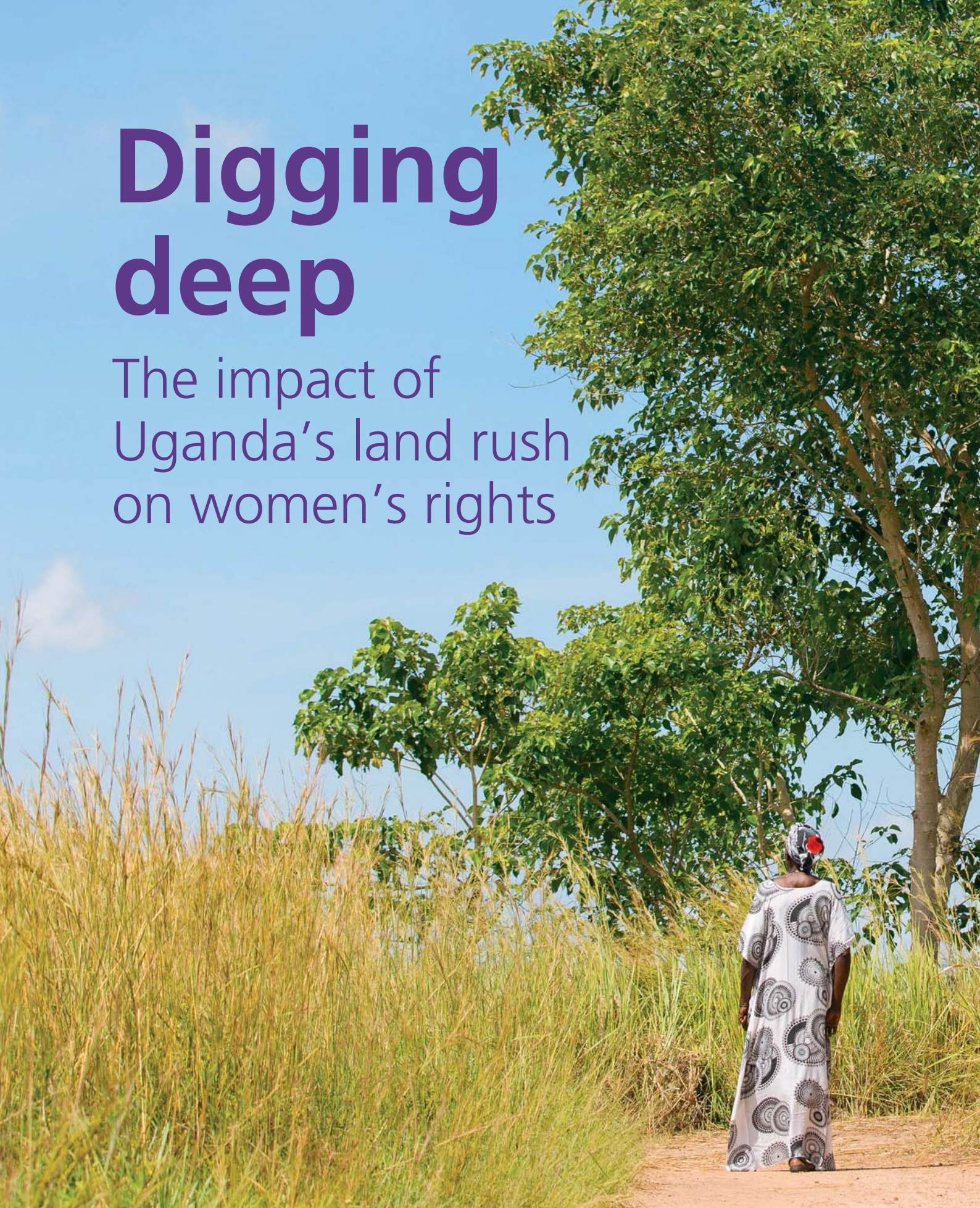


Digging deep

The impact of
Uganda's land rush
on women's rights



Cover image: Member of
NAWAD women's group,
Hoima.
Sarah Waiswa

This page: Homes of NAWAD
women's group members,
Nwoya.
Sarah Waiswa

About the National Association of Professional Environmentalists

The National Association of Professional Environmentalists (NAPE), established in 1997, is a lobbying and advocacy environmental organisation committed to finding sustainable solutions to Uganda's most challenging environmental and economic problems. Through its Sustainability School Programme, NAPE has been training women activists in affected areas to voice their demands through advocacy, lobbying and media work.

About the National Association for Women's Action in Development

Established in 2009, the National Association for Women's Action in Development (NAWAD) empowers women and girls to achieve social justice, economic stability and sustainable management of their environment by building their skills, carrying out research and advocacy, and offering service provision. NAWAD supports communities, specifically women, to develop local alternatives to climate change through eco-feminism, circular local economies (an economy that maximises the value of resources and reduces the environmental impact of production) and renewable energy. NAWAD is also mobilising women to raise awareness of and advocate on climate change and climate change adaptation, as well as land issues and rights.

About Womankind Worldwide

Womankind Worldwide (Womankind) is a global women's rights organisation working with women's movements to transform the lives of women. Our vision is a world where the rights of all women are respected, valued and realised. We support women's movements to strengthen and grow by providing a range of tools, including technical support, communications, connectivity and shared learning, joint advocacy and fundraising.

About the Ugandan eco-feminist movement

Recognising that rural women in particular are disproportionately experiencing the compounded and interlinked impacts of investment in land, extraction of natural resources, climate change, restrictions to civic space and patriarchal social norms, NAPE and NAWAD have initiated a movement for women to have a say on energy, fossils and climate justice issues in addition to agribusiness and extractive industries. To date, NAPE and NAWAD have identified 1,500 Ugandan women who are passionate about building a vibrant eco-feminist movement. Over the next two years, their goal is to mobilise 5,000 rural women to influence decision making in national development processes as well as promote the adoption of feminist livelihoods and energy alternatives in communities affected by land intensive industries.

This report was written by Chiara Capraro and Jessica Woodroffe, based on findings from feminist participatory action research carried out by Womankind Worldwide (Womankind), the National Association for Women's Action in Development (NAWAD) and the National Association of Professional Environmentalists (NAPE) with women affected by land grabs in Uganda.

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Photography by Sarah Waiswa. Designed and printed by Dacors Design.

Acronyms

CEDAW – Convention for the Elimination of all Forms of Discrimination Against Women

CSO – Civil Society Organisation

FDI – Foreign Direct Investment

FORWODE – Forum for Women in Democracy

FPAR – Feminist Participatory Action Research

GDP – Gross Domestic Product

GR – General Recommendation

HIV – Human Immunodeficiency Virus

IFAD – International Fund for Agriculture Development

LEMU – Land and Equity Movement

Maputo Protocol – The African Union Protocol on Women's Rights

NAPE – National Association of Professional Environmentalists

NAWAD – National Association for Women's Action in Development

NDPII – Second National Development Plan

PSA – Production Sharing Agreement

SEATINI – Southern and Eastern Africa Trade Information and Negotiations Institute

UN – United Nations

UWONET – Uganda Women's Network

WRO – Women's Rights Organisation

1. Introduction

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2. Government Citizen Interaction Centre, "Land Inquiry Starts Work," Government Citizen Interaction Centre, published May 1, 2017, <http://gcic.gou.go.ug/land-inquiry-starts-work/>

3. National Association of Professional Environmentalists, "Women-led action oriented research on the negative impacts of oil on women's rights, land and food sovereignty in Uganda's oil region," National Association of Professional Environmentalists, published in 2016, <http://www.nape.or.ug/publications/gender/51-women-led-action-oriented-booklet/file>, page IV.

Land – its access, control and ownership – lies at the heart of power relationships within Uganda. The struggle for land is deeply intertwined with the struggle for women's rights. Women's access to and control over resources and economic decision making is fundamental to the achievement of their rights. Despite some progress, inequality between women and men in ownership and control of land remains stark. Women's rights organisations (WROs) in Uganda have identified changing patterns of land use as a major problem affecting women across the country. While land has long been a locus of conflict and dissent, the most recent wave of dispute is caused by what has been termed the land rush or land grabs – investors purchasing or leasing land for mining or the production of cash crops. The economic ideology, espoused by governments throughout Africa and beyond, is that increased foreign direct investment and the commodification of agriculture will create a more developed and prosperous economy with jobs and wealth. The reality for many rural women has been very different.

For the past decade, the Ugandan media has reported numerous evictions and clashes over land, fuelling community tensions across the country.¹ Disputes around land have become common in Uganda due to the land rush displacing farmers to make space for intensive monocrops, oil exploration and infrastructure projects. Government purchases land, often providing land owners with no choice and limited compensation, and then lease it to investors, including foreign companies. A Commission of Inquiry into land matters, mandated by the

government, is currently under way (see Section 4) with a mission to investigate the effectiveness of law, policies and processes of land acquisition, administration, management and registration in Uganda.²

In this report, we aim to demonstrate the impact of land acquisition on women's rights, as well as explore how the deeply entrenched unequal gender relations and discriminatory social norms – present in Uganda as in every other country in the world – result in significant gaps in Ugandan land laws (see Section 3 for a discussion on land and law).

In Section 2 we share the feminist participatory action research (FPAR) methodology used in this project. Section 3 considers Uganda's complex land laws, and the way in which discriminatory norms prevent women from obtaining justice. Section 4 highlights the impact of the land rush on women in five districts of Uganda, urging us to learn from the testimonies of the rural women most affected. To protect these women's identities, we have used pseudonyms in lieu of their real names.

In Section 5, we demonstrate how economic strategies around investment and the commodification of natural resources interact with discriminatory norms to further disadvantage women. Section 6 shows the collective resistance of women's movements to abuses of land rights. Finally Section 7 draws conclusions, and Section 8 offers recommendations to governments, the international community and corporate actors working in Uganda.

Box A

Research by NAPE – key findings

This research complements earlier findings by NAPE in 2016 which found that, *"The key impact of oil on women included accelerated land grabbing, food insecurity through community displacements, animal human conflicts, increased population that has in turn increased pressure and carrying capacity of key ecosystems, increased prostitution, increased degradation of life supporting ecosystems, accelerated rights abuse, abuse of community access rights to ecosystem resources, introduction of inappropriate food technology to meet the increasing food needs, reduced opportunities for barter trade, water pollution among many others."*³

2. Methodology and research sites

4. Gatenby & M. Humphries, "Feminist participatory action research: methodological and ethical issues," *Participatory Methods*, published in 2000, <http://www.participatorymethods.org/resource/feminist-participatory-action-research-methodological-and-ethical-issues>
5. <https://womin.org.za/>

While the consequences of land grabs throughout the world is well documented, the impact on women and their rights is significantly less so. This is partially attributable to the normalisation of gender based discrimination in everyday life. For women in Uganda, the impact of the latest land rush is dramatic and devastating.

Through feminist participatory action research involving 350 women (see Box B), Womankind, NAPE and NAWAD have documented the impact of the land rush on women in five rural areas in Uganda: Amuru, Buliisa, Hoima and Nwoya districts in the Albertine Graben region, as well as in Kalangala district, a group of islands in Lake Victoria.

These five research sites were selected based on reports by women of land disputes and rights violations in all five areas. In Nwoya, Buliisa and Hoima, communities are affected by oil and gas exploration, as well as a new sugar factory in Hoima. In Kalangala they are mainly affected by large scale plantations of sugarcane and palm oil, respectively (see Box C for more information).

Research was carried out in November 2017 by local women researchers who were trained in the FPAR methodology by NAPE and NAWAD. Thirty five women from Amuru, Buliisa, Hoima, Nwoya and Kalangala undertook the training to carry out the research in their respective communities. Once trained, these women interviewed 350 women across the five districts. Inclusivity was key, and researchers ensured that diverse groups of women were interviewed, including: widows; young women/girls; single mothers; women with disabilities; child-headed families; women living with HIV/AIDs; women living in refugee camps or resettlement camps.

Once the research was carried out, the researchers came together in each district to discuss and share their findings. They then nominated one of the researchers to present the findings at validation meeting, held in December 2017. All the researchers attended the validation meeting to discuss and validate the findings that were presented.

Box B

Feminist participatory action research

Central to this report is the FPAR led by members of the eco-feminist movement in Uganda. The FPAR methodology builds on feminist practice developed throughout the 1990s and 2000s, and is used to equip women with increased knowledge and power as well as the ability to create ideas and identify solutions to effect change.⁴

Working with WoMin⁵ (an African feminist network working on extractives) the Ugandan eco-feminist movement have adopted the approach of FPAR, contextualising it into the struggles of Ugandan women. It is used by NAPE and NAWAD as an approach for women to understand and share their own contexts and the power differentials therein, and to develop feminist movement building as a core strategy to address women's unequal position in society. FPAR opens up spaces that support women's organizing. Being non-extractive is a core principle of FPAR – external researchers do not 'extract' information from communities to inform external reports, rather FPAR creates a space for collectively building knowledge and using it together to advance the desired changes.

