

**ASSESSING THE IMPACT OF LAND RELATED DISPUTES ON WOMEN'S  
LIVELIHOODS IN SEBEI REGION**

**FAITH MARTHA AEKO**

**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS OF  
UGANDA CHRISTIAN UNIVERSITY**

**May, 2025**



**UGANDA CHRISTIAN  
UNIVERSITY**

*A Centre of Excellence in the Heart of Africa*

**DECLARATION**

I AEKO FAITH MARTHA, do hereby declare that this dissertation was carried out in accordance with the requirement of the University's Regulation and Code of Practice for Research Degree Program's and that it has not been submitted for any other academic award. Other works cited and referred to are accordingly acknowledged.

Signature.....*Aeko*.....Date.....*26<sup>th</sup> May 2025*.....

**AEKO FAITH MARTHA**

## **ABSTRACT**

The advent of land related disputes on women's livelihoods within Sebei region has sparked an intense debate about the issues that arise out of such disputes. While there are various laws and literature that have tried to solve this issue, it still remains underscored and still a major problem affecting how the women live their lives.

This work analyzes and examines the tension between these land related disputes, highlighting the loopholes within the current laws and other various literature. A critical analysis of the laws depicts that there is a gap in the realization of women's rights. The research argues for a more nuanced approach, one that reconciles the law with rights of women.

## **DEDICATION**

This work is dedicated to my beloved parents, **Mr. Teko Andrew** and **Chelangat Febia**, **siblings**, and to my friends especially those that became family; **Nabirye Esther** and **Akello Leah** who have been the biggest support and motivation towards achieving my academic wins. They have helped in shaping the skill and knowledge that make me the noble person that I sure am.

## **ACKNOWLEDGEMENT**

My gratitude goes out to God and all those who have been a stepping stone towards the success of this work. Especially myself and also my supervisor, **Mr. George W.K.L Kasozi** who has ensured that the outcome of this work is a success. My parents who gave me the opportunity to participate in this and provided everything humanly possible to bring this to a conclusion. All the support and encouragement has been of much help and I am truly thankful for every bit of it.


**APPROVAL**

I vouch for AEKO FAITH MARTHA, that she has carried out the study and authored this report with my guidance.

The report was submitted for assessment with my approval as a University supervisor.

  
.....

George W.K.L Kasozi  
(Associate Professor)

  
.....

DATE

## List of Acronyms & Abbreviations

<b>Acronym/Abbreviation</b>	<b>Full Meaning</b>
ADR	Alternative Dispute Resolution
ICESCR	International Covenant on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
FGD	Focus Group Discussion
FLT	Feminist Legal Theory
ILC	International Land Coalition
IUCN	International Union for Conservation of Nature
LEMU	Land Equity Movement of Uganda
NGO	Non-Governmental Organization
SDGs	Sustainable Development Goals
SPSS	Statistical Package for the Social Sciences
UBOS	Uganda Bureau of Statistics
UNCST	Uganda National Council for Science and Technology
UNDP	United Nations Development Programme
UWONET	Uganda Women's Network

<b>CONTENTS</b>	
<b>DECLARATION</b> .....	ii
<b>ABSTRACT</b> .....	ii
<b>DEDICATION</b> .....	iii
<b>ACKNOWLEDGEMENT</b> .....	iv
<b>List of Acronyms &amp; Abbreviations</b> .....	vi
<b>INTRODUCTION</b> .....	1
<b>1.1 Background</b> .....	1
<b>1.2 Problem statement</b> .....	2
<b>1.3 Objectives</b> .....	3
<b>LITERATURE REVIEW</b> .....	9
<b>2.1 Introduction</b> .....	9
<b>2.2 THEORETICAL REVIEW</b> .....	9
<b>2.2.7 Social Exclusion Theory</b> .....	11
<b>2.2.8 Key Assumptions of the Theory</b> .....	11
<b>2.2.9 How Other Researchers Have Used the Theory</b> .....	12
<b>2.3 LITERATURE REVIEW</b> .....	13
<b>2.3.1 Legal Frameworks and Women’s Land Inheritance</b> .....	13
<b>2.3.2 Economic and Social Impacts of Inheritance-Related Land Disputes on Women</b> .....	14
<b>UGANDA’S LEGAL FRAMEWORK ON WOMEN’S LAND RIGHTS</b> .....	19
<b>3.1 INTRODUCTION</b> .....	19
<b>3.2 International and regional legal framework</b> .....	19
<b>SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS</b> .....	22
<b>4.1 INTRODUCTION</b> .....	22
<b>4.2 SUMMARY OF FINDINGS</b> .....	22

# CHAPTER ONE

## INTRODUCTION.

### 1.1 Background

Land disputes in specify has had various impacts on the lives of women globally since time immemorial, with a sound effect in Africa. Regardless of the various international, regional, and national instruments providing for equal rights in property ownership between women and men, various other factors like traditional customs, and legal systems have hindered ownership of land by women. The unequal distribution of land between the male and women during inheritance affects how the women carry on, which reduces their abilities in areas of agriculture, economic, social and political spheres.<sup>1</sup> Sebei region has the sound problem because of the dominance of customs which have led to inequalities between men and women as regards land rights.

