.pdf>

[44] <https://au.int/en/newsevents/20230705/maputo-protocol-20-years>

Furthermore, sections 57 and 65 state that at least one-third of the members referred to in the relevant statutory bodies shall be women. Article 9 (1) of the Maputo Protocol^[45].

The Succession (Amendment) Act 2022. One of the major objectives of the review of the Succession laws (The Succession Act cap 162 and The Succession Act 1906^[46], as amended, 1972) was to bring the provisions of the laws of succession in conformity with the changes in the policy and legal arenas which have taken place at national and international levels over decades.

The Succession Amendment Act 2021^[47] is among others applauded for adopting a gender-neutral language and adopting articles and principles articulated by international and regional legal frameworks which emphasize equality, equity, and non-discrimination in all its form.

The objective of the Succession (Amendment) Bill, 2021 was to align the Succession Act to Article 31 (Rights of the family), Article 32 (affirmative action in favor of marginalized groups), and Article 33 (Rights of women) of the Constitution of the Republic of Uganda. Sections 27 and 201 (1) of the Succession Amendment Act 2021 are a fulfillment of Articles 2 (a), 2 (c), 15 (1), and 16 (1) of CEDAW, Article 3 of the ICCPR, paragraph 61 (b) of the Beijing Declaration^[48], paragraphs 55 (h), 79 (P) and 82 (e) of PGIESCR. Articles 20 (b), and 21 (1 and 2) of the Maputo Protocol, Goal 5, Target 5a of the SDGs. For instance;

- a) Section 27 (1) (a) (i) where the intestate is survived by a spouse, a lineal descendant, a dependent relative, and a customary heir, the spouse shall receive 20 percent (20%).
- b) Section 27 (1) (c) (i) states that where the intestate is survived by a spouse, or a dependent relative, and a customary heir but no lineal descendant, the spouse shall receive 50 percent (50%).
- c) Section 27 (1) (d) (i) states that where the intestate is survived by a spouse or a dependent relative but no lineal descendant, the spouse, or the dependent relative, as the case may be, shall receive one hundred percent (100%), of the whole of the property of the intestate.
- d) Section 201 (1) states that the surviving spouse shall have preference over any other person in the administration of the estate of the deceased intestate.

The Registration of Titles Act 1924. The Act recognizes that any person has a right to own property as long as it is lawfully in his or her name, sections that are pertinent to women land rights include, section 2 (2) which states that “this Act shall not be construed as limiting or abridging the provisions of any law for the time being in force in Uganda relating especially to the property of married women”.

[45] https://www.pulp.up.ac.za/images/edocman/pulp-commentaries/protocol_to_ACHPR/Article_9.pdf

[46] <https://faolex.fao.org/docs/pdf/uga96454.pdf>

[47] [https://bills.parliament.ug/attachments/The%20Succession%20\(Amendment\)%20Act,%202022.pdf](https://bills.parliament.ug/attachments/The%20Succession%20(Amendment)%20Act,%202022.pdf)

[48] <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

In addition, section 77 states that any certificate of title, entry, removal of encumbrance, or cancellation, in the Register Book, procured or made by fraud, shall be void as against all parties or privies to the fraud.

Further, section 94 states that the “proprietor may vest estate jointly in himself or herself and others without limiting any use, etc.”

5. Policy and Legal inconsistencies that limit women land rights

The Constitution of Uganda 1995: Although the Constitution brought about far-reaching policy and legal reforms aimed at securing women’s land and property rights and advancing gender equality and women’s empowerment, it does not specifically or explicitly recognize women’s land and property rights^[49]. This gap presents a challenge to efforts aimed at protecting and promoting women land rights.

Land Act, Cap 227: The Consent clause as articulated in section 39 (1) (c) (i) of the Land Act (amended) states that no person shall give away^[50] any land inter vivos, or enter into any other transaction in respect of land, in the case of land on which the person ordinarily resides with his or her spouse and from which they derive their sustenance, except with the prior written consent of the spouse. The issues render this clause inapplicable or segregative and unable to protect women land rights.

The fact that the right to consent is premised upon an existing marriage, means that women who are most vulnerable to land rights abuse have been automatically excluded from any potential benefits associated with this clause^[51], that is, widows, separated, divorced, unmarried, and cohabitees.

More so, the protection granted to married women is rather unsatisfactory because it only safeguards their interests in family land on which the family resides and “on which is situated the ordinary residence of the family and from which the family derives sustenance.” In a situation where the family resides on a piece of land other than the one cultivated, the woman’s interests in the latter are not protected. Additionally, married women have not benefited from the protection provided by this clause of the inherent power imbalance eminent at the household level. The typical power inequalities shape decision-making at the household level to the disadvantage of married women. The law assumed equality amongst couples- that is, a woman can freely decide on an intended land transaction, this assumption invalidates the implementation of the consent clause.

