



## Women, marriage and asset inheritance in Uganda

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### What is Chronic Poverty?

The distinguishing feature of chronic poverty is extended duration in absolute poverty.

Therefore, chronically poor people always, or usually, live below a poverty line, which is normally defined in terms of a money indicator (e.g. consumption, income, etc.), but could also be defined in terms of wider or subjective aspects of deprivation.

This is different from the transitorily poor, who move in and out of poverty, or only occasionally fall below the poverty line.

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## Abstract

Using a unique dataset from Uganda, which collected individual-level asset ownership data and women's life histories regarding assets, this paper examines the relationships between inheritance, marriage and asset ownership. Land is the most important asset in rural Uganda. The majority of couples (both married and those in consensual unions) report owning land jointly. Men who report owning a parcel of land are much more likely than women to say they inherited the land. Inheritance is not an important means of acquisition of other assets, including livestock, business assets, financial assets and consumer durables. These items are acquired through purchase, for both men and women.

**Keywords:** assets, Uganda, inheritance

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## Executive Summary

Using a unique dataset from Uganda which collected individual-level asset ownership data and women's life histories regarding assets, this paper examines the relationships between inheritance, marriage and asset ownership. Patterns of ownership, inheritance and rights over assets are all embedded in household and community relationships. They are also affected by property law and marriage law, both statutory and customary. The legal pluralism in Uganda results in complex patterns of rights and ownership, especially of land.

Using individual-level questionnaires on asset ownership and rights over assets, data were collected in three districts of Uganda: Kapchorwa, Kibale and Luwero. Up to three individuals were interviewed in each household and asked about the assets they owned either individually or jointly.

The majority of the respondents were married, most in customary marriages. The vast majority (95 percent) of the households interviewed reported owning land. Of those who were either married or living in consensual unions, the majority reported owning land jointly.

A relatively high proportion of women who are widowed in our sample reported owning land. But this does not tell us what happens to women when they are widowed. Those who follow the traditional pattern of marrying their brother's husband would report themselves as married rather than widowed. And those who are disenfranchised and kicked off the land once their husband dies would probably not appear in the sample. Thus, to understand the situation of women who are widowed, different data collection methods need to be used.

Women do inherit land, both from their fathers and from their husbands, although it is more common for men to inherit land. A total of 27 percent of the women who are landowners said they had acquired the land through marriage. Yet, the rights that many of these women have depend on the stability of their marriage. They risk losing it in the event of divorce or on the death of their husband. Strengthening women's property rights in the face of the dissolution of their household should be a key policy goal.

Very few other assets are acquired through inheritance or through gifts and transfers. Instead, other assets, including livestock, consumer durables, agricultural equipment and business assets are primarily purchased.

As other assets gain in importance as Uganda develops, this will provide an opportunity for a more gender-equitable distribution of assets. Policymakers need to consider how to ensure women have access to assets for businesses and to financial assets.



## 1 Introduction

A growing consensus in development policy and research holds that control over assets can be critical to increasing productivity, especially in agriculture, and to enabling people to move out of poverty. This consensus has emerged from numerous studies that link asset holdings to various outcome measures, most of which use the household as the unit of analysis. However, households are not static: they are formed and dissolved, in part as a result of economic circumstances. Thus, it is important to look both beyond and within the household to understand the relationships between poverty and asset ownership.

What determines control over assets? In all societies, asset ownership is based on legal and social norms. It is linked particularly to social norms regarding property rights and also to those regarding marriage and inheritance. Often, ownership rights are assigned to individuals, but individual asset ownership must be viewed within the context of families and households. Assets may be owned individually or jointly, and marriage is the primary context in which individuals own assets jointly. Inheritance is an important means of acquiring assets and bequeathing productive resources – or poverty – to the next generation.