In supporting affected women to collect and analyse information, FPAR challenges the notion that their priorities are secondary and instead centres them in the analysis. Increasing women's leadership and knowledge enables them to challenge social norms and entrenched gender roles. Additionally, this methodology challenges the idea that rural women do not have the capacity to critically analyse and understand the issues affecting them. Finally, FPAR supports women to develop their own demands for change while strengthening their collective organising abilities.

As a movement, eco-feminism aims to organise and enable women to challenge oppression. Thus, FPAR as a methodology promotes safe spaces and a process of women's movement building and collective action, thereby building solidarity, respect, safety, care and consent.

In addition, Womankind, NAWAD and NAPE carried out a series of fact-finding missions to local communities in October 2017 and collected case studies from women affected by land grabs, both through eviction and loss of livelihoods. These testimonies are used in this report to supplement and illustrate the research findings.

The FPAR was complemented by a review and analysis by Professor Josephine Ahikire of the existing frameworks for land and natural resource governance in Uganda from a gender perspective. A review of policy and legislative frameworks – in

particular at the national and sub-regional levels – to explore opportunities and gaps to strengthening women's land rights was also carried out. This review included interviews with government and private sector representatives. These two reviews inform Sections 3 and 5 of this report.

Image: Members of NAWAD Women's Group, Nwoya.
Sarah Waiswa



6. <http://www.internal-displacement.org/sub-saharan-africa/uganda/2014/new-displacement-in-uganda-continues-alongside-long-term-recovery-needs>

7. "The Bunyoro Agreement 1933," Buyoro Kitara, accessed February 15, 2018, [http://www.bunyoro-kitara.org/resources/Bunyoro\\$2C+Agreement+1933.pdf](http://www.bunyoro-kitara.org/resources/Bunyoro$2C+Agreement+1933.pdf).

8. Pascal Kwesiga, "Work on Buliisa oil industrial area begins," New Vision, published August 20, 2017, https://www.newvision.co.ug/new_vision/news/1460143/buliisa-oil-industrial-begins.

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10. The Uganda Land Alliance, "Land grabbing and its effects on the communities in the oil rich Albertine region of Uganda: the case of Hoima, Buliisa and Amuru," landgovernance.org, published September 2011, <http://landgovernance.org/system/files/ULA%20Land%20Grabbing%20Study%20nd%20October%202011.pdf>; "Escalating land disputes in the north," IRIN, published February 17, 2011, <http://www.irinnews.org/report/91957/uganda-escalating-land-disputes-north>; "Promoting conflict-sensitive approaches in Amuru District, Northern Uganda," *Saferworld*, accessed February 15, 2018, <https://www.saferworld.org.uk/en-stories-of-change/promoting-conflict-sensitive-approaches-in-amuru-district-northern-uganda>.

11. Caxton Etii, *Oil Conflict-Livelihoods Nexus: A Case of Amuru District, Uganda* (Florida: Dissertation.com, 2012).

12. "Total discovers oil in Uganda's Nwoya district," *Oil Review Africa*, published January 21, 2013, <http://oilreviewafrica.com/exploration/exploration/total-discovers-oil-in-uganda-s-nwoya-district>.

13. Milieu Defensie, "Land grabbing for palm oil in Uganda," *Milieu Defensie*, published May 10, 2013, <https://milieudefensie.nl/publicaties/factsheets/wilmar-land-grabbing-uganda-factsheet>.

Box C

Land use in the districts researched

In all of the districts researched, customary land tenure is common, including community claims to land and natural resources. In addition, leasehold is more prevalent compared to other parts of the country and the sparse population leaves large areas uninhabited, creating opportunities for financial investments and speculation. Patterns of land tenure in the region, tensions over land and internal displacement are the legacy of colonialism, civil war and more recently, the land rush.⁶

The districts of **Hoima** and **Buliisa** are located within the kingdom of Bunyoro, which resisted colonisation by going to war with the British and rival kingdom Buganda in 1899. With the advancement of the British colonial push, large portions of Bunyoro territory were given to Buganda, leaving the Banyoro people impoverished. The annexations of land were formalised in the 1900 Buganda agreement, known as mailo tenure. This is when permanent ownership of a large plot of land belongs to landlords who acquired it through the 1900 Buganda agreement, while simultaneously recognising the rights of tenants on this land to live on and utilise it. Under mailo land tenure, owners have perpetual ownership and are free to sell or pass on their rights to their heirs. However, over time these areas of land have been further sub-divided through people buying or inheriting parcels of land, with indigenous Bunyoro people becoming customary tenants or squatters on their own land. Later, the Bunyoro Agreement of 1933 placed all land under the Governor's jurisdiction, recognising the right of local people to use land and to have a certificate of occupancy.⁷ The Governor reserved the right to appropriate any land for forests, roads, townships or any other public purpose. Oil exploration activities have begun in both Hoima and Buliisa, including plans for crude oil extraction in Buliisa being moved through feeder pipelines to a refinery in Kabaale in Hoima.⁸ In 2016, President Museveni also commissioned a new sugar factory in Hoima, intended to cover 8,000 acres of land and produce 1,500 tonnes of sugar per day.⁹

The districts of **Amuru** and **Nwoya** are in the Acholi region of northern Uganda, which underwent a 20-year civil war that witnessed 1.8 million people driven off their land and many others forced to join the Lord Resistance's Army. Since the Juba Peace Process in 2008, displaced communities have begun returning home to claim back their land from those who had occupied it during the conflict period, as well as defend it against new large-scale interests in land.¹⁰ The 2008 landmark peace agreement coincided with the discovery of oil in Amuru, and reportedly triggered land disputes between investors, individuals and government officials.¹¹ Oil was subsequently discovered in 2012 in Nwoya after seismic studies around Murchison Falls National Park.¹²

Kalangala district includes a group of 84 islands in Lake Victoria, with a combined population of approximately 20,000. Prior to the introduction of palm oil plantations, local communities mainly depended on fishing, subsistence farming and tourism. According to Friends of the Earth, Wilmar International, one of the largest oilseeds corporations in the world has developed palm oil plantations on the highly biodiverse islands in Lake Victoria in partnership with the Government of Uganda, the International Fund for Agriculture Development (IFAD) and Kenyan oilseeds company BIDCO.¹³ The first phase of this project was completed in 2011, and despite the identification of a number of social and environmental problems, the second phase of the project went ahead and expanded palm oil plantations throughout several more islands.

3. Land, the law and women's rights in Uganda

14. OECD, "Uganda SIGI Country Report," OECD, published 2015, <https://www.oecd.org/dev/development-gender/The%20Uganda%20SIGI%20Country%20Study.pdf>.

15. Daniel Ayalew Ali, Klaus Deininger, & Marguerite Duponchel, "Leveling the field for women farmers in Uganda," The World Bank, published June 17, 2015, <https://blogs.worldbank.org/voices/leveling-field-women-farmers-uganda>.

16. Philippa Lewis, "Uganda: The Fight for Women's Land Rights," Global Policy Forum, published November 20, 2012, <https://www.globalpolicy.org/world-hunger/land-ownership-and-hunger/52091-uganda-the-fight-for-womens-land-rights.html>.

17. Government of Uganda, "Second National Development Plan II 2015/16-2019/20," Ministry of Health, published 2015, <http://library.health.go.ug/publication/s/leadership-and-governance/second-national-development-plan-ii-201516>

18. Aili Mari Tripp, "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda," African Studies Quarterly 7, no. 4 (2004), <http://asq.africa.ufl.edu/files/Tripp-Vol-7-Issue-4.pdf>.

19. Ibid.

20. Leslie Hannay, "Women's Land Rights in Uganda," Center for Women's Land Rights, last updated July 23, 2014, <https://www.landesa.org/wp-content/uploads/LandWise-Guide-Womens-land-rights-in-Uganda.pdf>.

21. Rose Nayaki, "The legal and Policy framework and emerging trends of large scale land acquisition in Uganda: Implications for women's land rights," (Centre for Basic Research Uganda, Working Paper No. 109/2015, published December 2015), https://www.researchgate.net/publication/293605692_The_legal_and_Policy_framework_and_emerging_trends_of_large_scale_land_acquisition_in_Uganda_implications_for_women%27s_land_rights.

22. Whitehead, A. & Tsikata Dzodzi (2003) 'Policy Discourses on Women's Land Rights in Sub-Saharan Africa: Implications of Re-turn to the Customary' in Journal of Agrarian Change 3 (1&2).

"Women need laws to protect their right to land and must participate in all decision making related to land, including in elected positions at all levels." Women research participants, Nwoya District.

The current land rush in Uganda has shone a spotlight on the country's land laws, and the rights – or lack thereof – for women. Investment in and the purchase of land requires the identification of a single owner who ideally owns large areas of land, a process incompatible with the more informal access to land which is more common among Ugandan women.

This section begins with an overview of land use and ownership in Uganda. It then goes on to consider Ugandan law and land rights, including both formal and customary law. Finally, it considers what is happening in practice, and whether these laws are in reality effectively protecting women's rights.

Women's use and ownership of land in Uganda

Agriculture continues to serve as the backbone of the Ugandan economy, employing 72% of the total paid workforce. In particular, women are the backbone of Uganda's agricultural sector, making up 76% of agricultural workers.¹⁴ Women are also more dependent on land: three-quarters of Ugandan women earn their living as farmers compared with two-thirds of men.¹⁵ Furthermore, as a result of gender roles women are overwhelmingly responsible for the food security of their families. Despite this disproportionate dependence and responsibility, some estimates suggest that women own merely 7% to 20% of land in Uganda.¹⁶ In its National Development Plan, the Ugandan Government provides a higher estimate, suggesting that 27% of land is owned by women. Recognising that this is still low, this strategy also points to the fact that less than one-fifth of women control the outputs and proceeds from their agricultural work.¹⁷

Colonialism brought with it changing patterns of land use. Women's rights to land were curtailed not just through the titling and registration of land, but also through a radical change in the

political economy of land use, where cash crop production controlled by men started to replace women's subsistence production. The increased demand for – and subsequent cost of – land further disadvantaged women.¹⁸ Actions by the World Bank in the 1970s to encourage individual ownership through registered freehold titled land further exacerbated this trend.¹⁹

The current land rush is, again, challenging land use patterns with particularly harsh effects on women, as supported by our research (see Section 4). The precariousness of women's right to land is exacerbated by the pressure to identify individual owners to acquire large swaths of land. According to customary ownership, women claim land rights as members of a community. However, large-scale land acquisition entails compensation being offered on claims made by an individual. In identifying who has a recognised claim to land, male dominance swiftly takes precedence, as men's names are more often than not on the paperwork, and men are assumed to be and act as the main family decision makers.

In part, the issue can be attributed to the convergence and discord of different legal systems. Like much of sub-Saharan Africa, Uganda's legal system governing land combines different types of law including customary law, pre-independence British law and Ugandan civil law. Customary law, based on social norms and prone to change over time and from region to region, is particularly relevant to land use with considerable implications for women's land rights.²⁰ More than 80% of land in Uganda is held under customary tenure, and largely undocumented.²¹

Uganda's legal framework on land

Land rights include access to and ownership of land, as well as related natural resources such as water sources and the outputs of labour invested in the land.²² In market-based systems, land rights are defined in terms of registered individual interests and the right to exclude others alongside concepts of acquisition and compensation, and are usually governed by statutory laws and the

23. Aili Mari Tripp, "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda," *African Studies Quarterly* 7, no. 4 (2004), <http://asq.africa.ufl.edu/files/Tripp-Vol-7-Issue-4.pdf>.

24. Government of Uganda, "Land Act 1998," Uganda Legal Information Institute, published 1998, <https://ulii.org/ug/legislation/consolidated-act/227>.

25. Ibid.

26. Josephine Ahikire, "'Please Daddy...give us some more:' recognition politics and the language of special interest groups," *Controlling consent: Uganda's 2016 elections*, eds. Joseph Oloka-Onyangko & Josephine Ahikire (Trenton: Africa World Press, 2017).

Constitution. However, under customary law and other more traditional approaches, land rights are given to members of the community. This latter approach has been favoured by some women's rights advocates given its broader understanding of notions of entitlement to land and livelihoods.²³

In Uganda, land rights are protected under the Constitution and the Land Act, which recognise customary tenure under statutory law (see Box D). The state has the right to acquire land in the public interest, but only under the condition that prompt and fair compensation is given. Some recognition has been given within the Land Act on the need for spousal consent over land management. However, efforts to extend women's rights by including co-ownership clauses to date have failed.

The Land Act includes two key provisions that directly address women's land rights:

Section 27 recognises customary tenure except in, *"a decision which denies women or children or*

*persons with a disability access to ownership, occupation or use of any land."*²⁴

Section 39 (1i) prohibits the sale 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."*²⁵

These provisions are subject to criticism. For example, in Section 27, women's rights are protected because they are a vulnerable group, rather than their rights being promoted as the rights of citizens, as is the case for men. The language of vulnerability infantilises women, relegating them to the periphery of land rights discourse.²⁶ Moreover, as we discuss below, the provision in Section 39 of the Land Act on spousal consent is designed to protect women from arbitrary decisions by their husbands, but fails in its assumption of a situation of equality within the household.