The Registration of Titles Act, 1924 makes the following observations; Section 2 (2) specifically disclaims any intentions to limit the application of laws providing for the property of married women. The Act also only explicitly lists fraud as a means for rebutting the strong evidentiary weight of the certificate, and lastly, it is unclear how a married woman’s rights to marital property would be protected if her name is not on a certificate.

[49] <https://mlhud.go.ug/wp-content/uploads/2019/06/Gender-Strategy-on-Land-for-the-NLP-July-2018-reviewed.pdf>

[50] https://ulii.org/en/akn/ug/act/1998/16/eng@2004-03-18/provision/part_II_sec_39

[51] https://d303cb4w253x5q.cloudfront.net/media/documents/WLR_3_FJHR1.pdf

The National Land Policy (NLP) 2013: The government has been slow in implementing many of the amendments proposed by the National Land Policy 2013, the Land Act (1998) has also never been amended to incorporate the policy proposals.

6. Other emerging policy Issues

Other policy issues arising from the above discussions is that the state has an obligation to establish mechanisms that help to enhance women's systematic ownership of land. This involves identifying the specific constraints that they face and dealing with them. For instance, women face difficulties in asserting their land ownership rights. This is majorly because most of the land in the country is customarily owned and transmitted. Regulating gender insensitive customs and practices related to land has positive implications for increasing women's land ownership.

In addition, the land management structures have inadequate minimum allocation for female membership. This fact restricts the influence of women in these institutions especially given that most institutions maintain only the minimum allotted number of women.

Further, the institutional framework for protection of women's land rights are provided for in the national laws. In majority of the cases, however, these institutions are not fully constituted, inducted, resourced and monitored.

More to note, there are some inconsistencies and gaps in land laws in relation to women's ownership. Unless these laws are reformed or the necessary laws are drafted and passed, women's land ownership is but a dream. An example is the Domestic Relations Bill, 2003, which is crucial for women's land rights yet it remains shelved because it is considered culturally sensitive.

Many of the international commitments on women's land rights have been translated by the Government of Uganda into law and policy at the national level. However, enforcement modalities and resources that are needed for the effective implementation of the policies and strategies are either lacking or weak in majority of the cases.

7. Recommendations

To answer the land question of women rights, food security and agricultural transformation in Uganda, a lot must be done and the following are the recommendations;

i). **The Ugandan government should reform the land and property laws to ensure equality and equity.** Specifically, it should review customary rules and procedures to ensure their progressive conformity with land rights for women. The review of the National Land Policy 2013 must be operationalized to address women's rights to land access. There is also need to fully integrate women into all decision making structures and processes related to land access, use and ownership. Their membership in the land management bodies should be increased to at least 50% so that their voices count during crucial decisions.

ii). **The government should strengthen the functionality structure at district and sub-county levels to deal with land issues.** The district land board must sensitise the people about the process of acquiring customary land certificates.

iii). **Engage in cultural and community dialogues during policy development. Influencing people's long-held perceptions is no easy task.** Given the role culture plays in allocating and managing land in Uganda, it is important to dialogue with the cultural leaders on the need for women to be granted land. This, however, should also include other decision makers like Members of Parliament and Local Councillors who make laws at various levels so that they see the need to provide for women's land rights in policy.

iv). **Government should increase information dissemination and awareness creation on different existing land policies and laws.** Many women are unaware of their land rights and how to assert them. There is need to introduce public education and legal literacy campaigns related to women's rights to land. This should involve the whole community so that they too learn about women's rights and come to appreciate the experiences of women in relation to access to, use and ownership of land.

v). **Government and CSOs should sensitize community on legal rights of women and land ownership** that are provided for in the Land Act amendment 2010 as well as sensitizing cultural and clan leader's the importance land inheritance rights for women and girls.

vi). **Establish legal aid programmes to enable women to demand enforcement of their rights.** Women face difficulties in accessing justice because it is expensive, too technical and delays. If this process is left to individual women, they may find it nearly impossible to seek redress given the cost and other complications associated with the judicial process in Uganda.
rity in Uganda.

8. Conclusions

Land ownership is critical for women in Uganda and constitutes a fundamental right, particularly given their central role in agricultural production and household livelihoods. This policy brief has examined women's access to land use and ownership, alongside the legislative and institutional frameworks intended to guarantee and protect these rights. Despite the existence of these legal provisions, women continue to face significant barriers in asserting and realizing their land rights in practice. These challenges highlight the gap between policy and implementation. The brief therefore proposes a set of targeted recommendations aimed at strengthening enforcement, addressing structural and cultural constraints, and ultimately improving women's land ownership and tenure security in Uganda.

Zuri Mall floor 1 Najjera 2 off to Kira
P.O Box 127229
Website: <https://wemug.org/>
Email: info@wemug.org