If asset ownership is an important source of resources, it is equally true that exclusion of individuals from asset inheritance exacerbates vulnerability to chronic and intergenerational poverty transmission (Bird, 2007). Thus, understanding gender patterns in asset inheritance is critical to understanding women's vulnerability and opportunities. Gender patterns of asset inheritance can be determined by social norms, but also by laws and formal protections.

In recent years, Uganda has taken important steps towards improving women's property rights. The country's Constitution is 'one of the most gender neutral with regard to property rights in Sub-Saharan Africa including land rights, both in content and language. It accords both men and women the same status and rights' (Rugadya *et al.*, 2004). In addition to the guarantee of property rights 'without bias to gender or marital status', the Constitution also decrees equal land rights for men and women, both during marriage and in the event of its dissolution, with a clause on the use of 'affirmative action in favour of marginalized groups based on gender or other reason created by history, tradition or custom, for the purpose of redressing existing imbalances' (*ibid*). Yet, despite these legal efforts, a large disconnect remains between *de jure* land reform legislation and *de facto* implementation, particularly with respect to women's rights to own and inherit land and other assets.

This paper takes advantage of a unique dataset in which respondents answer detailed questions about asset ownership at the individual as well as the household level. These data are combined with qualitative life histories data to shed light on patterns of asset ownership, marriage and asset inheritance in three districts of Uganda (Kapchorwa, Kibale and Luwero).



Land is the most important asset in rural Uganda, and land rights and ownership are embedded deeply in social norms and customary law, including those related to marriage and inheritance. Thus, much of the paper seeks to unveil the relationships between marital status and land ownership and the means of acquiring land, including inheritance. We then examine means of inheritance (probably means of acquisition with inheritance as one of them) of other assets, including livestock, business assets, financial assets and other physical assets, such as consumer durables. We find that inheritance and transfers are relatively unimportant in explaining women's ownership of assets other than land.

Understanding how women, as distinct from men, acquire and control assets is critical to developing policies to increase their productivity and well-being and to reduce their vulnerability.



## 2 Women's asset ownership

There is increasing recognition among countries in the developing world that land reform and pro-poor property rights are integral to economic growth and poverty alleviation (Joireman, 2008). Central to discussions on pro-poor land reform in recent years is the issue of enhancing women's rights to land and other assets as a strategy for economic empowerment and the attainment of gender equality.

Gender inequality in land access and ownership across the developing world has been widely documented. For example, a study in Latin America found that women owned land at much lower rates than men did in the countries surveyed, with women comprising 32.3 percent of landowners in Mexico, 19.9 percent in Nicaragua, 12.8 percent in Honduras and 29.7 percent in Paraguay (Deere *et al.*, 2009). Deere and Doss (2008) survey the literature on women's land ownership in Latin America and Africa and find that, consistently, women have less access to and ownership of land.

Women's property rights are usually discussed in the context of land. Separate literatures explore constraints facing women entrepreneurs, including lack of access to capital and constraints to participation in formal savings and credit systems. Very little is written explicitly on women's livestock ownership or on women's ownership of other forms of physical capital, such as agricultural equipment or consumer durables. The sparse literature that does exist typically compares male- and female-headed households, rather than comparing individual men and women or male and female farmers. It thus ignores the situation of the majority of women who reside in male-headed households. Deere and Doss examine the 'gender asset gap' observed around the world but note that 'relatively little work has been done on the distribution of asset ownership within the household' (Deere and Doss, 2006: 2).

Livestock are key productive assets and are much more likely to be owned by men. Dillon and Quinones (2009) estimate the value of men's livestock holdings in northern Nigeria as about twice that of women's. Over time, they argue, this disparity widens wealth inequality between men and women, because livestock values appreciate faster than the value of assets typically owned by women, such as household durable goods. Among pastoralists in northern Kenya, male heads of household are more likely than female heads of household to own all types of livestock; within the household, sons are more likely than daughters to own camels, cattle or goats (McPeak *et al.*, forthcoming).

