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POLICY BRIEF SERIES

Policy Brief No. 11-2018: **Women & Property Rights in the Agriculture of Uganda**

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Executive Summary

This policy brief analyzes existing approaches on how actors currently empower women economic and socially, in order to improve women's property rights. In Uganda, during a research trip in April 2018 relevant data was mainly collected from females in order to find out what they wish for regarding women and land ownership and to analyze how actors currently contribute to overcome the problematic situation of women. From a theoretical point of view, the approach of institutional work and property rights is discussed with the aim to derive from that and the collected data practical recommendations. The findings show that actors do contribute to a certain extent to the disruption of the institution of property rights, but due to the high unawareness of women's rights and cultural norms and practices, they do not fully exploit their opportunities. This paper gives practical insights for the affected women, but also recommendations for external parties such as non-governmental organizations on what steps need to be taken to strengthen the promotion of women's rights on property.

Introduction

Women in the agricultural sector in Uganda have limited property rights, particularly land rights but in an informal marriage they are not allowed to claim for mutual ownership because traditionally men own land (Joireman, 2008). Evidence (Rugadya, Obaikol & Kamusiime, 2004) suggests that the culture shapes the behavior and attitudes but also the inheritance and customary law hinder women to make use of their rights and to be seen as valuable member of the society. Another barrier which leads to the disadvantaged position of women is their unawareness about the legal rights.

The agriculture in Uganda is very significant due to several reasons, for example, women who represent the majority workers are mainly involved in the production. About 85% of

exported goods and over 40% of the GDP are earned through the sector which also shows the importance of land (Ellis, Manuel & Blackden, 2006). In Uganda (Tripp, 2004) land symbolizes an essential resource for the agricultural sector (Rugadya et al., 2004) and the ownership of it does not only impact the status within a society, but also the relationships in the community and the domestic level (Agarwal, 1994). In the agriculture about 83% of women are involved, 25.5% have control over the resource they till and only 7% are female land owners (Acfode, 2015).

The unequal access to land has a vast impact on women which leads to an economic dependence on their husband within a marriage and limits their control over resources. Studies (Grabe, 2010) illustrate that women who own land, do challenge cultural norms and practices but it results in a higher chance to participate in decisions in the domestic sphere and communities. Moreover, it positively effects their ability to control their marriage (Panda & Argwal, 2005).

As women's property rights are a problem in Uganda, institutional work which is the intentional action of an individual or organizations with the aim to create, maintain and disrupt institutions (Lawrence & Suddaby, 2006), represents an approach to address the problematic situation of women and property rights. However, this paper focuses only on the disruption of institutions with the aim to develop practical recommendations. The objective is to examine how actors currently try to overcome the situation of women's limited property rights, particularly land ownership rights, hence, the policy brief is guided by the following research question: *How do actors contribute to the disruption of the institution of property rights of women in the agriculture in Uganda?*

In order to answer the research question and to understand what women desire for, semi-structured interviews were conducted with solely women. However, there is one

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exception, a male participant who could give substantial insights as a member of the United Nations of Uganda. Derived from the data a recommendation which includes four steps is suggested.

In the following sections the conceptual background of institutional work and property rights of women in Uganda are reviewed. After that, the methodology including how the data was gathered, is explained and subsequently the findings are presented. Lastly, recommendations are discussed that include an action-plan to achieve gender equality in relation to women's property rights.

Conceptual Background

To understand how actors currently contribute to the improvement of women's property rights and to be able to make relevant recommendations derived from the findings, the conceptual background of institutional work and the property rights of women in Uganda are explained in this chapter.

Institutional Work aimed at Disrupting Institutions

Generally, institutions are defined as 'regulative, normative, and cognitive structures and activities that provide stability and meaning to social behavior' (Scott, 1995, p. 33), whereby regulations relate to rules and laws, normative structures to norms and cognitive structures to cultures. As already mentioned in the introduction, this policy brief focuses on the disruption of institutions in order to understand current actions of different actors and to follow up on it. Institutional work is 'the purposive action of individuals and organizations aimed at creating, maintaining and disrupting institutions' (Lawrence & Suddaby, 2006, p. 215) and actors can significantly affect institutions. Therefore, Lawrence & Suddaby (2006) suggest three forms of institutional work for disrupting institutions whereby different kind of actors are identified for each single form. The three forms

are taking legal actions, taking advantage of the status and lastly, questioning practices and beliefs.

The first form of institutional work describes especially professional actors who uses the judiciary in order to invalidate institutions. The goal thereby is to recreate relationships among actors (Lawrence & Suddaby, 2006), that is why concepts are sometimes created or redefined (Suchmann, 1995). The next form consists of actors as elites who use their prestige and try to break through practices or regulations in an indirect way (Lawrence & Suddaby, 2006). The third form relates to powerless actors who question and doubt on existing assumptions and beliefs. Therefore, they undermine them and establish a way how to act differently by substituting existing practices.