Image: Radio used by NAPE radio listening group, Hoima. Sarah Waiswa

27. "Uganda's Constitution of 1995 with Amendments through 2005," Constitute Project, last updated 2005, https://www.constituteproject.org/constitution/Uganda_2005.pdf?lang=en.

28. Hamila Abdallah, "Govt asks for more time to rewrite amendment to land acquisition law," *The East African*, published September 10, 2017, <http://www.theeastafrican.co.ke/news/Uganda-asks-for-more-time-to-rewrite-amendment-land-law-2558-4089700-155tev8z/index.html>; Dickens Kamugisha, "26 reasons why bill to amend Article 26 of Uganda Constitution must be rejected," *Africa Institute for Energy Governance*, published 2017, <https://www.afiego.org/publications/other-publications/188-26-reasons-why-amendments-to-article-26-of-uganda-constitution-must-be-rejected/file.html>.

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30. UN Habitat, "A Guide to Property Law in Uganda," UN Habitat, published 2007, <https://unhabitat.org/books/a-guide-to-property-law-in-uganda/>.

Box D

Uganda's land laws

The Constitution

The 1995 Constitution provides protection in relation to land rights. Specifically, it states that all land in Uganda is owned by the people of Uganda (article 237), and gives attendant rights in accordance with the four formally recognised land tenure systems (customary, freehold, leasehold, and mailo – see Box C) (article 237(3)).²⁷ The state retains the right to acquire land in the public interest, subject to Constitutional protections.

The Constitution further provides for "affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them" (Article 32).

Under Article 26 every person has the right to own property, either individually or in association with others. Furthermore, no person shall be compulsorily deprived of land except where:

- Acquisition is necessary for public use or in interest of defence, public order, public morality, public health;
- Provision for prompt payment of fair and adequate compensation is made prior to the taking of the property.

Despite this, at the time of writing civil society organisations (CSOs) are concerned that this protection is under threat, with ongoing attempts to amend Article 26 to allow the government to appropriate land for development projects without agreeing and providing compensation.²⁸

The Land Act

Uganda's principle law on land is the Land Act 1998 (amended in 2004 and 2010), enacted in accordance with Article 237 (9) of the Constitution.²⁹ The purpose of the Land Act is to provide a system for the tenure, ownership, and management of land, as well as to improve the delivery of land services to the population by decentralising land administration.

The Land Act recognises four systems of land tenure: customary, freehold, leasehold and mailo. Recognition of customary land tenure in official terms is significant, and establishes procedures for the registration of customary ownership as well as its conversion into freehold tenure.

Four types of land tenure:

- **Customary tenure** is regulated by rules applicable to a specific area of land and group of people, which are generally accepted as binding by the people to whom they apply. The rules will vary for each area and group of people, usually based on geographical location and clan. Management and transactions of the land are in accordance with cultural customs, and sale of land under this system requires the involvement of all those who were entitled to use and access the property in the presence of respected members of the society.
- **Freehold tenure** derives its legality from written law and the Constitution, and refers to the holding of land in perpetuity with or without conditions about ownership and or use.
- **Leasehold tenure** is governed by written contract and refers to the holding of land for a given period from a specified date of commencement, on agreed terms and conditions. Rent is usually paid via the creation of a landlord-tenant relationship.
- **Mailo tenure** is similar to freehold tenure, except that mailo tenants cannot use their rights to the detriment of the customary and statutory rights of those lawful or bona fide occupants of the land at the time that the tenure was created and their successors in title.³⁰ Found predominately in Central Uganda, this type of land tenure was established in 1900 by the British colonial government to reward colonial agents and remains a relatively secure system of tenure.

31. Aili Mari Tripp, "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda," *African Studies Quarterly* 7, no. 4 (2004), <http://asq.africa.ufl.edu/files/Tripp-Vol-7-Issue-4.pdf>.

32. Miria Matembe & Nancy R. Dorsey, *Gender Politics and Constitution Making in Uganda* (Kampala: Fountain Publishers, 2002).

33. Aili Mari Tripp, "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda," *African Studies Quarterly* 7, no. 4 (2004), <http://asq.africa.ufl.edu/files/Tripp-Vol-7-Issue-4.pdf>.

34. Universal Periodic Review, "ZRP: Responses to Recommendations & Voluntary Pledges," Universal Periodic Review, adopted March 16, 2017, https://www.upr-info.org/sites/default/files/document/uganda/session_26_-_november_2016/recommendations_and_pledges_uganda_2016.pdf.

35. "The change we want to see 2011-2016," FOWODE Uganda, published March 22, 2011, <http://fowode.blogspot.co.uk/2011/03/change-we-want-to-see-2011-2016.html>.

36. Uganda Women's Network, "UNFINISHED BUSINESS: The Women's Manifesto 2016 to 2021," Uganda Women's Network, published July 16, 2015, <http://www.uwonet.or.ug/publications/download-info/the-womens-manifesto-2016-to-2021/>.

37. Lyn Ossome, "Can the Law Secure Women's Rights to Land in Africa? Revisiting Tensions Between Culture and Land Commercialisation," *Feminist Economics* 20, no. 1 (2014), doi: 10.1080/13545701.2013.876506.

38. Judy Adoko & Simon Levine, "Rural women still have few rights to land in Uganda" *The Guardian*, published March 26, 2009, <https://www.theguardian.com/katene/2009/mar/26/women-land-rights>.

39. Rose Nayaki, "The legal and Policy framework and emerging trends of large scale land acquisition in Uganda: Implications for women's land rights," (Centre for Basic Research Uganda, Working Paper No. 109/2015, published December 2015), https://www.researchgate.net/publication/293605692_The_legal_and_Policy_framework_and_emerging_trends_of_large_scale_land_acquisition_in_Uganda_Implications_for_women%27s_land_rights.

Calls for legal recognition of land co-ownership

Attempts to amend the Land Act (see box D) demonstrate the difficulty in challenging patriarchal gender norms. Since the Land Bill was first debated two decades ago, women's rights activists have been calling for a clause recognising the co-ownership of land by spouses, thereby allowing wives or daughters to inherit land. However, they have been met with opposition: at present, land inheritance is still patrilineal with clans resisting based on a fear of women marrying outside the clan.³¹

Amendments were originally passed in parliament, but were not recorded in the final bill due to a "technical hitch."³² Subsequent attempts at amending the Land Act were assigned to the controversial Domestic Relations Bill, so kicking them into the long grass.³³ The Domestic Relations Bill, now called the Marriage and Divorce Bill, has yet to be approved. The Marriage and Divorce Bill outlaws a number of traditional practices, makes asset sharing mandatory in a divorce, gives cohabiting partners property rights and makes marital rape illegal. It has wide support from the women's movement but religious and traditional leaders oppose it and the Ugandan parliament is deeply divided. During its follow-up response to recommendation (N-116.1) received during the 2016 UN Human Rights Council Universal Periodic Review, the government committed to examining the issue and providing a response, "*in due time, but no later than the 34th session of the Human Rights Council.*"³⁴ The session took place in March 2017, but the bill at the time of publication is yet to be re-tabled in parliament for review.

Women's organisations such as the Uganda Women's Network (UWONET) and Forum for Women in Democracy (FOWODE) attempted to make women's right to land a 2011 election issue, continuing to call for the co-ownership amendment.³⁵ Similar demands were echoed in the 2016-2021 legislature.³⁶

Customary tenure and women's land rights

Much of Ugandan land is governed by customary law. Colonial attempts to maintain social order included formalising the fluid customary norms into written customary law. This process was largely male dominated, and therefore enshrined and reinforced patriarchal social norms on women's subservience to men in the realms of marriage and land tenure.³⁷

Despite this, the Land and Equity Movement in Uganda (LEMU) contends that some customary laws do afford women land rights, and that there is potential for building upon this as a way of protecting women's rights in light of land grabs.³⁸ LEMU maintains that under customary law, land is held in trust for present and future generations, and everyone who is born, married or otherwise accepted into the family is accorded rights in relation to the land. However, this management or stewardship role is increasingly being replaced by the concept of individual land ownership, as evidenced through mailo tenure (see Section 3) but also more recent practice; the paternalistic approach to protecting weaker family members has largely been lost.

Other research in the Acholi, Bugisu, Kigezi, Lango, and Teso communities has similarly found that customary relations can support women's rights in instances where land belongs to the clan and where everyone in the clan, regardless of gender, has the right to use it. While only men inherit land, the head of the family has a stewardship role and is responsible for ensuring all members have access. When a woman marries she moves to her husband's clan, and the husband is bound to allocate some land for her. Although patriarchal, such safeguards ensure women's access to land; however these norms are being eroded by multiple processes of weakening customary structures.³⁹

Research participant, Susan, from Nwoya District explained, "*The oil issues have caused serious divisions between people. The land has become commercial so people are selling it. But customary land is not for sale; it is for families. People came last year to buy the land, making women especially struggle as we have no rights and we aren't listened to. I am trying to change that; I tell other women in the group to be bold like me.*"

40. Lucy Asuagbor, "Status of Implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa," African Union, published March 18, 2016, <http://www.peaceau.org/uploads/special-rapporteur-on-rights-of-women-in-africa-presentation-for-csw-implementation.pdf>.

41. UN Women, "Convention on the Elimination of Violence of Discrimination Against Women," UN Women, accessed February 15, 2018, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14>.

42. Committee on the Elimination of Discrimination Against Women, "General recommendation No. 34 on the rights of rural women," CEDAW, published March 4, 2016, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Globa/INT_CEDAW_GEC_7933_E.pdf.

43. African Commission on Human and Peoples' Rights, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa", African Commission on Human and Peoples' Rights, published 2003, <http://www.achpr.org/instruments/women-protocol/#13>

44. Food and Agriculture Organization of the United Nations, "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the context of National Food Security". Food and Agriculture Organization of the United Nations, published 2012, <http://www.fao.org/docrep/016/i2801e/i2801e.pdf> <https://www.uneca.org/publications/guiding-principles-large-scale-land-based-investments-africa>

Box E

Regional and international agreements relevant to women's land rights

Complementing national legislation, Uganda has ratified international and regional human rights instruments, including the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW). The African Union Protocol on Women's Rights (Maputo Protocol), which requires signatory governments to put agreed-upon provisions into national law, has also been ratified by the Ugandan government, albeit with reservations on certain sexual and reproductive health clauses.⁴⁰

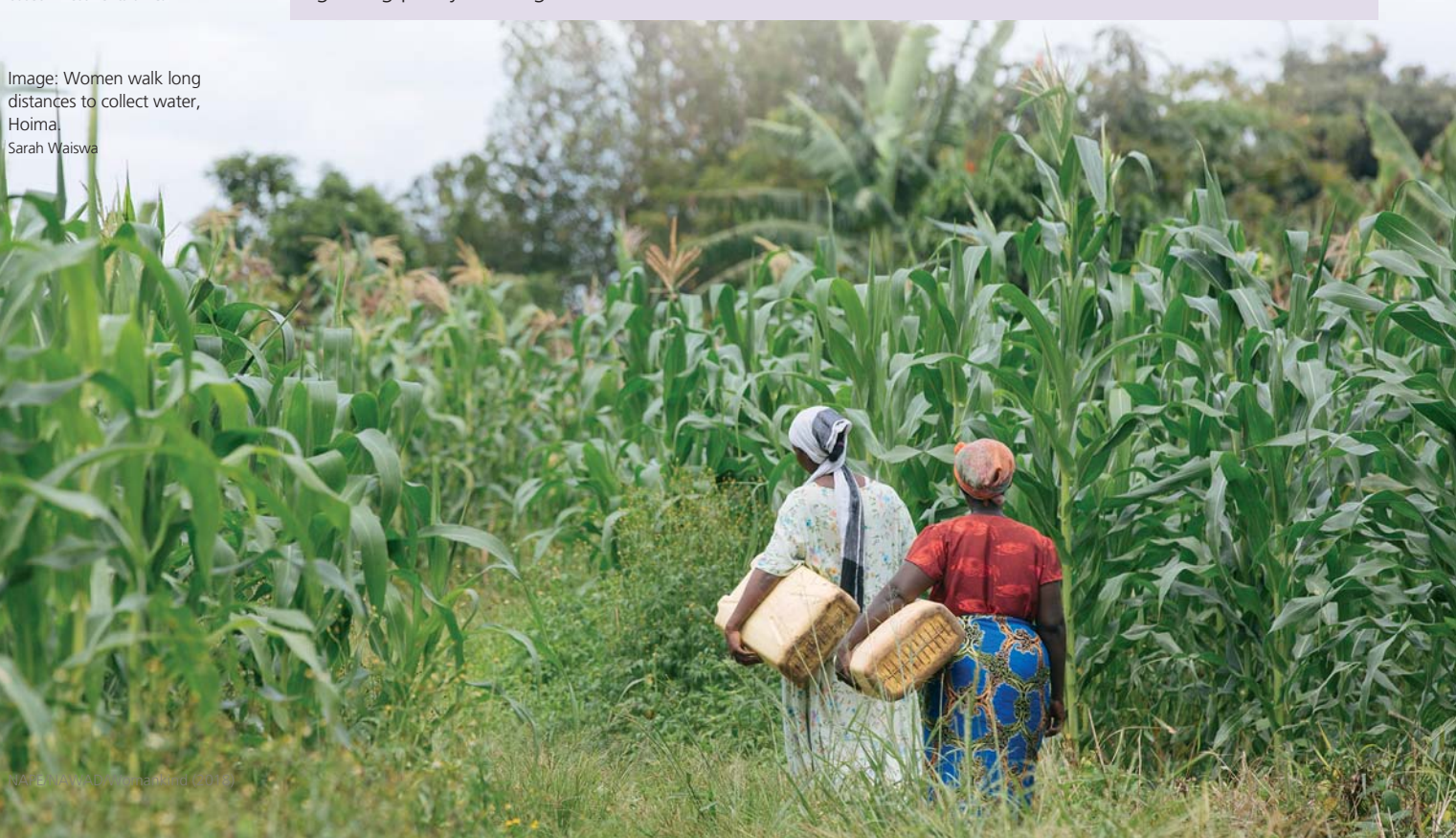
CEDAW article 14 reads, *"States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas."*⁴¹

In 2016 the CEDAW Committee published General Recommendation (GR) 34 on the rights of rural women, which further expands on states' obligations.⁴²

Maputo Protocol article 19 obliges States Parties to promote women's access to and control over land, as well as the right to property. Equal right to inheritance for women and men and the right to inheritance of widows are recognised in articles 20 and 21. Article 19 also obliges States Parties to, *"ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women."*⁴³

International and regional guidelines on land use include the Voluntary Guidelines on Land Governance from the Food and Agriculture Organisation and the African Union Guidelines on Large Scale Land Investments.⁴⁴ Whilst these are non-binding, they are nevertheless key resources in guiding policy and regulation.