Land in many societies is passed over through the male lineage with women having to depend on them therefore for survival, with most of the labor and use towards these lands coming from them. Where these women are left widowed, they lose any rights they have over such lands which has left them vulnerable to exploitation, loss of independence, violence, and suffering. Denying them of equal opportunities as regards land and property ownership diminishes their power and ability in decision-making, financial stability which is no solution to their vulnerability.<sup>2</sup> Latin-American women and those within various parts of the Middle East face similar challenges because of the customary and religious laws that hinder them giving priority to the male heirs over them. The situation in Africa is not any different. In Rwanda as per The United Nations,

---

<sup>1</sup> Women's Rights to Land ownership in Uganda :Policy and Practice, 2014

<sup>2</sup> Equality Now, 2022

women were excluded from owning property.<sup>3</sup> Despite the steps and advancements, the challenge continues to eat the little that is left among the victims.

### **1.2 Problem statement.**

Land disputes significantly undermines the socioeconomic wellbeing of women, especially in Sebei region. There are various legal frameworks and efforts to curb such problems such as The Constitution of the Republic of Uganda, 1995 as amended,<sup>4</sup> and the 1998 Land Act,<sup>5</sup> which prohibit gender-based discrimination as regards ownership of land but there seems to be persistence of the problem. Women who are approximately half of Uganda's population, own less than 20% of land.<sup>6</sup> The problem being more sore and acute in the rural areas which include the areas of Kapchorwa, Kween, and Bukwo where customs are dominant.

In Sebei, norms have left women marginalized when it comes to owning land and this has left them vulnerable to social and economic difficulties. The widowed and unmarried are exploited.<sup>7</sup> Their property is forcefully taken by their husband's relatives, who have undermined women's legal rights especially in ownership of property, hence hindering their economic and social opportunities. Enforcement of the law remains weak in such rural areas where the effects are profound. Women have limited access to financial services which limits their investment abilities, hence causing poverty, starvation, suffering, increased vulnerability and gender-based violence. The research aims to unveil the impact of these land related disputes and

---

<sup>3</sup> United Nations, 2008

<sup>4</sup> The 1995 Constitution of The Republic of Uganda

<sup>5</sup> The Land Act Cap 227

<sup>6</sup> Oxfam in Uganda, n.d.

<sup>7</sup> Pulte Institute for Global Development, 2014

propose ways to bridge the gap between the law and its enforcement, hence improving the security of women towards land security.

### **1.3 Objectives**

#### **1.3.1 General objective.**

The general objective of the study is to assess the impact of land disputes on the women in Sebei region, focusing of Kapchorwa, Kween, and Bukwo. The study aims to assess how such disputes have affected women's access to land ownership, economic power, sustainability and general well-being. It focuses on the effectiveness of the current legal framework, and land tenure systems in their role in shielding women against inequality when it comes to land ownership, inheritance, and laying out propositions that will enhance their security and social-economic development.

#### **1.3.2 Specific objective.**

- a) The study aims to understand the various ways in which land disputes impact women's livelihoods, while hindering their social-economic abilities, and hindrance to own land.
- b) To assess the implications of land related disputes, focusing on their effects on women's security, stability, land ownership and welfare.
- c) To evaluate the effectiveness of the Ugandan legal framework, dispute resolution mechanisms, and customary land tenure system in curbing women's challenges related to land disputes.
- d) To determine the extent to which customary laws impact women's land ownership in Sebei, including the legal barriers to attaining their sustainability.
- e) To analyze the social-economic consequences of land disputes on women's access to financial resources, agricultural productivity, income levels, and financial independence.

#### **1.4 Research Questions**

1. To what extent do land disputes affect women's livelihoods in Sebei.
2. What are the social-economic consequences of land conflicts on women's land ownership, stability and well-being?
3. How effective is Uganda's legal framework in protecting women's rights to land ownership?
4. What changes can be made to enhance security of women in land related issues and economic and social empowerment?

#### **1.5 Significance of the study.**

The study seeks to address the social-economic problems faced by women in Sebei region caused by land disputes. The legal framework in Uganda have been progressive overtime to include equality in land rights. However, only a small percentage of such land which is approximately 16% is in the names of women. This highlights the weak implementation of the laws to match the provisions of the law.<sup>8</sup> Despite such legal frameworks intended to protect women, the widowed and unmarried women have had to face a challenge of land grabbing that such communities consider justified because of the mindset that has left women behind men in all spheres relating to economic, social, or political areas.<sup>9</sup>

The research therefore aims to examine various challenges that have hindered the realization of women's land rights through promoting equality within the Sebei region of Uganda. The research will enable various organizations, governmental and non-governmental, the government itself, and policy makes to aid in the realization of a better standard of living within the people of Sebei region. This study shall align with

---

<sup>8</sup> International Land Coalition, 2023

<sup>9</sup> Oxfam in Uganda, n.d

Uganda's Vision 2040 which continues to emphasize gender equality as a cross-cutting enabler for socio-economic growth.<sup>10</sup> As a result of contributing to the realization of the national development goals and the Sustainable Development Goals (SDG'S) especially SDG 5 for gender equality and SDG 1 for ending poverty.<sup>11</sup> The securing of women's rights will create inclusive development and economic growth.