Property Rights

Restricted property rights, in particular land ownership rights have a significant impact on the economy of a country and hinder affected persons to have access to opportunities that would enhance their social, economic and political position (Joireman, 2008). Land does not only provide a resource for the livelihoods of the majority of the Ugandan people, but also represents a powerful status when owning it. In developing countries where the inequality of both gender is mainly maintained through cultural and social established structures, land ownership plays an important role (Deere & Léon, 2001). Reasons for the unequal access to land are, to name a few, cultural and social norms, and the legal pluralism which describes the management of land by the customary tenure and the regulation by the statutory law. The unawareness of the law and lack of access to justice are further reasons why women do not own land (Acfode, 2016).

Moreover, studies (Koenig et al., 2003) reveal that women who own land and therefore have the ability to control resources, are less

affected from the risk to experience gender-based violence within their marriages.

Property Rights & Institutional Work aimed at Disrupting Institutions

In the context of Uganda cultural norms, traditions and property rights represent an institution that limits the interactions between humans and shape the environment (Feder & Feedy, 1991). In this way it can be investigated how institutional work contributes to the disruption of the institution of women's property rights in the agricultural sector of Uganda.

Research Method

In the following chapter the research design and context, the data collection and analysis are discussed.

Research Design

The methods of a qualitative research helped to get a deeper insight into the environment participants acted in, that is why face-to-face interviews were conducted (Creswell, 2007). The advantages of semi-structured interviews were fully used not only by asking open-end questions, but also by adjusting or changing questions depending on each interviewee's context (Saunders, Lewis & Thornhill, 2007).

Research Context

A research trip to Uganda took place in April 2018 with the Agri-Quest team whose goal it is to achieve an improved business climate throughout the value chains in the agricultural sector (Agri-Quest Uganda, 2017). Therefore, the research context of this paper was in the agriculture but also in the urban area to enhance the hands-on information.

Data Collection

Data was collected during field trips in Bugiri and Oyam, and in Kampala where the non-

governmental organizations (NGO) are located. In order to answer the research question, it was important to receive honest answers to the sensitive topic, that is why the focus was mainly on interviewing women to understand their perspective. In total six interviews were used to learn what women do to disrupt the institution of property rights and what they wish for improving the current situation. However, one interesting interview was conducted with a male member of an NGO.

Data Analysis

The data was analyzed by applying the 'Gioia Methodology' which consists of three steps (Gioia, Corley & Hamilton, 2013). The first step required to conceptualize the gathered data and in the second step themes could be developed deriving from the first-order concepts. In the third step aggregate dimensions were developed through combining the theoretical concepts with the emerged themes.

Findings

As noted in the introduction there are actors who continuously work to disrupt institutions. The findings indicate that certain actors disrupt them which is shown by three different activities. The first one is sensitizing by informing the communities, creating awareness at school and providing training for men and women, whereby particularly the men involvement is highlighted. The second one is taking legal actions by providing women access to justice and approaching the political level. Lastly, the third one is collective efforts by forming women groups and creating or joining Village Saving and Loans Associations groups.

Disrupting Institutions

Theme1: Sensitizing

To contribute to the gender equality regarding women's property rights, the findings suggest that the process of sensitizing is necessary which is done through informing the communities, creating awareness at school and providing training for men and women.

Informing communities. The data shows that women in the rural areas have limited possibilities to reach support when they seek for help, that is why they are dependent on their community in their local area. A legal officer of a non-governmental organization highly recommended to *'Have a community sensitization with a local. It's easier to listen to a person from your area. When people have cases they can straightly report it to them [...]'* [6]. To train the locals, particularly the local leaders, the NGO empowers and encourages women to be community legal volunteers, however, it is also important to include male volunteers who are more dominant and advocate women's rights. The data shows that having one being part of the locals in the affected area is important, because the NGOs can teach them and, in turn, the locals can help to solve problems by carrying out mediations in villages where all community members are called. The following excerpt reveals this procedure:

'So if there is a land dispute between a woman with a man, we want help mediate the case and conclude it and ensure that the entire community knows what has happened because if it happens with them, they know what to do, they know where to run and where to go. So number one for a woman to have her right, to take her position. We want women to take possession on their land, to fight for their land. If you have land, use it, utilize it' [6]. In Uganda the biggest form of communication occurs through radios which are mainly used in the rural areas. To take advantage of it, announcements are made to mobilize people and educate them.