Image: Women walk long distances to collect water, Hoima.
Sarah Waiswa



45. Lyn Osseme, "Can the Law Secure Women's Rights to Land in Africa? Revisiting Tensions Between Culture and Land Commercialisation," *Feminist Economics* 20, no. 1 (2014), doi: 10.1080/13545701.2013.876506.

46. Demographic and Health Surveys, "Female headed households (% of households with a female head)", World Bank, published 2015, <https://data.worldbank.org/indicator/SP.HOU.FEHA.ZS?locations=UG>

Women's right to land falls between the cracks

Findings from the FPAR in all five districts have highlighted systematic exclusion of women from household and community decision making on land matters, as well as control of compensation when land is sold or acquired. Women's right to land is suppressed by the convergence of patriarchal social norms and commercial pressures on land and natural resources, while neither customary nor statutory law appears to fully protect their rights.

Improving women's land rights may require a mix of measures, such as reforming existing law, increasing women's access to justice under statutory law and working within the structures of customary law to support women's rights. In the meantime, without corresponding changes in the discriminatory social norms around women's access to decision making and land, inequality will persist.

Fundamental rights undermined by social norms

There are provisions protecting women's land rights in both the Constitution and Land Act, yet women still face unequal access to and control and ownership of land. Women's formal legal rights are realised only if women are aware of their rights and are able to access and enforce them. For many women, this is not the case.

Discriminatory social norms continue to deny women access to decision making. For example, even when their consent is required for land transfer under article 39 of the Land Act, they are unable to make use of the legal rights assigned to them, as explained subsequently.

In reality, women's consent to sell land can be given under duress. The man is also permitted to challenge a woman's refusal to consent if and when he considers the reasons she has for withholding to be weak. Bulandina from Hoima worked to make enough money to buy some land before the oil refinery arrived, but was undermined by her husband's authority at the time of compensation. She explained, *"It was mine; my ex-husband decided it was his and sold my land without my consent to the oil company. I never got any of the compensation from the company."*

Respondents from the private sector revealed part of the problem, *"We do not discriminate on the basis of sex. We have purchased land from both men and women as long as they are rightful owners of the land. We always comply with the law when carrying out a purchase. For example, we know that family land requires consent of the spouse and we insist on this consent being provided, but remember the cash is deposited in the account of the person whose name appears on the title and we have no control over how the money is spent."*

The process of registration of customary land has the potential to provide an avenue to formalise women's right to land, but in reality is usually manipulated by men in trusteeship roles.

Commercial pressures on the land are also weakening the customary systems which have provided some support and protection to women's land rights. Although the legal regime protects customary rights, the new land deals require identification of an owner. In all cases where there is a man present, it is assumed that men are the head of the household and own the land, ignoring women's informal land rights. The reality of women's limited power is further compounded by the fact that the majority of adult women are living in undocumented, cohabiting unions, in lieu of formal marriage.⁴⁵ Moreover, a quarter of all households have no adult male, further complicating the situation.⁴⁶ Formal legal systems are also inaccessible to most rural women who therefore continue to rely on the patronage afforded to them under customary law. Despite the Constitution and the Land Act being clear in refuting any discriminatory customs, the law is silent on how such customs might be eradicated and what options rural women have to access redress outside courts of law, which remain inaccessible for the majority.

"We are not aware of any law that governs land because we are not educated and so there is no way we can access knowledge on land ownership," says Louise from Amuru district. *"In addition to that, we are too poor to even own a radio which could provide us with information on land matters."*



Image: Members of NAWAD
women's group, Nwoya.
Sarah Waiswa

4. Women's rights – lost in the land rush

47. Lizabeth Paulat, "Land Eviction Breeds Violence in Oil Rich Hoima, Uganda", VOA News, published September 24, 2014, <https://www.voanews.com/a/land-eviction-breeds-violence-in-oil-rich-hoima-uganda/2460974.html>

"I always advise my fellow women to stand and have confidence and tell the truth about what has happened to them to anyone who will listen." Susan, Nwoya District, Northern Uganda

Findings from the FPAR demonstrate the extensive and negative impact of the land rush, exacerbated by deeply entrenched patriarchal social norms constraining women's immediate needs and long-term interests. This section explores the experiences of women living in five districts of Uganda who have been affected by land rush.

While women's experiences are varied, including intergenerational differences between older women and younger women, the research highlighted common themes such as the negative impact on women's livelihood and income, an increase in unpaid care and domestic work, violence against women and changes in gender roles. As shown in Section 6 of the report, the FPAR also highlighted the critical role of women's collective action and organising in providing practical support and building hope and solidarity for change.

Women's lived experiences Violent eviction from homes

The most immediate impact of the land rush has been the violent and forced eviction of many Ugandans from their homes, cited by women in every research site. In our research, women from Hoima District confirmed media reports from 2014 that highlighted the use of violence to force them from their homes to make way for the sugar plantation.⁴⁷ Forced evictions took place despite assertions from women that they had land ownership certificates. Women research participants reported that homes were burned, bullets were fired and tear gas used, with reports of adults and children missing or presumed dead.

Margaret was one of the women forcefully evicted from her home to make way for the opening of the Hoima sugar factory. Most of these women are still living in makeshift camps and have received no compensation. Margaret explained, *"What hurts me the most is that I am a Ugandan, living on Ugandan land but I am now a squatter and me and my children are left here. My children aren't going to school as I can't afford to pay for the fees. I have to walk for at least three miles in the hot sun to get to some paid work just so I can feed my family. I have not been able to feed them well – we eat one meal a day and what I cook has to last us for two days."*

Box F

Social norms

Social norms are the informal laws, practices and beliefs that determine collective understanding of what are acceptable attitudes and behaviours in a given society. Failure to comply with these norms can result in strong and open social punishments including ridicule, ostracism or violence, or less visible sanctions such as exclusion from employment opportunities or marriage. Members of society will tend to self-regulate their behaviour to conform to what they think is expected of them by others. In most societies, discriminatory or patriarchal social norms exist that assign to women inferior roles.

Discriminatory social norms can perpetuate inequality even in the face of advances in legal protection and the effective implementation of existing laws and policies. Despite hard won gains on gender equality enshrined in Uganda's constitution, the prevalence of discriminatory social norms continues to undermine the realisation of this equality. Discriminatory social norms impact all aspects of women's land rights, including participation in decision making on use of land use, land titles and ownership and consultation in issues of compensation.

Case Study

Patience was forcefully evicted from her home by police in 2014 to make room for the opening of the Hoima sugar factory. Her husband died during the eviction and she fled with her children. She now lives in the displacement camp in Kigyayo, Hoima District.

"One day, we were at home and we heard screams. We didn't have any warning before it happened. We didn't know anything. They turned up and started evicting people forcefully. We didn't know what was happening at first. The situation was not okay; they were violent and they were using guns, tear gas and machetes.

Women and children ran away with nowhere to go. Men were trying to rescue property before the police set it on fire. They took our goats, cows, chickens and our whole home.

Even now, we struggle to get food. I have to go and do some hard labour every day to feed my children. It is never enough. I go to work to dig for someone. When I fall sick, I get sent away and I can't pay school fees. I get malaria on and off. It is the reality of life in the camp.

I feel angry. We don't even benefit from the sugar; all we have is suffering. Life is not good at all in the camp. We are living in bad conditions. We are getting malaria as we sleep with no doors and mosquitoes are coming in. We have diarrhoea because of bad conditions and we are eating bad food. There is also theft in the camp because so many people have nothing. I live in fear for me and my children.

Justice has never happened for us. We went to court but it came to nothing. We have not received one shilling of compensation. We reported it to the chairman of the camp and it was put in a civil case for land but we were not called to court.

As long as we're still living here, I can't imagine a future for us. It is hard for women; we need land so we can get some money through agriculture."

Image: Hoima sugar factory.
Sarah Waiswa



48. McAlester Energy Resources, "Press Release: McAlester Energy Resources is a Ugandan Company that will provide services to the oil companies operating in East Africa", McAlester Energy Resources, <https://business-humanrights.org/sites/default/files/documents/McAlester%20Energy%20Resources%20Response%20re%20Uganda%20Evictions.pdf>

49. Robert Katemburura Turyomurugendo, "Kigyayo and Rwamutonga Land Eviction cases in Hoima- a test on Uganda's judicial system", NAPE, published 2017, <http://www.nape.or.ug/news-events/latest-news/139-kigyayo-and-rwamutonga-land-eviction-cases-in-hoima-a-test-on-uganda-s-judicial-system>

Mary was also forcefully evicted from her home. She now lives with her husband and children in the displacement camp. Confirming media accounts at the time, she said, *"Our neighbours died during the eviction and I inhaled a lot of tear gas. During the eviction, women were violated. They were raped in isolated places and couldn't run. Life is never the same now [...] As a woman, I am broken. Before I could pay school fees and I had a small business on the land. I don't think I have any chance of that now. I walk for five miles to dig for people. I go with my baby on my back. Sometimes, I have to leave my baby with my older children, who are only six and four. I am scared to leave them but there is nothing else I can do. It's the only way I can feed them [...] We are still waiting for compensation for what has happened. I hate looking at the factory – it makes me feel sick. That place has wrecked our lives."*

In one of the most notorious cases, children have died because of deteriorated living conditions in Rwamutonga (Hoima District), where 1,500 households were evicted to make room for an oil waste treatment plant to be built by McAlester Energy Resources Ltd, a Ugandan company owned by the US-based MANTLE Oil & Gas.⁴⁸ NAPE reports that the dispute continues, with residents forced to live in make-shift camps.⁴⁹

Women of Kitegwa (Hoima District) fared somewhat better when the oil refinery arrived because they were offered compensation, although this proved to be inadequate in making up for the loss of home and livelihood.

Nancy described the impact the oil company has had, *"Before our land was taken women were traders of goods, but now there is no money to do the trading. We suffer because we are the ones caring for our families, not our husbands. The oil refinery has brought violence to women's lives, but also women have experienced violence from their husbands because of the issues of compensation and lack of money. If I met the people from the oil refinery now, I would tell them how they have badly mistreated us and demand that they give us the full compensation we are owed."*

For the women of Nwoya, like in the other districts researched, it was clear that women were faring the worst. As Joy described, *"Land grabbing is mainly affecting women because here we live in extended families. First of all, there is the problem of food. Then, men have deserted women because of the land grabbing; they don't want to look after their children and sometimes if there is compensation money, they take it all and leave the woman and children with nothing. Women are facing very tough times here in Uganda. The oil here is a curse to women. We waste our time, digging for other people, and at the end of the day we don't have enough to feed our children. The oil has taken everything away from us."*

Livelihoods, economic and food security

Land is a vital resource for women's livelihoods. In the districts where the research took place, women tend to farm both for subsistence as well as to sell their surplus in the local markets. Land displacement left women destitute: women who lost land could no longer grow crops and feed their children, and those who had small businesses lost their clients.

For the women who have been resettled, life is hard. They have to find new customers for their businesses and walk long distances to sell their products. Women in all districts explained how loss of land had led to a loss of economic autonomy and self-reliance, leaving them at the mercy of the new investors. For example, some women have managed to find work on the new farms. In Amuru in particular, women were employed by the sugarcane factory, Amuru Sugar Works, but reported very low pay of 3,000-5,000 Ugandan Shillings per day (USD 0.81-1.36) for long hours, leaving very little time available to supplement their incomes and be with their families. In Kalangala, some women had found work in the palm oil plantation, but reported wages were so low they resorted to engaging in transactional sex with migrant workers in order to survive. Other women who were not working in agribusiness were struggling to find daily paid work.