### **1.6 Justification**

Land related disputes undermine the status and well-being of women in Uganda specifically Sebei, in the areas of Kapchorwa, Kween, and Bukwo. Customary practices and beliefs have become persistent despite the various legal frameworks in Uganda. There has not been exercise of equality between men and women as a requirement of law. Male inheritance at the forefront of the system in many societies, has left women at the back, although their contribution to agriculture and development has the greater impact. This gap limits their economic abilities and exercise of constitutional rights, thereby brooding poverty and dependence. The more vulnerable category including the widows stay at risk of homelessness, lack of proper standard of living, and increased risk of being victims of gender- based violence.<sup>12</sup> The weak law enforcement has been of little or less use because despite the framework, the law has not been able to protect the women against such practices hence further endangering their livelihood because customs have prevailed.<sup>13</sup>

The solutions to these problems justifiably fits within various international, regional and national instruments which among others includes; The Sustainable Development Goals,

---

<sup>10</sup> UNDP, Uganda, 2022

<sup>11</sup> The UN Sustainable Development Goals

<sup>12</sup> World Bank, 2022

<sup>13</sup> Oxfam Uganda, n.d

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),<sup>14</sup> The International Covenant on Civil and Political Rights. The CEDAW among other things prioritize women's empowerment through equality and upholding their needs to ensure a safe space for their growth and comfort.<sup>15</sup> Through examining the various challenges and impacts towards women, the study will lay out evidence to inform policy interventions, legal reforms, and advocacy efforts aimed at protecting inheritance rights of women, which are impactful in promoting gender equality, promoting development in Uganda and eradicating poverty within the area of study.<sup>16</sup>

### **1.7 Scope of study**

The study aims to assess the socio-economic impact of land related disputes on the women in Sebei Region. The study aims to cover primary dimensions such as; the economic, social, legal implications of land related disputes among the women of Sebei. The legal dimension will cover the effectiveness of the legal framework in promoting equal opportunities of women and men when it comes to land property ownership. The economic will assess how the land disputes affects women's financial stand, ability to participate in agriculture and overall sustainability, while the social will explore how land conflicts affects social inclusion, increased vulnerability and victimization under domestic violence. Diverse address will provide a more comprehensive and informed study of the related problems.

---

<sup>14</sup> Convention on Elimination of all forms of Discrimination against Women.

<sup>15</sup> Inter-parliamentary Union, 2017

<sup>16</sup> African Union, 2020

The geographical scope of study is Sebei region, particularly Kapchorwa which is so because of the nature of its customary tenure system, linking it to the rampant inheritance claims, land grabbing, and vulnerability of widows and the unmarried.

### **1.8 Literature review.**

The review of various literature shall provide a framework for analyzing land related disputes and their impact on women livelihoods. It will comprehensively examine the theories and existing literature pertinent to the study of land disputes and their impact on the women of Sebei. The study shall focus on two theories;

The Social Exclusion Theory as per Hilary Silver and Amartya Sen,<sup>17</sup> who examine how individuals are marginalized from participating in political, social and economic spheres. The theory shall highlight the role of society, institutions, and the law in perpetuating exclusion.<sup>18</sup>

The Feminist Legal Theory as per Martha Fineman and Catherine MacKinnon who highlight that legal systems and society structures are very much linked to the systematic subordination of women. <sup>19</sup>Reflecting that legal framework and customary laws reflect male dominance which leads to gender inequalities especially for women in inheritance matters, <sup>20</sup> of which theory emphasizes the need for reforms in the legal sector to achieve substantive equality between men and women.<sup>21</sup>

### **1.9 Methodology**

---

<sup>17</sup> Sen, 2019 and Silver, 2021

<sup>18</sup> International Land Coalition, 2023

<sup>19</sup> MacKinnon, 2019

<sup>20</sup> Uganda Women Network, 2022

<sup>21</sup> Fineman, 2020

The method of research shall ensure the study's success by ensuring that the research findings will provide empirical evidence and policy recommendations for enhancing women's land ownership rights in Uganda and Sebei in specific.

The theoretical framework based on scientific approach of observation, measurements and formulation of hypothesis will help in widening the understanding of the concepts and will connect the research to existing knowledge.

The conceptual framework which involves observing and analyzing information already present on the topic will provide a clear understanding of the variables, relationships and how the key concepts relate to each other.

The method employed will assess the socio-economic impact of land related disputes on women's lives while ensuring its validity, reliability hence facilitating an understanding of the subject matter.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

The chapter henceforth discusses a comprehensive examination of the theoretical frameworks that are relevant to the study of how land disputes impact women's livelihoods in Sebei Region, Uganda. The research is majorly centered into the theoretical review and the literature review. This will ensure a thorough understanding of the subject matter and also to mainly highlight the loopholes that the study aims to address.

#### 2.2 THEORETICAL REVIEW

This theory discusses the key theories that provide a framework for analyzing land related disputes and their impact on women's lives. The primary theories guiding this study are feminist legal theory and social exclusive theory.

##### 2.2.1 Feminist Legal theory

**Proponents are; Martha Fineman and Catherine MacKinnon**

##### 2.2.2 Key Assumptions of the Theory

Feminist Legal Theory posits that legal systems and societal structures are inherently patriarchal leading to systematic subordination of women (MacKinnon, 2019).<sup>22</sup> It argues that laws, both statutory and customary, often reflect and reinforce male dominance, thereby perpetuating gender inequalities. This theory emphasizes the need to scrutinize

---

<sup>22</sup> MacKinnon, 2019

and reform legal frameworks to achieve substantive equality for women. In the context of land rights, it highlights how legal provisions and customary practices can disadvantage women. (Fineman, 2020).<sup>23</sup>

### **2.2.3 How Other Researchers Have Used the Theory**

Researchers have utilized Feminist Legal Theory to examine the intersection of law and gender particularly in property rights and inheritance. Studies have analyzed how patriarchal interpretations of customary laws impede women's access to land ownership, despite statutory provisions that ostensibly guarantee equal rights (Chigbu et al., 2019).<sup>24</sup> This theoretical lens has been applied to critique existing legal frameworks and advocate for reforms that address gender biases in land tenure systems.