Women also are less likely than men to hold financial savings. This gender disparity can be observed in Tanzania, where only about 5 percent of women have bank accounts, compared with 11 percent of men who do (Ellis *et al.*, 2007). In Uganda, women entrepreneurs receive only 1 percent of available credit in rural areas (Ellis *et al.*, 2006). And in Ghana, women hold savings in only 12 percent of households, whereas men do so in 19 percent of households, and the median savings level is over twice as high for men as it is for women (Doss, 2006).



### 3 Property rights

Women's property rights are affected both by property rights law and by family law. The presence of 'legal pluralism' in Uganda and many other countries complicates legal rights, especially for women. Legal pluralism is the coexistence and interaction of statutory laws with 'multiple legal orders such as state, customary, religion, project and local laws, all of which provide bases for claiming property rights' (Meinzen-Dick and Pradhan, 2002). In the context of Uganda's land laws, the 1995 Constitution and 1998 Land Act have enshrined legal pluralism by recognising customary laws, which describe women's rights to land as derived and patrilineal, while defining new statutory land tenure laws that legalise women's property rights (Whitehead and Tsikata, 2003). To mitigate areas of conflict between the customary system and state laws, the Constitution mandates that state law prevails where it contradicts with customary law. However, this stipulation is often unheeded, resulting in continued gender inequality and discrimination in the ownership of land and other assets, as is observed in many Ugandan communities today (Butegwa, 1991; Joireman, 2008).

Scholars, including Tripp (2004), argue that the erosion of customary land ownership since colonialism has made women's access to land significantly more precarious as traditional protections of women's land rights through formal and informal relationships have weakened in the face of increased land commercialisation and scarcity. Others claim that customary law is biased against women: Kameri-Mbote (2005) claims that customary law in Africa is characterised by the dominance of male community and family members over property and the lives of women, prohibiting women from owning or inheriting land because of their transient existence within the polity. The formalisation of land rights has not always benefited women, who may lose access and use rights to land once ownership is formalised (Lastarria-Cornheil, 1997).

Expanding on the issue of legal pluralism in Uganda, other scholars have explored the structural factors blocking the implementation of gender-equitable land reform. Joireman (2008) cites both corruption and a lack of capacity as impediments to the implementation of the Land Act. Both of these reflect the weak enforcement of the national legal system in rural areas. In addition to the country's poor legal infrastructure, Whitehead and Tsikata (2003) address the limitations of Uganda's land laws and the use of the laws themselves to produce gender equality. They note that most women have limited understanding of the legal code and also lack access to legal advocacy, which is often rudimentary or non-existent in remote rural areas. Where legal structures do exist, they are mostly administered by local leaders, who may rule in favour of customary laws, rendering state law obsolete. This reinforces the marginal representation of women in local governance structures, which in turn derives from the socially embedded power imbalance between the genders. While there are provisions in the Land Act to include women in the 'land boards' charged with adjudicating land issues at each level, there has been limited enforcement of this, and the boards remain predominately male.



Laws regarding property rights within marriage are also key to women's property rights. Customary marriage is still the norm in rural Uganda, with relatively few couples obtaining statutory marriages. Customary marriage is typically guided by the traditional norms and practices of a community, and is unregulated by national legal statutes on marriage, including those governing inheritance and the division of property. Within Uganda, customary marriage is traditionally viewed as a social institution that involves many interests beyond those of the couple getting married. For example, the lineage group also has interests in the marriage (Birabwa-Nsubuga, 2007). Customary marriages confer a sense of social recognition and legitimacy on couples through the traditional ceremonies and celebrations that accompany them. Those who live in consensual unions do not have the social recognition and legitimacy of customary marriage.