Many women reported girls being pulled out of school by families who feared sexual violence and

50. Henry Lubulwa & Al-Mahdi Ssenkibirwa, "Hundreds flee Kalangala islands as army pursues illegal fishermen", Daily Monitor, Published July 3, 2017, <http://www.monitor.co.ug/News/National/Hundreds-flee-Kalangala-islands-as-army-pursues-illegal-/688334-3996874-8t59a9/index.html>

harassment from workers as the girls were walking to and from school. In Hoima, Nyaheira primary school was closed down as a result of the area being earmarked for oil exploration. Parents had a difficult choice to make: to risk girls travelling further to school and perhaps encountering violence and harassment, or to stop girls' education completely. Many reluctantly chose the latter.

Even for women who had not faced eviction, livelihood and incomes deteriorated. In Nwoya District, which includes the Murchison Falls National Parks, women had crops and properties destroyed by wild animals that were moving beyond the boundaries of the reserve to escape the noise and pollution of the oil exploration activities. The displacement of wild animals searching for food and shelter and encroaching on human settlements was a common theme across a number of areas researched.

In Kalangala, the community's main source of income comes from fishing in Lake Victoria. Women both fish and are responsible for smoking fish to sell. In January 2017, President Museveni instituted a special Fisheries Protection Unit (FPU)⁵⁰ to fight illegal fishing on all major lakes in the country, prompted by a petition from a team of fishers from Kalangala islands. Indiscriminate fishing including the catch of immature fish had placed immense pressure on the fish varieties and threatened their extinction on some lakes. The anti-illegal fishing unit has produced unintended consequences as the army steps up its patrols of the lakes, forcing fishers to flee the islands and lake shores as revenues also drop. In order to fish, clearance is required from the district fisheries officer and, depending on the method being used, can also involve an application to the natural resources and environment officer for an environment impact assessment. Often a non-refundable fee is charged and this, as well as bureaucracy, is a barrier for women seeking to fish to replace their lost livelihoods. Research participants reported that equipment owned by the women to smoke fish ready for consumption or sale were destroyed during evictions.

In Hoima, Nancy described how she was farming before the oil refinery arrived, *"I had yams and red peppers that I would plant and take to market. I would earn a small bit of money but*

when they took the land it all just stopped. I bought a small plot for a one-room house where I can grow and sell things like tomatoes but it is not enough to look after my children. At times, my children are sent home from school because I haven't been able to pay the fees. I desperately search for ways to send them to school."

The uncertainty brought by displacement has depleted women's existing assets. In Kalangala, households had to sell their goats and cattle as they did not know where they would be relocated to, effectively removing their future livelihood prospects. In Hoima, Amuru and Nwoya, women in areas earmarked for eviction have been discouraged from planting crops that take more than three months to mature given that evictions could happen at any time. Research participants from Hoima said, *"Women have been asked on several instances to grow short-term crops which could only last a short time, like three months. The reason for doing this is that anytime the oil projects like the refinery, or the airport will start and the community will have to move."*

A shared perception among women interviewed is that major infrastructure developments serve the needs of the oil companies rather than local businesses. For example, women reported that market centres have been destroyed and not replaced, with the building of roads for the oil refineries a particularly significant problem. Women affected by the construction of new roads to serve an oil refinery in Hoima said, *"Our craft materials like sisal, which were used for making ropes for tying our goats and cattle during grazing, were damaged but we were not compensated by the Uganda National Roads Authority because they were regarded as minor things to pay for."*

Environmental degradation

The Ugandan oil fields are adjacent to fragile environments such as the Murchison Falls and Queen Elizabeth National Parks. In addition to the immediate impact of oil exploration, fossil fuel extraction is a major contributor to climate change. In 2015, climate scientists warned that untapped fossil fuel reserves must stay in the ground to



Image: Woman from NAWAD women's group tending the land, Nwoya.
Sarah Waiswa

51. Michael Jakob & Jerome Hilaire, "Climate science: Unburnable fossil-fuel reserve", *Nature – International Journal of Science*, January 8, 2015, <https://www.nature.com/articles/517150a>

52. Food and Agriculture Organisation of the United Nations, "Soil nutrient management, Uganda", Food and Agriculture Organisation of the United Nations, published May 24, 2001, <http://teca.fao.org/read/7014>

prevent runaway climate change, defined as an increase in global mean temperature of 2°C.⁵¹

Women interviewed reported the destruction of natural resources, such as water sources, swamps and forests, which had previously provided grass for thatching houses, clean water from wells and soil for making pots. This is the result of the construction large plantations for sugarcane and palm oil which often use harmful pesticides. Rain washes pesticides into the rivers, and in Nwoya women reported that streams where they collected water have been polluted. For many years women had made pots from clay to sell and make a living, but this is no longer an option due to this pollution from the pesticides.

Environmental degradation as a result of extractive activities and agribusiness directly affects a range of women's rights, including the right to an adequate standard of living and the right to health. Pollution of water sources affects women's ability to collect clean water, and as a result they spend a larger proportion of their time having to find other sources of water. Loss of livelihood due to displacement increases poverty among women as well as their risk of experiencing violence, both within the household and in public spaces.

Research participants reported that corporations' activities have altered the pH balance of soil. This may be attributed to the incorrect use of certain fertilisers but also to burning of bush, grass or crop residues which exposes the land and leads to soil erosion. During burning, the heat destroys several plant nutrients in the soil, while some essential elements are lost in the form of gases. Burning also destroys useful soil organisms. In relation to mining, toxicity due to accumulation of

salts and an excess of micro-nutrients such as manganese, iron and aluminium can affect soil fertility.⁵² Research participants in Buliisa explained how this had led to the rotting of some crops such as cassava, sweet potatoes and other root crops which women rely on to feed their families. Ruth, who was evicted to make way for the oil refinery in Hoima, explained further, *"We hire a bit of land so we can grow crops and sell them. A big challenge is that the oil refinery has changed the land here. It is unpredictable and the yields are very low. We hear it is because of the polluted water and that some water has dried up completely now."*

Unpaid care and domestic work

Much of the work done by women in these regions, as elsewhere, is unpaid and undervalued by men in the community as well as by the government and private sector. Participants at the validation workshop indicated that, *"women's labour and contribution to making good homes and raising children and caring for the sick is not paid, neither is it indicated in Uganda's GDP."* Research participants felt that, *"companies should value the work done by women which allows their husbands to work for the company – this means paying workers adequately so they can support their families."*

Land acquisition and environmental degradation have further increased women's unpaid work. As incomes fall and prices rise, it is usually a woman's role to find a way to feed their families. Women from all five districts reported high levels of stress and anxiety due to worrying about their futures as

53. Green Radio Uganda, "More dilemma for oil refinery affected residents in Hoima district", Community Green Radio, Published April 13, 2017, <http://www.greenradio.ug/index.php/cgr-news/91-more-dilemma-for-oil-refinery-affected-residents-in-hoima-district>

well as the amount of hours spent working or trying to find work to make ends meet.

In Nwoya District, women reported that, *"the work of women has changed again; with the discovery of oil there has been restrictions on entering the national park [Murchison Falls National Park]. So, women walk longer distances to get to their destination. This extra walking along unfamiliar routes exposes women to a lot of dangers like risk of violence and getting very tired which risks our health."*

Greater time spent fetching water, finding work, or performing other activities further exacerbates the gendered division of labour in the Ugandan context.

Health and education

In Hoima District, an area of 29 square kilometres is being demarcated for the construction of an oil refinery.⁵³ In this area, women noted that, *"schools were closed, leading to high expenses in transporting children to boarding schools, while others had to drop out of school."* They also reported that, *"roads to health clinics are no longer accessible since shortcuts have been marked as 'no way through.'"*

In Kalangala, HIV positive women reported losing access to treatment as they had to vacate their houses without notice and were prevented from collecting all of their belongings, including the paperwork required for appointments and access to medication. In Hoima and Nwoya, women reported having to reduce the number of meals they fed to their families from three to one per day. They also reported malnutrition in children. Women from Hoima also explained that during the evictions, some people with disabilities were left behind when their family and community members fled in fear, leaving them destitute and alone.

The economic rights of the next generation are also under threat, with reports of girls having to drop out of school because fees could not be paid. Elizabeth from Hoima described how this made her feel, *"I feel so bad as my daughter was supposed to go for a diploma in accountancy but as we were forced to stop cultivation, we had no money to send her. It's not just money we've lost, but the chance for our children to have a bright future."*

Violence and discrimination at the household level

Land acquisition processes serve to shed light on the patriarchal social norms dictating women's voice and roles. Women are not supposed to have a say in what happens to land or to compensation. Women interviewed explained that men's views comprise the following: *"women are cared for by men," "women do not have permanent places," "women are just men's helpers," "women do not possess children," "children and land belong to men," "men are heads of families and they take all decisions to do with land,"* and *"women do not possess land and they came without land."* Research participants acknowledged the contradictory nature of these views given women's roles in feeding, clothing and educating their families. In spite of this, the women interviewed for this research are rejecting these socially prescribed roles, and are coming together to resist and confront the land rush. In doing so they risk backlash and further violence, but remain steadfast in their pursuit (see Section 6 on women's rights activism).

Women in Hoima and Nwoya reported that, *"some men don't support women's participation in land rights training and other women centred programmes; they need women to be kept in the dark and ignorant of their rights, so that they can continue oppressing women."* During the validation research meeting, a woman from the Bulisa research team left in tears as she was being harassed on the phone by her husband who wanted to sell their land to oil company French Total, a sale to which she objected. Her husband criticised her both publicly and privately because she was attending meetings and involved with the eco-feminist movement.

Disagreements and tensions within families was one of the main concerns reported by women from all districts, with domestic violence on the rise as well as separation and divorce. Women reported that they were trying to bring domestic violence cases before the local authorities, however with few positive outcomes. Women in Nwoya, Hoima and Kalangala reported that, *"domestic violence as a result of land grabbing is high and yet local leaders do not solve it; at the police station there is not even a gender or women's desk."*

54. National Association of Professional Environmentalists, "There is Nothing Good out of the Mines", National Association of Professional Environmentalists, <http://www.nape.or.ug/10-blog/132-there-is-nothing-good-out-of-the-mines>

Women from all districts reported increased sexual harassment in public spaces from workers and security guards. Women were very aware that changes in the physical environment, such as routes to access water, increased the risks they faced of sexual harassment and abuse. They also reported that increased numbers of male police and security personnel were heightening the risk and perception of risk of sexual harassment and violence, rendering them anxious and stressed.

Insecurity, social cohesion and changes to traditional family structures

Changes in traditional roles have led to conflict in families and communities. Women from Nwoya reported that gender relations are tense, with high rates of divorce. Many women have become sole breadwinners because their husbands have abandoned them or refused to contribute to family expenditure, in particular school fees. Where the men are employed by the oil and sugar companies, it is largely for low pay and with little job security. Tension and stress in these communities run high, and many women reported husbands drinking excessive amounts of alcohol and also becoming violent and unreliable.

In Amuru district, women reported changes in traditional settlement patterns based on customary laws and practices, whereby land belongs to the clan and everyone born within the clan, regardless of gender, has the right to its use. While only men inherit land, the head of the family has a stewardship role and is responsible to ensure all members have access. Usually, when a woman marries she moves to her husband's clan and the husband is bound to allocate some land for her.

However, in cases where land has been sold, women are taking their husbands back to their native family land which is in contravention of common customary practice and is deeply unsettling for entire communities.

Women's organising and resistance

Many women are coming together to resist the land rush, often with the help of NAPE, NAWAD and the eco-feminist movement (see Section 6). On a practical level, some of the women interviewed are trying to demarcate their land. Some have been campaigning together for customary law certificates and ensuring their names are on them as proof of land ownership.⁵⁴ Others have been coming together, with the support of NAWAD, in village savings and loans groups.

In Hoima district, NAPE has been supporting local women such as Nancy, *"with NAPE's help, I planted fruit trees but then later my husband negotiated with someone and sold them. A man came to take them. But I stood firm and told him no; they are not for sale and he can go and get his money back from my husband. Because I stood up for myself, my husband then realised what he had done was wrong. I could never have been bold like that before. I felt very powerful. The group has shown me just how strong I can be."*

Box G Eco-feminist movement in action

In Nwoya, the eco-feminist movement is supporting women to understand their rights, networking among different districts, communicating with decision makers and traditional leaders, and building the capacity and skills of women leaders. Established in late 2016 by NAPE and NAWAD, the movement is in its infancy and successes are still to be fully documented. However reports from women research participants highlight that some women have managed to take the government to court over land disputes, others are raising awareness of women's land rights in their communities, and some are providing counselling and peer support to women who have lost their homes and livelihoods. Despite the huge challenges they face, together the women have found unity.