### **2.2.4 How the Theory Will Be Used in This Study**

This study employs Feminist Legal Theory to analyze the interplay between Uganda's statutory laws and customary practices concerning land disputes. Through examining the legal and cultural barriers that women in Sebei face, the study aims to uncover the patriarchal underpinnings that hinder women's land rights (Uganda Women's Network, 2022).<sup>25</sup>

This theoretical approach will guide the analysis of how existing laws and practices contribute to gender disparities in land ownership and inform recommendations for legal reforms.

### **2.2.5 Strengths of the Theory**

Feminist Legal Theory provides a critical framework for understanding how laws can perpetuate gender inequalities. It offers insights into the structural and systemic nature of women's subordination, highlighting the need for comprehensive legal reforms

---

<sup>23</sup> Fineman, 2020

<sup>24</sup> Chigbu et al, 2019

<sup>25</sup> Uganda Women's Network, 2022

(MacKinnon, 2019).<sup>26</sup> The theory's emphasis on the intersectionality of gender with other social categories, such as class and ethnicity, allows for a nuanced analysis of women's experiences in different contexts (Fineman, 2020).<sup>27</sup>

### **2.2.6 Weaknesses of the Theory**

Critics argue that Feminist Legal Theory can be overly focused on legal structures, potentially neglecting other factors that contribute to women's subordination, such as economic or cultural influences (Chigbu et al., 2019).<sup>28</sup> Also, its emphasis on patriarchy may overlook the agency of women and the ways in which they navigate and sometimes resist oppressive systems (Uganda Women's Network, 2022).<sup>29</sup> There is also a risk of homogenizing women's experiences, failing to account for diversity among women in different social and cultural contexts.

### **2.2.7 Social Exclusion Theory**

**Proponents are Amartya Sen and Hilary Silver**

### **2.2.8 Key Assumptions of the Theory**

Social Exclusion Theory examines the processes through which individuals or groups are systematically marginalized from participating fully in social, economic, and political life (Sen, 2019).<sup>30</sup> It posits that exclusion is multidimensional, encompassing not only economic deprivation but also the denial of social rights and opportunities. The theory

---

<sup>26</sup> MacKinnon, 2019

<sup>27</sup> Fineman, 2020

<sup>28</sup> Chigbu et al, 2019

<sup>29</sup> Uganda Women's Network, 2022

<sup>30</sup> Sen, 2019

emphasizes the role of societal structures and institutions in perpetuating exclusion, often through discriminatory practices and policies (Silver, 2021).<sup>31</sup>

### **2.2.9 How Other Researchers Have Used the Theory**

Researchers have applied Social Exclusion Theory to study various forms of marginalization, including those based on gender, race, and class. In the context of land rights, the theory has been used to analyze how women are excluded from land ownership and inheritance due to discriminatory laws and customs (Doss et al., 2019).<sup>32</sup> Studies have highlighted how such exclusion leads to broader socioeconomic disadvantages, reinforcing cycles of poverty and marginalization (International Land Coalition, 2023).<sup>33</sup>

### **2.2.10 How the Theory Will Be Used in This Study**

This study utilizes Social Exclusion Theory to explore how land disputes contribute to the marginalization of women in Sebei Region. Through examining the social, economic, and legal dimensions of exclusion, the study aims to understand the mechanisms that deny women access to land and the consequent impacts on their socioeconomic status (IUCN, 2022).<sup>34</sup> This theoretical framework will inform the analysis of how exclusionary practices are maintained and the ways in which they can be challenged.

### **2.2.11 Strengths of the Theory**

Social Exclusion Theory offers a comprehensive framework for understanding the complex nature of marginalization (Silver, 2021).<sup>35</sup> It highlights the interconnectedness of various forms of exclusion and the role of societal structures in perpetuating them.

---

<sup>31</sup> Silver, 2021

<sup>32</sup> Doss et al, 2019

<sup>33</sup> International Land Coalition, 2023

<sup>34</sup> IUCN, 2022

<sup>35</sup> Silver, 2021

(Sen, 2019).<sup>36</sup> The theory's emphasis on both material and symbolic dimensions of exclusion provides a holistic understanding of the challenges faced by marginalized groups (Doss et al., 2019).<sup>37</sup>

### **2.2.12 Weaknesses of the Theory**

One critique of Social Exclusion Theory is that it can be overly broad, making it challenging to operationalize in empirical research (Silver, 2021).<sup>38</sup> Its focus on structural factors may underemphasize individual agency and the ways in which marginalized individuals navigate and resist exclusion (Doss et al., 2019).<sup>39</sup> Moreover, the theory may not fully account for the dynamic and context-specific nature of exclusionary processes (IUCN, 2022).<sup>40</sup>

## **2.3 LITERATURE REVIEW**

### **2.3.1 Legal Frameworks and Women's Land Inheritance**

In Uganda, the legal landscape concerning women's land inheritance is characterized by a complex interplay between statutory laws and customary practices. The 1995 Constitution of Uganda<sup>41</sup> and the 1998 Land Act<sup>42</sup> recognize women's rights to own and inherit land. However, the practical implementation of these laws often falls short, as customary norms continue to dominate, particularly in rural areas. For instance, only 16% of land in Uganda is registered in the names of women, underscoring the gap

---

<sup>36</sup> Sen, 2019

<sup>37</sup> Doss et al, 2019

<sup>38</sup> Silver, 2021

<sup>39</sup> Doss et al, 2019

<sup>40</sup> IUCN, 2022

<sup>41</sup> 1995 Constitution of the Republic of Uganda as amended

<sup>42</sup> The Land Act of 1998

between legal provisions and reality (International Land Coalition, n.d.).<sup>43</sup> This discrepancy highlights the challenges in translating formal legal rights into actual ownership and control of land by women.