While customary marriages are formally unregulated by the national government, they are legally recognised by the Customary Marriage (Registration) Act, which stipulates the official registration of customary marriages with the government. However, Ugandan laws also guarantee legal standing for a customary marriage without official registration. Although the Act provides formal recognition for customary marriages, it does not specifically address the rights and responsibilities of each party to the marriage; in particular, it is silent on the law and procedures governing the dissolution of customary marriages (Birabwa-Nsubuga, 2007)

Uganda's Marriage Act of 2000 is the general law governing all marriage in Uganda. It provides for civil marriages of all religions and gives legal recognition to customary marriages. Regarding property rights, however, the Act 'does not spell out any rights and duties that accrue to spouses contracting a marriage, including any mention of spouses' rights to property before, during or at the dissolution of the marriage' (Birabwa-Nsubuga, 2007: 18).

The shortcomings of the Marriage Act of 2000 and the Customary Marriage (Registration) Act on the issues of divorce, property rights and inheritance in Uganda are addressed by the Domestic Relations Bill (DRB), which was introduced in 1965 and has remained in contentious national debate over the decades. The DRB has not yet been passed. Briefly, the DRB would combine all laws related to marriage, divorce, separation, inheritance and property rights in Uganda. It would regulate marriage and family relations and determine the legal status of men and women in the family. With respect to property rights, it would provide legal recognition of the joint property rights of couples in a consensual union.

With the formal laws of marriage and inheritance weakly defined and enforced, women's property rights within marriage and the family are still governed primarily by social norms and customary law. This legal context in turn has the potential to affect asset ownership. Torkelsson and Tassew (2008) offer preliminary empirical evidence from Ethiopia concerning the impact of marital status on women's access to property. They find that women who are married have access to the greatest amount of resources, followed in order by those who are



divorced, widowed and never married; those who are separated control the fewest resources.

Somewhat more evidence is available to show how widowhood affects women's livelihoods. When women's property rights are not secure, they become more vulnerable when they are widowed. In particular, when the marital property is seen as belonging to the man, the woman may have tenuous rights to it after her husband dies. Customary law is often cited by members of the man's extended family to justify their claims to the matrimonial home. They may even claim property that the wife owned herself or that she acquired jointly with her husband. As one author notes, 'because all property is deemed to belong to the husband's relatives, these relatives frequently steal the widow's property, all the way down to the bed sheets, evict her from her home under threat of physical beating and even death, and take away her children' (Bennett *et al.* 2006: 260). There are numerous reports of this occurring when the husband dies of HIV/AIDS, with the husband's family blaming the wife for his death (Izumi, 2006).

Customary and religious laws are not the only impediments to women's access to property in Uganda. In the case of widows' inheritance rights, statutory laws have also made widows more economically vulnerable. One particular problem arises from the Succession Act of 1972, which promotes patrilineal inheritance customs in cases of intestate inheritance (i.e., when there is no will). Under this Act, widows have only use rights to the matrimonial home; on the death of a husband, the eldest son becomes the legal owner of the matrimonial home (Asiimwe, 2009).

Thus, efforts to enhance women's access to property through inheritance must target discriminatory statutory laws in addition to customary and religious practices.



## 4 Setting

Uganda is divided into four regions, which at the time of the survey were divided into 80 districts. We chose one district in each of three regions: Kapchorwa district in Eastern Uganda, Kibale district in Western Uganda and Luwero district in Central Uganda.<sup>1</sup> In each of the districts, we selected four villages to allow for comparative study on the basis of the unique terrain, history, populations, culture and land tenure systems that distinguish each district.

Uganda's different land tenure systems are characterised as *mailo*, freehold, leasehold and customary. These four systems are recognised by the Land Act of Uganda 1998. *Mailo* tenure was established by the 1900 Buganda Agreement, which divided land between the King of Buganda, his notables and the British Protectorate Government. Named after the square mile unit, it is most common in the central region of Uganda, where the Baganda people, Uganda's largest ethnic group, traditionally live. Under *mailo* tenure, land is held in perpetuity, with ownership of a title certificate providing the advantage of security of tenure. Frequently, landowners hold big expanses of land, which may be occupied by tenants (*bibanja* holders) or by squatters. *Bibanja* holders are recognised as *bona fide* occupants and exercise all rights to the land (such as to sell, mortgage or bequeath it). In return, they are expected to pay rent to the landowner (although this is often minimal). If the landowners are absent, squatters often settle on the land and may eventually claim rights. The Land Act grants them *bona fide* occupancy after they live on the land for at least 10 years.