5. Economic policy and land as commodity

55. ACUMU Uganda, "Statement on the Violation of the Rights of People Affected by Uganda's Refinery Development, African Centre for Media Excellence, Published July 17, 2013, <http://ugandajournalistsresourcecentre.com/statement-on-the-violation-of-the-rights-of-people-affected-by-uganda-refinery-development>

56. Progressio & Zimbabwe Environmental Law Association, "Women, Compensation and Benefit Sharing from Land Intensive Business Sectors", Zimbabwe Environmental Law Association, Published October 2014, http://www.progressio.org.uk/sites/default/files/women_compensation_and_benefit_sharing_from_land_intensive_business_sectors_final_oct_14.pdf

57. Uganda Government, "Second National Development Plan II 2015/16-2019/20", Uganda Government, published 2015, <http://library.health.go.ug/publications/leadership-and-governance/second-national-development-plan-ii-201516-201920>.

58. Ibid.

59. Alon Mwesigwa, "Uganda determined not to let expected oil trickle away," The Guardian, published January 13, 2016, <https://www.theguardian.com/global-development/2016/jan/13/uganda-oil-production-yoweri-museveni-agriculture>.

60. Fiona N. Magona & Marion Angom, "State of Oil and Gas in Uganda – 2017," MIMAKS Advocates, July 31, 2017, <http://www.mimaks.co.ug/articles/2017/07/31/state-oil-and-gas-uganda-2017>; Frederic Musisi, "Cnoc bids to increase oil shareholding as Tullow exits," Daily Monitor, published March 20, 2017, <http://www.monitor.co.ug/Business/Cnoc-bids-increase-oil-shareholding-Tullow-exits/688322-3855770-118866/index.html>.

61. Julius Ocungi, "Uganda: Acholi Leaders Criticise Amuru Sugar Factory Land Agreement," All Africa, June 28, 2017, <http://allafrica.com/stories/20170628038.html>.

"I have no solution or strength to deal with this situation since the land taken is grabbed by the rich people who have more money than me." Catherine, Buliisa District

This section considers how Uganda's economic policy is having an impact on rural communities, particularly women. It explores how a lack of regulation, corruption and discriminatory social norms are contributing to women losing land and not being fairly compensated.

Alleged abuses of due process (a state's legal requirement to respect individuals' rights) and compensation terms for land acquisition in Uganda have been documented for several years. In 2013, the Africa Institute for Energy Governance exposed the gaps in compensation and due process for the 7,000 people affected by a proposed oil refinery in the thirteen villages of Kabaale in Hoima District.⁵⁵ Even where compensation is received, it is not always adequate; for example, compensation may be made in one lump cash payment based on the value of land without taking into account the productive lifespan of land and crops (and thereby resulting in the land's undervaluation).⁵⁶

Uganda's national development strategy

Uganda is currently implementing its Second National Development Plan (NDPII) as part of its Vision 2040, a strategy document outlining how the Ugandan Government will increase economic growth and development over the next 20 years. The strategy includes an ongoing liberalisation of the economy featuring export-oriented growth and increasing foreign direct investment (FDI). Alongside the commercialisation of agriculture is an increasing focus on mineral exports, including gold, oil and related infrastructure.⁵⁷ While the aim

is to promote inclusive growth, critics have argued that this strategy promotes investment in land as a commodity rather than recognising and preserving it as a resource to be shared now and for future generations.

Eco-feminist Sostine Namanya from NAPE told us, *"We are led to believe that the market determines fair prices. This is based on the illusion of competition and efficiency. We sacrifice nature for the greater 'good' in the name of this so-called development that is yet to deliver something beyond insecurity, conflict, strife, violation, subjugation, disharmony and dispossession for us women. Women need to rise and sharply articulate that land is our life, our bodies, our livelihood and our identity, for us and the future generations to come. Land should not be a commodity for sale, nor a vehicle for injustices on women. Women need to say what they envision as inclusive development, not prescribed development that is running on a capitalist model at the expense of women's rights."*

The presence of oil in northwestern Uganda, confirmed in 2006, has been a driver behind the development strategy, leading to a massive programme of exploration and development of oil related infrastructure. An estimated 6.5 billion barrels of oil reserves have been identified, of which about a quarter is likely retrievable.⁵⁹ It is widely documented that the China National Offshore Oil Company and French Total are currently the main companies preparing to extract crude oil, with Tullow recently exiting the area.⁶⁰ Other areas of Uganda have seen a rush for land to produce agricultural commodities such as palm oil and sugar. This includes Amuru, where media reports demonstrate that acquisition of land by Amuru Sugar Works has resulted in ongoing community conflict.⁶¹

Box H Uganda's economic plan

The NDPII aims at, *"strengthening Uganda's competitiveness for sustainable wealth creation, employment and inclusive growth. The Plan prioritises investment in five areas with the greatest multiplier effect on the economy; which are: (i) Agriculture; (ii) Tourism; (iii) Minerals, oil and gas; (iv) Infrastructure development; and (v) Human capital development. The effective implementation of this Plan is expected to lead to an average growth rate of 6.3 per cent and per capita income of USD 1,039 by 2020."*⁵⁸

23 Digging deep The impact of Uganda's land rush on women's rights

Image: Community Green Radio station, run by NAPE in Hoima. Sarah Waiswa



62. Southern and Eastern Africa Trade Information and Negotiations Institute, 2016, "160 investment policies of EAC partner states research study" <http://www.seatiuganda.org/publications/research/160-investment-policies-of-eac-partner-states-research-study-report/file.html>

63. Luke Patey, "Oil in Uganda: Hard bargaining and complex politics in East Africa", The Oxford Institute for Energy Studies, Published October 2015 <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2015/10/WPM-601.pdf>

64. WoMin, "Collection 2 The Impacts of Extraction on Women in Africa", WoMin, Published October 2015, <https://womin.org.za/womin-research.html>

65. For an explanation of Local Content see Global Local Content Council, available online at <http://www.glccouncil.org/>

66. Parliament of the Republic of Uganda, "MP to introduce Local Content Bill", Parliament of the Republic of Uganda, Published 2016, <http://www.parliament.go.ug/index.php/about-parliament/parliamentary-news/1154-mp-to-introduce-local-content-bill>

67. Constitution of the Republic of Uganda, 1995, available online at http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf

Investors before communities An investment regime skewed towards foreign investors

Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), a leading CSO monitoring trade and investment in East Africa, has described Uganda's investment regime as, *"skewed towards protecting the interests of foreign investors with the aim to attract and secure greater FDI flows."*⁶² Whilst there are a variety of views about foreign investment (notably, the Ugandan Government's approach [see Box H on Uganda's economic plan] calls for heavy foreign investment) women interviewed for this research felt that any investment should emphasise the needs of communities.

In theory, local communities should benefit from tax revenues as a result of the increased economic activity. The Petroleum Investment Fund created and owned by the government is adapted from the Norwegian model of managing revenues from newly discovered oil and gas resources, and the law stipulates that the oil revenues must be invested in infrastructure and to boost agriculture rather than be used for recurrent expenditure. As a result, the communities directly affected by displacement, evictions and compulsory purchase are likely to experience relatively small levels of revenue sharing compared to the thousands more who will be displaced to clear land as the oil industry develops.⁶³

While whole communities are affected by expropriation of land and displacement, such processes affect women disproportionately, as evidenced by the FPAR findings and further reflected globally.⁶⁴ Research participant Catherine stated, *"One day I returned home from digging in the garden and found agents from the oil company breaking into my house, claiming my land was sold and that I should have moved – and I even lost my 280,000 shillings. I have no solution and strength to deal with this situation since the land taken is grabbed by the rich people who have more money than me a poor woman."*

A Local Content Bill has led to debate in Uganda⁶⁵ on the issue of the impact of corporate activity on local people and economies.⁶⁶ Within the research, concerns were raised about oil companies' failure to employ local people. Research participants across the research sites reported that the companies had employed some local people as casual labourers, including women as cleaners or for planting grass in the accommodation compounds of oil camps. However, for more skilled or technical roles, the companies tended to import their own teams rather than increasing the skills and experience of local people.

Disputes around land acquisition remain at the centre of controversy surrounding the government's attempts to attract new investment. Article 26 of Uganda's constitution⁶⁷ requires a

68. Alon Mwesigwa "Ugandan farmers take on palm oil giants over land grab claims", Guardian Global Development, published March 2015 <https://www.theguardian.com/global-development/2015/mar/03/ugandan-farmers-take-on-palm-oil-giants-over-land-grab-claims>

69. Ugandan Investment Authority, "The Investment Code Act", Ugandan Investment Authority, Published 1991, <https://www.ugandainvest.go.ug/wp-content/uploads/2016/02/Investment-Code.pdf>

70. Celine Salcedo- La Viña & Maitri Moraji, "Making Women's Voices Count in Community Decision-Making on Land Investments", World Resources Institute, Published July 2016, http://www.wri.org/sites/default/files/Making_Womens_Voices_Count_In_Community_Decision-Making_On_Land_Investments.pdf

71. Global Witness, "A good deal better? Uganda's secret oil contracts explained", Global Witness, Published September 24, 2014, <https://www.globalwitness.org/en/gb/reports/good-deal-better/>

72. Halima Abdallah, "Uganda sets tougher rules for oil, gas PSAs", The East African, Published September 19, 2017, <http://www.theeastafrican.co.ke/business/Uganda-sets-tougher-rules-for-oil-gas-PSAs-/2560-410220-8-m81q6dz/index.html>

73. Ugandan Investment Authority, "The Investment Code Act", Ugandan Investment Authority, Published 1991, <https://www.ugandainvest.go.ug/wp-content/uploads/2016/02/Investment-Code.pdf>

74. According to a number of respondents, this is so especially in the oil region where apparently the oil companies have been allowed to proceed with exploration and extraction without well laid out frameworks for environmental protection.

75. Edward Ssekika, "Uganda: Leaders in Oil Rich Districts Want a Special Fund to Monitor Oil and Gas Activities", All Africa, Published September 7, 2017, <http://allafrica.com/stories/201709070857.html>

76. United Nations, "United Nations Declaration on the Rights of Indigenous People", United Nations, Published 2008, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

77. Ministry of Lands, Housing and Urban Development, "Guidelines for Compensation Assessment Under Land Acquisition", Ministry of Lands, Housing, and Urban Development, published 2017, <http://mlhud.go.ug/wp-content/uploads/2015/10/Guidelines-for-Compensation-Assessment-under-Land-Acquisition.pdf>

court order to obtain land and mandates compensation; however, many cases are documented where farmers have been displaced from their land without consultation, with compensation either not being provided or inadequate.⁶⁸ In addition, the Uganda Investment Code of 1991 regulates the process of acquiring land by foreign investors, but the protection it affords communities is limited and it does not reference any of the equality clauses in the Constitution or the Land Act (see Section 5).⁶⁹

According to research participant Elizabeth from Hoima, *"When I was told about the discovery of oil I was glad; they told me I would be rich and better off. They did not survey my land properly. They told me if I disagreed with the survey results I should survey the land myself which I didn't have the skills to do. I was intimidated and threatened that if I did not sign the compensation agreement then I would not get a single penny of the money. I signed out of fear I would lose it all and also ignorance as I did not know what I was entitled to."*

The situation in Uganda is not uncommon among states with strategies that promote FDI. Demonstrating this, the World Resource Institute concluded that women's rights are frequently threatened in the context of large-scale land acquisition, and that most of the land allocated to or intended for investors is legally recognised as already being owned, occupied or used by communities.⁷⁰

Lack of regulation and enforcement

Another issue is the absence of regulation of the impact of investment on local communities and the environment. As the research showed, investments were approved with limited impact assessments; there were no gendered assessments, therefore the negative impact on the livelihoods of local women was not identified, mitigated or compensated for. Although women's economic activities largely depend on land and the natural environment, women remain invisible as the due diligence process for planned land acquisitions and commercial activities fails to take them into account.

Production sharing agreements (PSAs) are being made between the government and investors but these have not been disclosed publicly; moreover,

there is no law providing for public scrutiny. In 2014, Global Witness analysed leaked PSAs between the government and oil companies which showed considerable gaps in environmental and human rights safeguards.⁷¹ In 2016, the Ugandan government was reported to have established tougher rules for the operations of gas and oil companies, however the effects of this have yet to be determined.⁷²

Article 18d of the Uganda Investment Code of 1991 includes a stipulation that investors should, *"take necessary steps to ensure that the operations of his or her business enterprise do not cause injury to the ecology or environment."*⁷³ However, there is no enforcement of this requirement. Despite Uganda's adoption of an implementation plan for the Sustainable Development Goals, which include climate change mitigation and adaptation, efforts to develop the oil industry remain a national priority.⁷⁴

The capacity of government at district, county and sub-county levels to manage social and environmental issues that affect communities in oil-rich areas is weak, leaving companies to self-regulate their interactions with local communities. As a result, district leaders from the heavily-explored Albertine region are calling for a fund to be established to support local officials in assessing and reducing the severity of the environmental impact of the oil industry.⁷⁵

Free, prior and informed consent and compensation

Globally, many communities under threat have focused on their right to free, prior and informed consent, as enshrined in international law and defined most clearly in the UN Declaration on the Rights of Indigenous People.⁷⁶

In response to the lack of a formalised system of compensation, the Ugandan government published its Guidelines for Compensation Assessment Under Land Acquisition in June 2017.⁷⁷ These guidelines primarily focus on ways to assess appropriate compensation levels. Despite recognising the complexity of Uganda's land management in Principle 8 of the document, no mention is made of the gender inequality issues in awarding compensation.