Empirical studies have shown that despite the progressive legal framework, women's land rights in Uganda remain insecure due to the persistence of patriarchal customs. According to a report by the International Union for Conservation of Nature (IUCN), women often face challenges in asserting their land rights due to power imbalances and gender-based violence (IUCN, n.d.).<sup>44</sup> These customary practices often prioritize male inheritance, leaving women with limited access to land, which is further exacerbated by weak enforcement of statutory laws. This situation is particularly prevalent in regions like Kaptanya Sub-county, where traditional norms are deeply entrenched.

### **2.3.2 Economic and Social Impacts of Inheritance-Related Land Disputes on Women**

The economic impact of land disputes on women in Uganda is profound. Land is a critical asset for agricultural production, which is the mainstay of Uganda's economy. When women are denied land rights, they lose access to productive resources, leading to decreased agricultural output and income. A study by the Land Equity Movement of Uganda (LEMU) found that women's lack of control over land adversely affects their economic empowerment and contributes to persistent poverty (LEMU, n.d.).<sup>45</sup> Furthermore, without land titles, women struggle to access credit facilities, as land is commonly used as collateral, thereby limiting their entrepreneurial opportunities and perpetuating economic dependency.

---

<sup>43</sup> International Land Coalition

<sup>44</sup> IUCN

<sup>45</sup> Land Equity Movement of Uganda

Socially, the exclusion of women from land inheritance exacerbates their vulnerability and marginalization. The International Land Coalition reports that discriminatory practices in land ownership not only undermine women's economic status but also their social standing within the community (International Land Coalition, n.d.).<sup>46</sup> This marginalization can lead to increased incidences of gender-based violence and limit women's participation in decision-making processes both at the household and community levels. The lack of secure land rights also affects women's ability to provide for their families, impacting food security and the general well-being of their dependents.

### **2.3.3 Effectiveness of Dispute Resolution Mechanisms**

The effectiveness of Uganda's land dispute resolution mechanisms in addressing women's land rights is mixed. While formal legal avenues exist, many women are deterred from pursuing them due to high costs, complex procedures, and a lack of awareness of their rights.

Alternative dispute resolution (ADR) mechanisms have been promoted as more accessible means for resolving land conflicts. For example, the Securing Land Rights and Ending Gender Exclusion

Project implemented by Trócaire and partners utilized gender-sensitive ADR approaches to resolve land conflicts, benefiting numerous women (IUCN, n.d.).<sup>47</sup> However, the success of these mechanisms often depends on the willingness of community leaders to challenge entrenched patriarchal norms and support women's land rights.

---

<sup>46</sup> International Land Coalition

<sup>47</sup> Trocaire

### **2.3.4 Strategies for Strengthening Women's Land Inheritance Rights**

Strategies to strengthen women's land rights in Uganda must address both legal reforms and the transformation of social norms. Legal reforms should aim to harmonize statutory and customary laws, ensuring that women's rights are protected across all legal frameworks. The Uganda Women's Network (UWONET) has been active in advocating for such reforms, emphasizing the need for gender-responsive policies (Uganda Women's Network, n.d.).<sup>48</sup>

Furthermore, community sensitization programs are crucial to challenge and change discriminatory cultural practices. Empowering women through education and awareness campaigns can enhance their ability to claim and defend their land rights. Furthermore, involving men in these initiatives can foster supportive attitudes towards women's land ownership, facilitating a shift in traditional perceptions and promoting gender equality in land inheritance.

### **2.3.5 Summary of Literature Gaps**

Despite the significant body of research on land tenure, inheritance disputes, and gender inequality in Uganda, there remain several gaps in the literature that this study seeks to address. One of the most notable gaps is the limited research on the specific impact of land related disputes on women in Sebei Region. While studies such as those by the International Land Coalition (2023)<sup>49</sup> and Uganda Women's Network (2022) have explored women's land rights at the national level, there is a lack of region-specific research that captures the socioeconomic realities of women affected by land conflicts in Kapchorwa.<sup>50</sup> This gap is critical because land tenure dynamics vary across Uganda's

---

<sup>48</sup> The Uganda Women's Network

<sup>49</sup> International Land Coalition

<sup>50</sup> Uganda Women's Network, 2022

regions, influenced by ethnic, cultural, and historical factors. Without localized studies, policy interventions may fail to address the unique challenges faced by women in specific rural communities.

Furthermore, existing studies primarily focus on legal and policy aspects of women's land rights but often fail to examine the long-term socioeconomic consequences of land disputes on women's livelihoods, economic independence, and social well-being. While some research highlights legal barriers, few studies systematically document the poverty, homelessness, food insecurity, and social marginalization that result from inheritance-related land conflicts. In addition, there is limited empirical research on the effectiveness of alternative dispute resolution mechanisms in addressing women's land grievances, particularly at the local level where customary leaders play a dominant role.