Creating awareness at school. To ensure that women, especially at a younger age, know

about their rights, they should be educated about it at school age with the aim to be able to get their own source of income and be economic independent which an executive director of an NGO highlighted: *'That is very key. And therefore if she has that economic independence, she is kind of be able to acquire her own land and her own property'* [5]. Not only girls should be aware of their rights but also boys. Therefore, teachers should provide discussions about girls' and women's rights by forming classes in schools. Talking as a teacher or as parents to children appears to be a powerful tool to create awareness as a teacher confirms [3].

Also, another NGO empowers young girls intentionally in primary and secondary school by opening clubs with the aim to create peer to peer groups who can share their knowledge with friends who cannot afford it to go to school. The objective is to empower young children, so that they can grow up with this knowledge. The feedback the NGO received for creating the clubs is positive as the officer stated: *'From these Fida Clubs in other sub-counties we have, we have so many women clients coming to the offices because of what we have taught their children. So the child will listen and know that there is a problem that their mothers have and so at the end of the day we have a client coming to the offices who has learnt from their child'* [6]. The data illustrates that educating children does not only benefit themselves and their future, but also their parents and friends who might be in a difficult situation.

Training for men & women. It is essential that a woman needs to know her rights, so *'at least she can be able to defend herself or even question why certain things are happening'* [5] as an informant pointed out. However, several interviewees emphasized the engagement of men in sensitization trainings. One NGO experienced interventions without males which backfired [5]. Focusing only on women is not effective because *'[...] you still leave a challenge. You need to engage the men, so*

that they become partners. Because if his wife is able to use the land, make decisions on crops, what she should actually grow because she is empowered' [2]. The outcome is that empowering women benefits the whole family income which needs to be understood by men. Because of the sensitivity of this topic, women tend to shy away and do not feel free to express themselves. Therefore, women and men need to have separate sensitizations first and after both have understood the issue, they are brought together to have focus group discussions [2]. Having champions of gender equality who push and influence the others is helpful because they live exemplary lives and sensitize their colleagues [5]. The findings reveal that by integrating the use of power, perceptions and behaviors can change. NGOs encourage men to use their power in a positive way to achieve gender equality.

Theme 2: Taking Legal Actions

In the context of Uganda patterns of taking legal actions on a higher level were found and refer to the access to justice and the approaching of the political level.

Access to justice. The findings show that a certain NGO provides women access to justice even though it is hard to give evidence to the court that a woman is in a customary marriage. Despite the fact that it is the biggest challenge to prove that a woman is in an informal marriage, the NGO goes above the customary law: *'So our courts actually helped us to go above the customs but these are not implemented in our statues, our laws people read. That's why we run to court every time we have a problem. Regarding custom and anything that is not written down'* [6]. In a recent case where a woman claimed for her property, the judge, for instance, decided for the benefits of her by stating that she *'need not financial continuity, money, to own property. Her contribution to the marriage, the fact that she cooks, has children, etc. is enough for her to own property in this marriage. So that was a very good case for us. It's a very good case*

that we use for marital property' [6]. Another concept the NGO created and used, is called 'circumstance evidence' which is the proof of the communities who can confirm that a woman contributed to the household or is in a customary relationship.

The access to justice does not necessarily mean that every case is solved in front of the judge because in order to facilitate the whole process, the NGO provides mediations in the office of Kampala where men agree to give his property to a woman by signing a memorandum [6].

Approaching the political level. An interviewee explained that the organization uses different approaches to support and promote women's rights, that is why they work with female politicians at a local level who are very key [5]. Once a woman shows interest in participating in politics, they train and help her how to manage public, but also private life until she is able to manage the debates within the councils. The data shows that women are restricted in politics, hence, they should encourage each other to promote gender equality beyond the political differences. Moreover, it is important for these women in politics to monitor program implementations and ensure that issues as women empowerment and gender equality are part of the budgets and plans. In this way the NGO is able to achieve something *'because the challenge is about changing perceptions, attitudes, beliefs and culture'* [5]. Rather than focusing on one strategy, the NGO approaches several canals.

Theme 3: Collective Efforts

Collective efforts refer to the forming of women groups and the Village Saving and Loans Associations (VSLA) and is identified as a new form of disrupting institutions in the context of the agriculture in Uganda.

Forming women groups. Providing women the chance to form women groups means to

empower women economically. An interviewee explained one opportunity how to achieve it: *'Allow them to get into groups, have access to micro-credit, to be able to lease land from the government or from people who are not able to use their land, till it and grow what they like to grow. And then they make a profit from the land'* [2]. The ability of women to have their own source of income and their own property would improve the situation of females highly [1]. Another informant argued that women have a better use of land than men which was confirmed several times by other interviewees. Especially if women turn into small groups they can get economies of scale and facilities easier than alone such as buying a tractor to till the land. *'It has been known in the villages that it works'* [3]. Furthermore, a woman emphasized the way how women deal with land, once they own it compared to men: *'Also, it is easier for men to sell land when they have problems. For women, it would be the last thing they do to sell the land. Women will not sell the land till they are on a dead bed. But for men, men will, it is money to drink or marry a wife. He will sell it easily'* [3]. This confirms that land would be in better hands of a woman.