78. CORE & Womankind Worldwide, "Land Intensive Corporate Activity: The Impact on Women's Rights", CORE & Womankind Worldwide, Published November 2017, http://corporate-responsibility.org/wp-content/uploads/2017/11/Core_WomensRights_Final1.pdf

79. CORE & Womankind Worldwide, "Land Intensive Corporate Activity: The Impact on Women's Rights", CORE & Womankind Worldwide, Published November 2017, http://corporate-responsibility.org/wp-content/uploads/2017/11/Core_WomensRights_Final1.pdf

80. Interview with key informant in government, all asked to remain anonymous due to not feeling comfortable to comment on land matters.

81. Demographic and Health Surveys, "Female headed households (% of households with a female head)", World Bank, published 2015, <https://data.worldbank.org/indicator/SP.HOU.FEMA.ZS?locations=UG>

82. Hoima Correspondent, "Police intervenes in refinery area women case", Oil in Uganda, Published January 9, 2017, <http://www.oilinuganda.org/features/and/police-intervenes-in-refinery-area-women-case.html> on 5.1.18

Women interviewed in this research felt that while some companies go through a process of gaining consent, more needs to be done to account for the need to ensure that women are included in consultations, and to address the discriminatory social norms that continue to prevent women's voices and needs from being heard. In a recent report with CORE (a UK civil society coalition on corporate accountability), Womankind outlined the importance of free, prior and informed consent for local communities, and proposed ways to make it more gender sensitive.⁷⁸

However, given the complex land governance situation in Uganda (see Section 4) – and the widespread lack of power of communities to resist large-scale land acquisitions – financial compensation has become the key measure of justice in the current context, based on the practical needs of those affected and their loss of livelihoods.

Interviews with research participants highlighted compensation as a priority issue. Grace, from Kalangala, shared her views, *"I think that the rich man or the investors make all decisions concerning relocation and the land and how compensation will be done. For me here in Atiak, the sugar investors gave us a period of two months to vacate the land without caring whether you are ready to move or not, and as a result I lost my property including crops in the garden and house utensils, among others."*

Discriminatory social norms complicate consent and compensation

For women living in a society where patriarchal social norms define decision making as a man's role, meaningful consultation and informed consent is even more problematic. When it comes to free, prior and informed consent and compensation, women do not enjoy equal participation and voice nor do they have control over the terms and amounts of compensation.⁷⁹ One research participant commented, *"Women are the primary users of land, yet when it comes to negotiation of compensation for land, especially in oil communities, women are*

*treated as mere observers."*⁸⁰

The FPAR highlighted both a lack of due diligence from companies and the systematic exclusion of women from decision making (limited information was shared on the proposed activities). In Buliisa, women reported exclusion from decision making on land at all levels, stating that, *"only men are invited to meetings."* In Nwoya and Hoima, women said they, *"have not been involved in any decision making about land or even informed about the oil project, the maize projects, or the sugarcane projects."*

Enquiries with the Ministry of Lands, Housing and Urban Development as part of the research revealed that compensation is often made to the head of the household who is assumed to be male by default, with no recognition of women's role within the household. This problem is further exacerbated by the fact that almost 27% of households in Uganda have no adult male.⁸¹ Even when land is untitled, the assumption is that the man is the legal representative unless the woman is a widow or has purchased the land in her name.

Susan, from Nwoya District, explains clearly the reality of decision making, *"Men always decide without women – they take the money and give none to us. They even rent out our land without telling us. We also are the ones caring and feeding our families. How can we do that if everything is taken away from us?"*

Research informants shared that there is little or no reference to the provisions in Ugandan law about non-discrimination and consent when it comes to the actual practice of compensation. Women are left to depend on the benevolence of their husbands or male relatives: they are lucky if the men reveal that they have received compensation, and more so if they then agree to use it to resettle the family. Findings from the FPAR demonstrate that many husbands abandoned their wives and children upon receiving compensation and started new relationships. This often leaves women with nowhere to go and exposed to forceful evictions. This experience appears to be widespread, with several cases documented by the Child and Family Protection Unit in Hoima.⁸²

83. Ali Twaha, "Museveni extends land probe commission tenure", The Observer, Published November 17, 2017, <http://observer.ug/news/headlines/56020-museveni-extends-land-probe-commission-tenure.html>

84. Ali Twaha, "After 180 days, land probe finds direct on soldiers, govt officials", The Observer, Published October 13, 2017, <http://observer.ug/news/headlines/55409-after-180-days-land-probe-finds-dirt-on-soldiers-govt-officials.html>

85. Ali Twaha, "Museveni extends land probe commission tenure", The Observer, published November 17, 2017, <http://observer.ug/news/headlines/56020-museveni-extends-land-probe-commission-tenure.html>

86. Petrus de Kock & Kathryn Sturman, "The Power of Oil Changing Uganda's Transition to a Petro-State", Governance of Africa's Resources Programme, Published March 2012, http://www.saiia.org.za/images/stories/pubs/reports/saia_rpt_10_dekock_sturman_20120307.pdf

87. Luke Patey, "Oil in Uganda: Hard bargaining and complex politics in East Africa", The Oxford Institute for Energy Studies, Published October 2015, <https://www.oxfordenergy.org/wpcm/step-content/uploads/2015/10/WPM-601.pdf>

88. Global Witness, "A good deal better? Uganda's secret oil contracts explained", Global Witness, Published September 24, 2014, <http://www.globalwitness.org/en/gb/reports/good-deal-better/>

89. Uganda Human Rights Commission, "Oil in Uganda: Emerging Human Rights Issues – special focus on selected districts in the Albertine Graben", Uganda Human Rights Commission, Published December 2013, http://uhrc.ug/system/files_force/ulrc_resources/UHRC%20Oil%20report%202014.pdf?download=1

90. Latin American Mining Monitoring Programme, "LAMMP Comments: The IRMA Standards Public Consultation", Latin American Mining Monitoring Programme, Published 2015, <http://lammp.org/wp-content/uploads/2015/02/LAMMP-Consultation-for-IRMA-Standards-final.pdf>

91. Immaculada Barcia, "Women Human Rights Defenders Confronting Extractive Industries", Association for Women's Rights in Development, Published April 21, 2012, <https://www.awid.org/publications/women-human-rights-defenders-confronting-extractive-industries>

92. This report uses the terms Global South and Global North to refer to global power inequalities between different regions of the world. NAPE, NAWAD and Womankind recognise that these terms are political, and have the potential to reproduce the "developed/developing world" binary. We use them in the knowledge they are far from perfect and continue to discuss and hear from activists on alternatives.

Corruption in the system

In response to the unprecedented upheaval in the land sector, the President of Uganda appointed the seven-member Land Probe Commission to launch an inquiry into the management of land in Uganda. The commission's mandate is to assess the effectiveness of law, policies and processes of land acquisition, land administration, land management and land registration in Uganda.⁸³ Evidence to the commission revealed one case where more than one thousand people were evicted violently, leading to the destruction of property, rape and loss of life. The basis of these evictions was found to be fraught with fraud and corruption by government officials. The findings, according to the Commission, emerged from inquiries conducted in districts including Mubende, Jinja, Luwero, Hoima, Wakiso, Nakaseke and Mukono, among others.⁸⁴

Initially, the Land Probe Commission was given six months, taking effect from May 2017. However, after 180 days into its inquiry, the commission chair decried the rot in the land sector and successfully requested more time. In describing the corruption, the chair, Justice Catherine Bamugemereire, said that, *"the commission had found dirt on many soldiers, government officials and well connected businessmen who have used their offices and influence to cause massive land evictions."*⁸⁵

Land use, militarisation and repression

Regulation to protect local communities in the oil and mining areas is limited, and militarisation has reportedly increased to secure project development sites.⁸⁶ This is having a detrimental impact on women with increased reports of violence and threats thereof.

Oil exploration in the Albertine Graben region has seen an influx of military police, elite forces and other security personnel.⁸⁷ The oil companies have also deployed security guards. According to Global Witness, there is no reference in the PSAs to any limits on the remit of security firms employed in the oil sector.⁸⁸ As a result, in its 2014 report on oil, the Ugandan Human Rights Commission noted that security personnel employed to guard

production sites have denied access to labour inspectors attempting to verify working conditions within the sites.⁸⁹

For women who resist these forms of development, threats and violence are common. As the Latin American Mining Monitoring Programme has observed, *"violence appears at different levels, whether domestic, community or state level, and typically occurs when a woman opposes a mining project or simply refuses to give her land away to concessions."*⁹⁰ When women raise their voices to defend their land and the environment from the impact of large-scale land deals, they challenge corporate and state power as well as patriarchal norms in society. The Association of Women's Rights in Development has found that as a consequence, women experience gender-specific harassment and violence, as, *"they are targeted both as defenders of rights, land and natural resources, and as women defying gender norms."*⁹¹

A flawed development model?

Beyond issues of compensation or regulation lies the fundamental issue: adherence to a model of development which relies on private sector investment and engagement and the resulting commodification of land, and which depends on the perpetuation of gender inequality and the exploitation of the environment. While the theory, promoted not least by the international financial institutions and often supported on regional and national level, is that economic growth will follow with benefits to be universally shared, the practice can reveal a very different picture.

Land reforms geared towards attracting FDI to promote economic growth prevent women from having control over and use of land, as subsistence agriculture is displaced in favour of large-scale commercial agriculture and extractive activities. This economic strategy further perpetuates inequalities between corporate entities and their shareholders based in the Global North, and the communities living in resource-rich areas of the Global South⁹² which depend on natural resources for their survival. Power and income inequalities

93. Laura Maria Carvajal, "Extractivism in Latin America- Impact on Women's Lives and Proposals for the Defense of Territory", The Urgent Action Fund for Latin America 2016, Published 2016, http://docs.wixstatic.com/ugd/b81245_6cc6d3d7edd447d0ab461860ae1ae64f.pdf

94. CORE & Womankind Worldwide, "Land Intensive Corporate Activity: The Impact on Women's Rights", CORE & Womankind Worldwide, Published November 2017, http://corporate-responsibility.org/wp-content/uploads/2017/11/Core_WomensRights_Final1.pdf

Image: Members of NAPE radio listening group, Hoima.
Sarah Waiswa

within Uganda, as well reported corruption, compound this dynamic.

This extractive model of economic development occurs around the world, and women's rights organisations have referred to it as one, "*based on the unbridled commodification and exploitation of nature.*"⁹³ It has all-encompassing effects on women's lives: loss of livelihood, food insecurity, increased exposure to environmental pollution, increased time spent fetching water and firewood, and increased rates of domestic violence and other forms of violence against women are all

common in different contexts which are shaped by extractive models of development.⁹⁴ The most marginalised women and girls – subsistence farmers, indigenous women and girls, and those fleeing natural disasters – are already paying a high price for a changing climate that they did nothing to cause. As Sostine Namanya of NAPE pointed out, "*seeking improved conditions for women within development models that exacerbate climate change will not be a long-term solution.*"



6. Women's rights activists — promoting women's land rights

95. Chiara Capraro, "Rights and Realities: a briefing on women and the economy", Womankind Worldwide, Published 2017, <https://www.womankind.org.uk/docs/default-source/resources/briefings/womankind-rights-and-realities-economic-rights-briefing.pdf?sfvrsn=0>

96. From National Strategy for Building a Women-Led Movement in Uganda Led by NAPE & NAWAD

97. Discussion with participants at research validation meeting held in Hoima on 4th December 2017

"Women coming together is the best thing. Men weren't listening to us before, but now we speak as one voice we are more respected. Now, men understand that women have rights. I hope that the future will be better."
Elizabeth, Hoima District.

From research to action

The struggle for land is inextricably linked with the struggle for women's rights. Womankind, NAPE and NAWAD have collaborated to produce this research to strengthen the eco-feminist movement in Uganda, recognising that the most radical change for women's rights has been possible thanks to independent feminist movements organising at the national level.

This section explores the role of women's rights organisations (WROs) in supporting rural women in Uganda to achieve full and equal rights to land, and the importance of women being involved in decision making at all levels.

Womankind's approach to women's economic rights is framed as one of economic justice: this goes beyond securing women's equal rights to property and productive resources, challenging an economic system based on patriarchy and deeply entrenched gender injustice.⁹⁵

Recognising that rural women in particular are experiencing the compounded and interactive impacts of investment in land, extraction of natural resources, climate change, restrictions to civic space and patriarchal social norms, NAPE and NAWAD have initiated a movement for women to have a say on energy, fossils and climate justice issues, in addition to agribusiness and extractive industries.⁹⁶

Women led solutions

Findings from the FPAR carried out in five districts show that women affected by different types of land-intensive activities all face similar rights violations. Sharing and learning from one another was very much valued by the women researchers

themselves as a powerful way to build and strengthen solidarity and resistance.⁹⁷

Women interviewed as part of the research felt strongly that information sharing, raising awareness of women's rights and women's collective action were all critical to supporting women affected by large-scale land acquisitions, telling us that, *"some women have managed to take the land grabbers to court, others are counselling their fellow women, and some women have found unity."* On a practical level, many women in all districts have started forming saving and loans groups to earn an income through activities that do not require permanent land, such as beekeeping; the goal is to be able to buy land in the future. Women have also started to plant trees to mark land boundaries.