Given the persistent gap between statutory land rights and their implementation, this study aims to provide empirical evidence on the challenges women face in securing land ownership, the impact of land related disputes, and the effectiveness of legal and customary interventions. Through addressing these gaps, this study will contribute to evidence-based policymaking and practical recommendations for securing women's land rights in Sebei region.

#### **2.4 Conclusion.**

This chapter has provided a comprehensive theoretical and literature review, establishing the foundation for this study. Feminist legal theory and Social exclusion theory have been explored as the primary theoretical frameworks, providing insights into the legal, social, and economic barriers that women face in land related disputes. These theories help explain why land conflicts persist, how laws and customs intersect, and what mechanisms contribute to women's exclusion from land ownership.

The literature review has examined key legal, economic, and social dimensions of land disputes, drawing insights from empirical studies, policy documents, and global reports. The review has also identified debates surrounding women's land rights, including the tensions between statutory and customary land tenure systems, the role of legal institutions in enforcing women's rights and the effectiveness of dispute resolution mechanisms. Also the chapter has outlined literature gaps, including the lack of specific research on the long term socioeconomic impact of land disputes on women in sebei region and the limited evaluation of alternative dispute resolution mechanisms.

## CHAPTER THREE

### UGANDA'S LEGAL FRAMEWORK ON WOMEN'S LAND RIGHTS

#### 3.1 INTRODUCTION

Uganda is a party several frameworks that uphold women's rights and in particular their land rights. Uganda has been one of a kind in the struggle to uphold the rights of women. There have been several movements to ensure that this comes into existence. One for example is the supreme law of the land, the Constitution of the Republic of Uganda, The Land Act, and also the several international treaties that she has ratified to. The study therefore seeks to evaluate the extent to which women's land rights especially in sebei has been achieved and the various loopholes that need to be given a second eye in order to ensure the full realization of these rights.

#### 3.2 International and regional legal framework

Various instruments internationally provide for women's land rights while promoting the soft nature of a woman. This includes, the convention on the elimination of all forms of discrimination against women, The Maputo Protocol, and many others.

The various national instruments include but are not limited to; the Constitution of the Republic of Uganda, the Land Act.

These various laws have ensured to some extent that the rights of women are upheld and paid attention to. The countries that have ratified to the various international instruments are expected to ensure that they promote the rights stipulated in these instruments.

The International Convent on Economic, Social and Cultural Rights also highlights and stipulates for the promotion of the right to own property by state parties.<sup>51</sup> State parties are to ensure that they promote the rights of individuals.

---

<sup>51</sup> The International Convent on Economic, Social and Cultural Rights

The Convention on The Elimination of all Forms of Discrimination against women highlights the need to end discrimination against women based on their gender.<sup>52</sup> This means that matters relating to land is also included. The inheritance culture is clearly prohibited because it is a clear baby of discrimination against women which the state parties are encouraged to eliminate.

The Constitution of The Republic of Uganda provides for the fundamental rights of all human beings which is not granted by the state, but are inherent.<sup>53</sup>

Women's rights are also particularly included in the Constitution of the republic of Uganda.<sup>54</sup> Women are considered a vulnerable group which places them under the affirmative action group of people which means that their rights are to be given extra attention.<sup>55</sup>

If women are such a special category of people, there is then need to ensure that harm towards them is minimized especially that which comes with disputes as regards land.

The Constitution of the Republic Of Uganda equally provides for ownership of property either individually or in association with others.<sup>56</sup> This means that even women can own property and their livelihoods should not depend on the fact that they are women. The constitution provides for equality of all people before the law.<sup>57</sup> Men and women are included as equals that is why there have been instances where substantive equality is

---

<sup>52</sup> Convention on the Elimination of all Forms of Discrimination against Women

<sup>53</sup> Article 20 of The Constitution of The Republic of Uganda, 1995

<sup>54</sup> Article 33 of The Constitution of The Republic of Uganda, 1995

<sup>55</sup> Article 32 of The Constitution of The Republic of Uganda, 1995

<sup>56</sup> Article 26 of The Constitution of The Republic of Uganda, 1995

<sup>57</sup> Article 21 of The Constitution of The Republic of Uganda, 1995

given root. That in order to achieve equality, then there has to be special or preferential treatment to the weaker gender to ensure that equality is obtained. In the case of Best Kemigisha,<sup>58</sup> court held in favor of Best Kemigisha to have a right to inherit her late husband's property because of the different rights enshrined in our constitution that provide for equality of men and women and also right to own or inherit property.

The Land Act of Uganda also provides for the ownership of property to be specific land where the land belongs to the people who chose to own it. Women are not prohibited from owning land but rather encouraged to acquire land. In Uganda today, land titles are now in the names of women. Unlike back in the day when only men could own land. This lays out a clear movement towards the achievement of equal rights of both men and women.

### **3.2 CONCLUSION**

Uganda has in place a legal and an institutional framework that governs women's land rights especially those affecting their way of life. These influence the day to day operations of both people and the government. Most of the laws were enacted in pursuance to the international instruments which means that Uganda is subject to all the rules governing the state parties to these covenants. Enforcement must therefore be done in pursuance to the respect of human rights. It is the intention of this study to lay out the extent to which the adherence has been done. There is need to ensure that the research aids the law makers and enforcers into a more detailed way of ensuring that the lives of women are not disrupted due to the weakness in the enforcing of the several laws.

