

Opinion

Customary ownership of Customary is a struggle for land rights

Publish Date: Mar 16, 2012



Women's increased access to education has power relations at all levels

On Wednesday, the New Vision reported in its lead story that "the Government is to issue ownership certificates to customary land owners ... which is intended to give people more control over their land ..." This news simply made my day.

Provision of land titles is a great opportunity for men and women in Uganda to stake their interest in customary land. Land rights have a historical legacy.

Before colonial rule, land ownership and access took diverse forms, some were vested in lineages, clans and families, with males exercising day-to-day control. Historically, women had traditional protection that ensured continued access after separation, divorce or widowhood. There were also traditional means of arbitration which could be used if this access was contested.

Subsequent colonial rule encouraged privatisation and subdivision of land, held under individual freehold titles. In some parts of Africa, land was left under communal ownership, managed by customary leaders. At independence some African governments such as Tanzania proclaimed state ownership of all land whereas in others like Uganda, private ownership existed alongside customary ownership.

Overtime, factors such as rapid population growth and the insatiable quest for raw materials have made land more valuable and increased competition for its control. These pressures coupled with changes in family and communal relations have eroded traditional safeguards that ensured access to land by women.

In order to address this challenge, several actions have been adopted – these include provision of equal rights to property, land titling, and establishment of institutions to govern land rights. Some of these actions have yielded the expected results, the struggle still continues.

In the case of land titling, this policy was expected to assist women secure legal rights to properties that they owned or inherited. In some parts of East and southern Africa, land titling has not facilitated women to secure legal rights to land because where this practice has been adopted; it was mainly men who got their names on the documents because they were deemed to be the "household heads". Widows lucky enough to get land were allocated the smallest pieces of land. Another remedy aimed at ensuring women's access to land was premised on historical considerations whereby a woman has always been guaranteed of the right to use land for food production.

This prompts the need to separate formal ownership of land from the ability to use it and thus ensures that even if land is registered in the names of a man, he is barred from selling it without the consent of the wife or other beneficiaries.

Another alternative that has been proposed is to put in the name of families or both men and women to have their names on the certificates. And in instances where resources such as water, grazing land are communally shared; whole communities



Confirm

You like this. · Insight
You like this first of your friends like this. · Insight



2



9



0



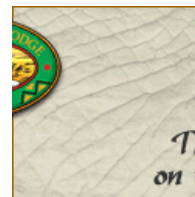
Print



Mail



Share



GOLDSEARCH HOLDINGS PRIVATE LIMITED
 Tel: +256 414 506377
 Mob: + 256 772 715001
 info@goldsearch.co.ug
 info@goldsearch.co.zw
 www.goldsearch.co.uz

could be identified as owners of the land, with every community member having equal access.

All these ideas aimed at securing equal ownership rights for men and women have challenges. There is critical need for broad change, which will not happen overnight. Person or entities who decide land allocation need to understand the changing roles of women. For example, as a result of HIV/AIDs female-headed households have increased. This justifies the need for widows to secure land and other property which can be used to secure their families' livelihoods.

On a positive note, women's increased access to education, capacity to earn higher incomes and participation in the decision making process has created changes in power relations at all levels. There is also need for society to continuously address the paradox premised on the fact that women are not considered as decision makers when it pertains to land and yet women's labour is key to productivity.

Uganda has made commendable progress in ensuring equal rights for men and women in law. The Constitution provides for the right for men and women to own property individually or jointly.

There is need for increased awareness of equal rights to property countrywide and establishment of institutions responsible for implementing land laws. Land tribunals which are already established by law could be used to decentralise the operations of the Administrator General.

The fact that there are currently only four Administrator General's offices located in Arua, Gulu, Mbale and Mbarara complicates the effective handling of cases of widows and orphans which in most cases are related to land issues.

Furthermore the Administrator General's office needs to be equipped with more authority and resources in order to serve the most vulnerable group composed of widows and orphans.

The Government decision to grant titles to customary land owners is worth celebrating. Equitable land allocation is critical to social transformation; it will ensure increased productivity, sustainable peace and development. My humble prayer is that the titling of customary land will guarantee protection of all men and women who have a vested interest and rights in the land.

Tweet Share 9 | +1 0 | Print | Mail | Share

Post Your Comments

Max Length 500 Characters(With Space)

Submit

Comments

Jacob Mutabazi | Oslo

This is a wellcome idea. Please remember that much of land i Buganda is wrongly owned by churches. First the government should reduce all land owned by churches according to number of members and distribute the rest to poor people. The Kabaka should be given what his household needs and distribute the rest.

Report Abuse 0 0

Also In This Section

- ▶ Step up fight against Tuberculosis
- ▶ Corruption rooted in colonialism
- ▶ Let's use Kony2012 to do what we ought
- ▶ NRM finally wakes-up for duty
- ▶ Freedom not for one group
- ▶ New form of market protectionism
- ▶ President's message on sex education was spot-on
- ▶ Who is misguiding Ugandans and the World about Uganda's oil?
- ▶ Patriotism and morality go together
- ▶ Press interview with China's Foreign Minister

Our Products



[Home](#) | [National](#) | [World](#) | [Sport](#) | [Business](#) | [Entertainment](#) | [Health](#) | [Education](#) | [Supplements](#) | [Life Style](#) | [e-Paper](#)

[Contact Us](#) | [Advertisement](#) | [Archive](#)

Copyright © 2012 Newvision . All rights reserved

Designed & Developed by:

**Sign Up For Our
Newsletter**

NEWS & SPECIAL INSIDE!

GO

**Follow Us
ON**