Freehold tenure was typically meant for religious and educational institutions found in Western and Eastern Uganda. Freehold tenure holders have the right to use, sell, lease, transfer, subdivide, mortgage and bequeath the land as they please. Leasehold tenure is characterised by land held based on an agreement between a lessor and lessee, usually for a specific period of time, whereby the tenant pays rent according to the agreement. Leasehold tenure is usually found in Western and Central Uganda.

Customary tenure is the most prevalent tenure system in Uganda, particularly in Eastern and Northern regions, and is characterised by land that is governed by the customs, rules and regulations of the local community. Under customary tenure, holders of land do not have an official title to the land they use, but they usually have secure land tenure (IFPRI, 2008).

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<sup>1</sup> The northern region of the country was excluded from this study because of the civil wars that have resulted in thousands of internally displaced people living in camps with no land of their own. Furthermore, for those who have resettled in their old or in new villages, land is an exceptionally sensitive issue which has spawned immense insecurity and mistrust among the affected population. This has made it difficult for outsiders to conduct research in this regard in the region. While the north faces many important issues regarding women's property rights, they are substantially different from those facing women in the rest of Uganda.



Situated in Uganda's Eastern region on the border with western Kenya, Kapchorwa district is a mountainous highland region that covers an area of 1,739 km<sup>2</sup>. Mt. Elgon National Park comprises over one-third of the total land area of the district. Although the area has steep hillsides, the red clay soils are rich. The majority of land in this district is under customary tenure, with some leasehold land in urban areas. One of the four villages initially selected for study was dropped owing to conflict in the area, so only three villages were included in the quantitative survey.

Kibale district lies in the Western region of Uganda, approximately 215 km from Kampala. Situated in Uganda's Central Plateau, forests, savannah and swamps are all plentiful. *Mailo* is the most prevalent land tenure system, but the other three forms are also present. This area has a history of conflicts over land. In the 1960s and 1970s, the government resettled a number of people in this area, and people's rights under the settlement scheme have been contested. There are a number of absentee landlords as well, which adds to the potential for land tenure insecurity.

Luwero district lies in the Central region of Uganda about 75 km north of Kampala. Luwero's total area spans 5,774 km<sup>2</sup>, most of which is characterised by savannah land, with some forests in the south. The soil in the southern area of the district is generally fertile and able to support a diversity of crops, whereas the northern soils are more suitable for cotton and cereal production and cattle rearing. Most of the land in Luwero is under the *mailo* land tenure system, with leasehold and freehold tenure systems also prevalent.

Agriculture is the primary economic activity in all three districts. Kapchorwa and Kibale districts are predominantly rural, whereas parts of Luwero are peri-urban: because of its proximity to Kampala, it is the most urban of the districts, with 9 percent of the population residing in urban areas. In our community surveys, two of the four villages in each of the districts reported that they were facing pressure on their land from outside of the community.<sup>2</sup> In addition, all but two of the villages reported facing internal pressures on land.

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<sup>2</sup> This includes the one village in Kapchorwa where we were unable to conduct interviews owing to conflict over land with the government.



## 5 Survey methodology

Initially, focus groups and key informant interviews provided information on assets held by men and women in these communities and on patterns of acquisition and social norms surrounding asset ownership and inheritance. The second phase was a household and intra-household survey. Both the focus groups and the survey were conducted by faculty and students at the Faculty of Forestry and Nature Conservation at Makerere University, as part of the United States Agency for International Development (USAID) Assets and Market Access Collaborative Research Support Program. The focus groups were conducted in 2007–8 and the surveys in 2008–9. The life history interviews were conducted by a Yale graduate student in July and August 2010 in collaboration with colleagues at Makerere and supported by the Chronic Poverty Research Centre (CPRC).