---

<sup>58</sup> Best Kemigisha versus Mable Komuntale (HCCS No. 5/1998)

## CHAPTER FOUR

### SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

#### 4.1 INTRODUCTION

The chapter will contain in it the summary of the study, the recommendations and also the conclusion. It will provide a more detailed analysis of the impact of land related disputes on women's livelihoods and recommendations on how best the problems highlighted may be addressed.

#### 4.2 SUMMARY OF FINDINGS

Within the carry out of the study, there have been several find outs that have caught attention. The study set out findings such as these;

- a) The land related disputes have a huge negative impact on women's livelihoods within the rural areas of Sebei
- b) The impact arises out of the long standing act of discrimination against women based mainly on their nature as women.
- c) The young women, the widowed, and the inheritors are the biggest victims to the problem at hand.

##### 4.2.1 Evaluation of the findings.

On the first finding, the study was set out to look through the impact of land related disputes on women's livelihoods within sebei region. The biggest impact is negative towards the women. In that, where there are land disputes that involve women, there is a higher chance that the woman will be on the losing end. Take for example, in things relating to inheritance. Many African cultures have placed women as just dependents on their husbands and all the family property is inherited by the male heirs. This has left a huge negative impact on the way the women live since all their dependence lies with the males. There is no way nobody can tell me that when you are benefiting you are totally okay. There is left a huge void within how they

carry on their lives because their standard of life will lie on or below the minimum. The study therefore highlights these negative impacts related to land as regards women's livelihoods.

On the second finding, this negative impact arises mainly out of the long standing discrimination against women. In the rural areas especially of Sebei for the purposes of the study, there is still the notion within the communities that women are the more inferior gender which places them below the standard of men. Men truly believe and can boldly affirm that women are still their property, and that there is only but an abomination where a woman is placed under the superiority of men. The inheritance laws within such societies and communities are channeled towards the benefit of the male heir and not the female even when the females are older. The women in such areas are still clearly discriminated against based on their gender.

The persistence of such problem is connected to;

The deeply rooted norms and cultures within the societies.

Also there has been very little or no emancipation of the women that could make them more self-aware of their rights that are granted by the state.

There is also so much ignorance related to the stand of the current laws due to the high level of illiteracy within the rural areas. People are not aware of the current movements to end discrimination against women because such movements only but have their roots on sandy ground.

On the third finding, the young women, the widowed and those expected to inherit are the biggest victims to the problem brought about in the study. For the case of this finding, it has come to my understanding that the impact of land related disputes is heavy weight on the women who have lost their husbands and wish to inherit their husband's property but are denied from doing so. Also the young women

who wish to own land but are prohibited from doing so due to the different cultures within their societies. The other category is the women denied to inherit property as heirs. In the famous case of *Magaya Versus Magaya*,<sup>59</sup> the court held in favor of the male heir although he was the younger one saying that the culture was clear to only accept male heirs to own property. This case although had a dissatisfactory ruling, encouraged and highlighted the need to address such issues relating to the inheritance of property by both female and male heirs and not only male ones. The study encompasses the negative impact such land disputes has had on the females or on the women within the different societies. The impact being that there are few investments made by the women since they have very limited capital, also the widowed have failed to provide a standard of a good life for their children because the husbands family usually tends to take back the land of property of their child once he dies not minding about the family that he left behind that needs to be taken care of.

---

<sup>59</sup> *Magaya versus Magaya* (HC 1177 of 2013 [2012] ZWHHC 67 (16 July 2012))

#### **4.3 CONCLUSION**

The study has not therefore limited the scope of what more could have been achieved if a more thorough study was done. The women in Sebei Region face the persistence of the challenges related to disputes as regards land.

Despite the legal frameworks that provide for the rights of women, there has been challenges that come with it. These were clearly laid out in the study. Women continue to face this challenges and a more detailed look will do justice. Inheritance related disputes have caused so much damage to the way of life within the rural areas. Also the way widows are handled has left them crying and in need of so much help since on the death of their husbands, the in laws take it upon them to take back the properties which has left the families suffering and in dire need of even the most basic needs.

#### **4.4RECOMMENDATIONS**

The above challenges or findings have left a need to make recommendations that will channel the challenges faced to a more human approach.

- a) There is a need to emancipate the women in the rural areas in order to make them more aware of their stand when it comes to matters relating to land. This will give them a bolder voice to ensure that their needs are adhered to and that their rights are made out more clearly.
- b) There is also a need for a better enforcement of the rights and the laws that are laid out within the different laws. This will enable the law enforcers to make a more positive approach towards the reach and adherence to the provisions within the different laws that partake land ownership or disputes relating to it.
- c) A strong reprimand of those who victimize women mainly when it comes to issues relating to land. The perpetrators should be shown an iron hand and this will ensure that everyone knows that in case they victimize any woman in matters relating to land and they are on the wrong, they shall face the law. This will enable a reduction of the problem at hand.