VSLA. Many interviewees pointed out to the Village Saving and Loans Association which is a self-managed group. By sticking to a social saving scheme, women have access to finances, for example, at a micro finance institution or a commercial bank, whereby the group members work as a security or backup to provide women access to a micro finance, hence, it is like a group loan: *'[...] this is how they can access land. For example, if my group has a lot of money we can start and buy land as group. When we get a lot of yields and sale we can now decide to say: can each one of us can have her own piece of land? That collective efforts can help them to get the land'* [5].

The VSLA groups make sure to create awareness by giving women the information about women's rights and girl education and telling them about existing laws and where to

report issues, so that they are economically empowered in practice and in their knowledge. The data shows that empowering women has also a negative side which is related to the responsibilities within a family. Men neglect their responsibilities and expect women, for instance, to take care of everything such as paying the school fee for the children but *'at least the women are happy. We see how their lives have improved'* [5].

Policy Recommendations

The findings show that to provide women equal access to land, women wish for men involvement to create a mutual understanding of gender equality. Working together has many advantages: Men do not feel threatened in their status and women have the opportunity to be economic and socially empowered. The theoretical background of institutional work illustrates that there are already initiatives by women to disrupt the institution of property rights which is identified by taking legal actions. However, these and additional activities need to be strengthened and supported by actors who are not part of the communities such as NGOs or governmental entities to be effective. Based on the findings, the following steps are recommended to improve women's rights of property, especially land ownership.

Step 1: Sensitizing communities

According to the data it is important to bring knowledge of both the legal rights and the rights of a woman to men, women and leaders within communities. Because people tend to listen more to local persons who speak the same language and are from the same area, the community plays an important role. Changing embedded attitudes about the sensitive topic of gender and land is a challenge. Therefore, sensitizing the community about the topics starts at the family level and is the first step to take.

To realize the first step, it is essential to get support of NGOs or governmental entities to

advance this process. In order to take the second step, a mutual understanding of the benefits of women being empowered is the basis. A gender sensitized training can consist of a community that formulates a commitment and plan to gender equality and women's property rights.

Step 2: Forming or joining women groups

The findings suggest that forming or joining women groups is very effective to access financial services, which at the same time provides women the opportunity to be economic independent. In this way loans can be accessed, for instance, to acquire land and to make profit out of the use, thus, starting a small business. Generating own income is the first step to become economic empowered. Besides the financial benefits, women in the groups will also be socially empowered within the society. By sharing individual issues with other women and teaching each other about women's rights, awareness will be created. Beyond the mentioned advantages, the opportunity to develop different skills is also given, for instance, leadership skills because a women's group usually appoints a leader.

Step 3: Strengthening the alliances with rural women groups

In order to reach the affected women easier, NGOs can strengthen the collaboration with rural women groups. The data illustrates that it does not only facilitate NGOs' work to find these women, but it also increases the chances for women who seek for help to find support because the majority of the NGOs are based in Kampala which makes it hard for both sides to reach each other. An intensive collaboration with rural women groups could enhance this situation by exchanging information on a regular basis and monitoring the progress to adjust improvements. To implement these suggestions, sufficient community workers are needed who advocate women's rights.

Step 4: Providing access to justice

Women who are aware about their rights and claim for their land should at least know where to report the issue, respectively where to find help. The findings reveal that often the effort of the whole procedure to report is too big or expensive, that is why women accept the environment they live in. To know that there is another option besides the current problematic situation women are in, is a first step to get out of the dependence on their husbands. It is a step towards claiming for equal rights on property.

To facilitate this process, NGOs or governmental entities should recognize this opportunity and provide more shelter where women can find external support. Ideally, these women could be provided the possibility to form individually women groups to stand on their own.

Conclusion

The policy brief illustrated that the practical implementations regarding institutional work do exist partly, but not sufficiently to improve the situation of women's property rights substantially. The findings show that women in the rural areas are in need of more support from actors such as NGOs to firstly, reach them and secondly, achieve perceptible changes. Nevertheless, the most powerful tool women can use to be empowered, even without the help of an NGO, is to be proactive and form women groups where they can support each other and access facilities easier.

From a practical view, this policy brief gives insight into an approach of the issue of women's property rights and analyzed what women desire for regarding land ownership rights. This paper serves as a guideline to support, for instance, NGOs in their work to promote women's rights.

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