Patience from Hoima explained the impact of local radio on her awareness of her rights and her wellbeing, *"I got involved in the Listening Club [organised by NAPE] as other women told me about it. I am not able to afford a radio but I go to other women's huts to listen. The group has helped me to talk about my suffering. I now feel positive because I know I can have a future. In the group, we all talk about what happened and we are spreading awareness. We often meet once a month and plan ahead to talk about our issues. We have also formed a circle to raise some money so we can do some income generating activities. When women come together, we get the strength to speak out and get our voices heard."*

In the research validation meeting, women reflected on the need for rural women, who are affected by land grabs and evictions, to hold elected positions to ensure they are involved in decision making processes and have their views represented. Research participants noted that, *"few women are involved in land decision making forums, while those women who are highly educated tend to not understand the struggles local grassroots women face in trying to access land."*

98. Aramanzan Madanda et. al, "Gender equality and women's empowerment in public administration, Uganda case study", Published 2012, United Nations Development Programme, <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/UgandaFinal%20-%20HiRes.pdf>

99. Julius Ocungi and Stephen Okello, "Women undress before Migereko, Gen Aronda", Daily Monitor, published April 2015 <http://www.monitor.co.ug/News/National/Women--undress---Migereko-Gen-Aronda/688334-2689156-y46f4c/index.html>

100. Christine Mungai, "Naked Protests in Africa- they cause mayhem; are they necessary, useful, or effective?", Mail & Guardian Africa, Published April 23, 2016, <http://mgafrika.com/article/2016-04-21-naked-protests-in-africa>

101. Testimony of a woman from Amuru at a workshop organised by Centre for Basic Research Kampala, November 25, 2016. The workshop was organised to disseminate findings of a comparative study on Uganda, Ghana and Cameroon, supported by the International Development Centre (IDRC).

102. Uganda Women's Network, "UNFINISHED BUSINESS: The Women's Manifesto 2016 to 2021," Uganda Women's Network, published July 16, 2015, <http://library.health.go.ug/publication/s/service-delivery/sexual-and-reproductive-health/unfinished-business-the-womens-manifesto>

The women's movement in Uganda

Uganda's women's movement has a proud history and was instrumental in ensuring that equality clauses were present in the 1995 Constitution and subsequent legislation. The women's movement has also secured progress for women's rights, particularly in areas such as access to education and political participation. Uganda has affirmative action policies in education, public administration and political representation, as well as provisions for gender equality in legislation and gender responsive budgeting.⁹⁸

Despite significant advances in women's political participation, there has been limited progress in securing meaningful economic justice for women, particularly in the area of land rights and natural resources governance. Economic rights, particularly for the rural women included in our research, must now be the priority for the women's movement.

Calls for government action

One brave and important protest should not go unnoticed. As a last resort, in April and August 2017, local women in Amuru stripped naked in protest of the threat of their land being taken away.⁹⁹ In both instances, the protest halted planned demarcation of land by the government. Women stripping naked in front of adult men, who could hypothetically be their children, is considered to be the ultimate curse whereby a woman symbolically takes back the life she has given. This belief dates back many years in African history to resistance against colonial violence and dispossession.¹⁰⁰ Women in Amuru were defending community land, and perceived themselves as the last line of defence for the community. Research participants shared that, *"stripping naked was our own instrument because we realised that the only weapon we had was to get naked. We didn't have guns or energy for physical violence; some say politicians used us. Never had we stripped*

*over our land. When they take it how shall we feed our children? Most of us are widows; the land doesn't belong to the politicians: it belongs to us. In any case, with the loss of our land, there is nothing more to lose."*¹⁰¹ It is of course noteworthy that it took the extreme lengths of women defying the most deep-rooted social norms for their demands to be heeded, and is emblematic of a broader (and global) problem of women's voices not being heard. Nevertheless, the courage of the Amuru women can perhaps serve as inspiration to others involved in the struggle for women's land rights in Uganda.

Meanwhile the campaign for equal land rights continues among WROs. A women's manifesto put together in 2016 by five Ugandan CSOs, including Uganda Women's Network (UWONET) and Forum for Women in Democracy (FOWODE), outlines the following demands to the government on land and property rights:

1. Institute mechanisms through policy regulations and programmes to enhance observance of joint spousal co-ownership of family land and property as provided for in the new Land Policy (2013).
2. In addition, the Marriage and Divorce Bill (2009) which proposes married persons and cohabitants to make arrangements as to how property will be owned during and after dissolution of marriage, must be considered and passed.
3. Establish a land fund for women to enable them to own and control land.
4. Engage cultural institutions to popularise the Land (Amendment) Act (2010) and to promote ownership and inheritance of land by women and girls.
5. Design specific policy and programme measures to protect widows from property and land grabbing predominately by in-laws and relatives.¹⁰²

7. Conclusion

Uganda's eco-feminist movement is one of several key elements in bringing hope and change for women in the face of Uganda's land rush. Working at the interface of environmental degradation, corporate human rights abuses and patriarchy, this movement is urgently building their campaigning and resistance skills. This research project in itself has contributed to the uniting and strengthening of the movement.

As Sostine Namanya of NAPE explained, *"The research brought women in the community to collectively embark on a process of more deeply understanding the different ways in which they are oppressed and responding to*

this challenge of land injustice. Women learning and educating each other on what they know about land matters has built solidarity and courage among the women to carry on."

The FPAR brought diverse women together to identify common challenges and formalise a unified response. The women who gave their time and expertise to this project were unwavering about the impacts of the land rush on their lives and about the changes they need to see.

Box I

Women's demands (as formulated at the FPAR Validation Workshop, December 2017)

Consent and compensation in land acquisition

- Women must be involved in every stage of decision making on land;
- The land should not be sold because selling it comes with many challenges;
- Free, prior and informed consent should be respected: consult local communities before starting any projects;
- Where land sale is proposed, full and timely compensation should be given before activities start, recognising the new value of the land;
- A high standard of relocation packages should be provided.

Better legal protection

- Women should have full right to land irrespective of their marital status and age;
- Parliament should pass the Marriage and Divorce Bill;
- Compulsory participation of women in all land related decisions;
- Parliament should reject the amendment to Article 26;
- Land titles should include women's signature, names and photo.

Government action improved

- Government agencies should be more efficient in their work and ensure women's representation;
- Government should end corruption;
- Investments should be made in roads and hospitals to benefit local people;
- Government should ensure buffer zones (boundaries between government land and community land) are respected.



Image: NAWAD women's group members standing strong against land grabs, Nwoya. Sarah Waiswa

Companies meet their obligations

- Companies should respect free, prior and informed consent, and recognise and adjust practice to counter the social norms that act against women's consent;
- Pay fair and adequate compensation and provide grievance mechanisms;
- Companies should ensure there is no sexual harassment and put in place reporting and response mechanisms, including working with the justice system to bring perpetrators to account;
- Companies should respect local content rules by advertising in local languages, employing local people and informing the community of job opportunities;
- Companies should work with the community to jointly monitor their activities.

Women organise together

- Women should work together in the struggle to protect land ("United we stand, divided we fall");
- Women should form self-help groups and start supplying companies with products such as dairy and honey, with the government supporting these initiatives;
- Women should save together to buy land to grow food.

CSOs support women's land rights

- CSOs should continue raising awareness of women's rights;
- CSOs should raise awareness among women of the importance of having their own names on land certificates.

Cultural leaders and other men recognise women's rights

- Cultural leaders should abolish misogynistic laws and work to tackle norms and practices that violate women's rights;
- Local leaders should support women in the struggle to protect trees from those who want to destroy them;
- Men should support women in whatever they do, recognising them as productive people and appreciating their work, rather than treating them as property and slaves;
- Respect should be given to all people with disabilities, and women with disabilities should be supported to join in all discussions on land.

The interaction of patriarchal norms, flawed economic policies and complex land laws

The FPAR demonstrated the widespread and devastating impact of Uganda's land rush on rural women, leaving them with scant benefits in return.

Patriarchal social norms have ensured that women are excluded from decision making and that their needs have not been recognised. Moreover, they have been left to pick up the pieces of the issues associated with land acquisition. In some cases forced evictions have been violent, with women losing access to the land on which they depend. Even those women who have not been displaced have found their livelihoods threatened, their unpaid workload increased and their health undermined as disputes and violence within their homes and communities have risen.

In part, the problem has arisen because of the lack of effective regulation of domestic and foreign corporations, local government officials and land officers, exacerbating women's already-precarious claims to natural resources and therefore their survival. The assumption that agribusiness and oil production will bring widespread benefits is yet to be realised for the women who participated in this study. The commodification of land and liberalisation of the economy are, we argue, part of a development model that cannot deliver gender equality and the genuine realisation of women's rights.

The interaction between patriarchal norms and Uganda's complex land laws have further exacerbated the problem, as large-scale land acquisitions jeopardise rural women's right to land, health and a life free from violence. In the collision

between customary patronage, statutory rights, patriarchal norms and commercial exploitation, women are the clear losers.

Activists are faced with a choice between whether to promote the protections that they receive under customary law – recognising the tenuous nature of such protections – or pursue a rights-based approach within a legal framework that is itself intertwined with an exploitative market-based political economy. While recognising the benefits and limits of the two choices, the other option is to integrate their analysis with recognition of the fragility of the land and wider eco-system on which we depend.

The voices of Ugandan rural women

Rural women in Uganda are fighting for their right to land to be recognised, respected and fulfilled by their communities as well as by the government and companies. We believe in the power of women's movements to both advance women's rights in the current context and imagine and build a more just world for all by transforming power relations at all levels. This is why we are supporting the strengthening of an eco-feminist movement in Uganda, led by women affected by large-scale land deals. This report aims to amplify the voices of rural women in Uganda who are affected by land grabs and extractive activities.

8. Recommendations

The women who shared their experiences for this report unequivocally articulated their demands:

- An equal say in how land is managed, with changes to existing land laws;
- Respect from the men in their communities with recognition for the work they do and an equal say in decision making;
- The right to be fully consulted and to give consent free from coercion before any land acquisitions;
- Adequate compensation when land is lost, with money being shared between men and women and decent resettlement offered;
- Respect from the foreign companies that have taken over their land and homes, with the offer of jobs and prohibition of sexual harassment;
- Fair treatment from government officials;
- Access to justice where human rights violations and abuses take place;
- More control over foreign companies by government so that they don't destroy local communities and the environment.

Achieving this will not be easy. It requires those with great power to respect the rights of those with little. As always, such change starts from the ground up, with brave women coming together to stand united, with support and solidarity from women's movements at local, national and international levels.

Recommendations to the Ugandan government

- Parliament should pass the Marriage and Divorce Bill and halt the planned amendments to Article 26 of the Constitution to ensure that women enjoy full equal land rights;
- All economic development strategies to attract foreign investment and commodify agriculture should include environmental and gender impact assessments financed through the Petroleum Fund as part of infrastructure development. Existing economic development strategies should be reviewed and amended accordingly to ensure that the rights of local communities are protected and promoted, with stricter government regulation and enhanced provision for local engagement and input;
- All corruption and acts of violence including human rights violations and abuses perpetrated by government officials and corporate actors, including those directly employed or sub-contracted by either party, should be investigated and cases taken forward through the criminal justice system;
- Alternative development strategies based on the principles of Uganda's eco-feminist movement principles should be explored, including a commitment to women's voices being heard on all aspects of energy, fossil fuels, climate justice, agribusiness and extractive industries.

Recommendations to corporate actors investing and operating in Uganda

- Free, prior and informed consent should be required from both women and men before any land acquisition, including purchase and lease, takes place;
- Corporate actors should formalise their commitment to human rights as mandated by the UN Guiding Principles on Business and Human Rights through operational policies and practices with mechanisms for reporting, investigating and prosecuting all forms of violence against women and girls;
- All of those displaced through evictions should be resettled with access to appropriate livelihood options in accordance with their new location and environment and be fully financially compensated using a fair, transparent and documented process of calculating compensation rates;
- Women must directly receive an equal share of the compensation available and the details must be recorded.

Recommendations to the international community

- Donors should review and improve funding mechanisms for women's movements, and include a commitment to support eco-feminist organisations and movements in organisational strategies, including in funding plans;
- Actively engage and consult women's rights organisations and movements working on economic rights, including land rights;
- Support and fund FPAR to research and document the impacts of eco-feminist movement-building on women's rights to land;
- Create and provide space for eco-feminists to participate in national, regional and international decision-making spaces.

Recommendations to women's rights organisations and women's movements

- Women's movements regionally and globally should stand in solidarity with and support the demands of rural women in Uganda for their right to land and livelihoods;
- Women's movements at all levels should be inclusive of and learn from the eco-feminist movement and promote development strategies based on eco-feminist principles.

Image: Woman from NAWAD
women's group, Nwoya.
Sarah Waiswa





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