## BIBLIOGRAPHY

Adam, A. M. (2020). Sample Size Determination in Survey Research. *Journal of Scientific Research and Reports*, 26(5), 90-97. Retrieved from [https://www.researchgate.net/publication/342447837\\_Sample\\_Size\\_Determination\\_in\\_Survey\\_Research](https://www.researchgate.net/publication/342447837_Sample_Size_Determination_in_Survey_Research)

Bartlett, J. E., Kotrlik, J. W., & Higgins, C. C. (2001). Organizational Research: Determining Appropriate Sample Size in Survey Research. *Information Technology, Learning, and Performance Journal*, 19(1), 43-50.

Chigbu, U. E., Paradza, G., & Antonio, D. (2019). Women's land rights and tenure security in

Southern Africa: Perspectives on the implementation of SDGs. *World Development*, 122,

170-181. Retrieved from <https://doi.org/10.1016/j.worlddev.2019.05.019>

Cochran, W. G. (1963). *Sampling Techniques* (2nd ed.). New York: John Wiley and Sons, Inc. Collins, G. S., Ogundimu, E. O., & Altman, D. G. (2016). Sample Size Considerations for the

External Validation of a Multivariable Prognostic Model: A Resampling Study. *Statistics in Medicine*, 35(2), 214-226.

Doss, C., Meinzen-Dick, R., & Bomuhangi, A. (2019). Women's land rights: What we know and what we need to know. *Agricultural Economics*, 50(5), 613-629.  
Retrieved from <https://doi.org/10.1111/agec.12535>

Ephraim, E. I. (2015). Assessment of the Activities of Scavengers in Obio/Akpor Local

Government, Rivers State, Nigeria. *Journal of Environmental Protection*, 6(3), 299-307.

Glenn, I. D. (1992). *Sampling the Evidence of Extension Program Impact*. Program Evaluation and Organizational Development, IFAS, University of Florida. PEOD-5. October.

Grimes, D. A., & Schulz, K. F. (2002). Descriptive Studies: What They Can and Cannot Do. *The*

*Lancet*, 359(9301), 145-149.

International Land Coalition. (2023). *Women's land rights in Uganda: Current trends and legal challenges*. Retrieved from <https://www.landcoalition.org>

Israel, G. D. (1992). *Determining Sample Size*. University of Florida Cooperative Extension Service, Institute of Food and Agriculture Sciences, EDIS. Retrieved from [https://www.gjimt.ac.in/web/wp-content/uploads/2017/10/2\\_Glenn-D.-Israel\\_Determining-Sample-Size.pdf](https://www.gjimt.ac.in/web/wp-content/uploads/2017/10/2_Glenn-D.-Israel_Determining-Sample-Size.pdf)

Kasiulevičius, V., Šapoka, V., & Filipavičiūtė, R. (2006). Sample Size Calculation in

Epidemiological Studies. *Gerontologija*, 7(4), 225-231.

Kish, L. (1965). *Survey Sampling*. New York: John Wiley and Sons, Inc.

Krejcie, R. V., & Morgan, D. W. (1970). Determining Sample Size for Research Activities.

*Educational and Psychological Measurement*, 30(3), 607-610.

MacKinnon, C. (2019). *Feminism unmodified: Discourses on life and law*. Harvard University

Press.

Macfarlane, S. B. (1997). Conducting a Descriptive Survey: 2. Choosing a Sampling Strategy.

*Tropical Doctor*, 27(1), 14-21.

Mantel, N. (1951). Rapid Estimation of Standard Errors of Means for Small Samples. *The*

*American Statistician*, 5(4), 26-27.

Miaoulis, G., & Michener, R. D. (1976). *An Introduction to Sampling*. Dubuque, Iowa: Kendall/Hunt Publishing Company.

Naing, L., Winn, T., & Rusli, B. N. (2006). Practical Issues in Calculating the Sample Size for

Prevalence Studies. *Archives of Orofacial Sciences*, 1, 9-14.

Norman, G., Monteiro, S., & Salama, S. (2012). Sample Size Calculations: Should the Emperor's

Clothes be Off the Peg or Made to Measure? *BMJ*, 345, e5278.

Porta, M. (2014). *A Dictionary of Epidemiology* (6th Ed.). Oxford: Oxford

University Press. Sen, A. (2019). *Development as freedom*. Oxford University Press.

Silver, H. (2021). *The social exclusion paradigm: A conceptual and historical overview*. Oxford University Press

Singh, A. S., & Masuku, M. B. (2014). Sampling Techniques & Determination of Sample Size in Applied Statistics Research: An Overview. *International Journal of Economics, Commerce and Management*, 2(11), 1-22.

Smith, M. F. (1983). *Sampling Considerations in Evaluating Cooperative Extension Programs*.

Florida Cooperative Extension Service Bulletin PE-1. Institute of Food and Agricultural

Sciences, University of Florida.

Steyerberg, E. W. (2009). *Clinical Prediction Models: A Practical Approach to Development, Validation, and Updating*. New York: Springer US.

Sudman, S. (1976). *Applied Sampling*. New York: Academic Press.

Uganda Bureau of Statistics. (2016). *the National Population and Housing Census 2014 - Main Report*. Kampala, Uganda. Retrieved from [https://www.ubos.org/wp-content/uploads/publications/03\\_20182014\\_National\\_Census\\_Main\\_Report.pdf](https://www.ubos.org/wp-content/uploads/publications/03_20182014_National_Census_Main_Report.pdf)

Uganda Women's Network. (2022). *Women's land rights advocacy in Uganda*.

Retrieved from <http://uwonet.or.ug>

Yamane, T. (1967). *Statistics: An Introductory Analysis* (2nd Ed.). New York: Harper and Row.