A total of 770 individuals in 381 households were interviewed in the 11 villages. A total of 54 percent of these individuals were women. Households were chosen randomly from the villages. In each household, up to three adults (18 years and above) were interviewed. These adults included the male and female household head (if both were present) and one or two other adults, including adult children, parents or siblings of the household heads.

One household member, referred to as the primary respondent, was asked questions about all household assets as well as his or her own assets. A total of 60 percent of the primary respondents were women. Each primary respondent was asked to list all of the assets anyone in the household owned, then was asked more detailed questions about those that he or she owned, whether the ownership was individual or joint. The other interviewed members of the household (referred to as individual respondents) were asked about only those assets that they owned, either solely or jointly.

The primary respondent was asked to identify all of the parcels of land that anyone in the household owned or farmed. They were asked to identify the owner(s) of each parcel and to respond to questions about the existence of ownership documents. Primary respondents identified up to five parcels of land, but the majority of households owned and/or farmed only one or two parcels. Each individual respondent was then asked how each parcel was acquired and then detailed questions about his or her rights over the parcel.

Each respondent was asked about his or her rights and decision-making power regarding the dwelling in which they lived. For a long list of other assets, including consumer durables, agricultural equipment, financial assets and livestock, each individual was asked about the assets that he or she owned, either individually or jointly. For each of these, respondents were asked how the asset was acquired. Typically, respondents would answer that they received it as an inheritance if they received it on the death of the benefactor. Yet, the transmission of assets across generations does not occur only at the time of the death. *Inter vivos* gifts and transfers may be made to children while their parents are still alive. Thus, we



provide data and analysis using the narrow definition of inheritance as just those assets bequeathed at the time of death, but we also consider a broader definition that includes all gifts and transfers. In addition, many respondents, especially women, explicitly reported that they acquired assets through marriage.

The survey contains additional modules on marital and inheritance regimes, asking each individual about his or her perceptions of the rights they have over assets held within marriage. Details about whether the individual had ever inherited any assets were also collected.

In a third phase of data collection, the quantitative survey data were used to identify women for further interviews based on whether or not they reported ever inheriting any land and whether or not they currently owned land. We chose six women who had inherited land – three of whom still owned land and three who did not still own land. In addition, we chose six women who had not inherited land, three of whom still owned land and three of whom did not. Of the 12 women initially selected, we collected the life histories of 7 – three in Kapchorwa, two in Kibale and two in Luwero.<sup>3</sup> These qualitative interviews centred around each woman's perceptions of her relative welfare over the course of her life, from childhood to adulthood, with a focus on inheritance patterns and asset ownership. These additional qualitative data provide a much greater and more nuanced understanding of the quantitative findings.

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<sup>3</sup> The remaining five were unavailable or unwilling to be interviewed.



## 6 Marriage patterns

Legal and social norms about property ownership often explicitly and implicitly relate land ownership and land rights to marital status. The majority of men (58 percent) and half the women (50 percent) in our sample reported that they were currently married (see Table 1). The vast majority of these marriages (75 percent) were under the customary marriage system. About 10 percent reported that they had a Christian marriage, which involves adding a church wedding to a customary marriage. Fewer than 2 percent of respondents were married under statutory law or had Muslim marriages. And 22 percent of men and 17 percent of women reported that they were in consensual unions.

**Table 1: Marital status of respondents, by district**

	Single, never married	Currently married	Widowed	Divorced	Consensual union	N =
Men	16%	58%	2%	1%	22%	354
Women	10%	50%	16%	6%	17%	416
Luwero						
Men	19%	48%	6%	2%	26%	111
Women	15%	37%	21%	10%	17%	150
Kapchorwa						
Men	10%	68%	0%	1%	21%	121
Women	1%	68%	8%	2%	21%	117
Kibale						
Men	18%	61%	0%	2%	19%	122
Women	13%	50%	16%	7%	14%	149

Only 10 percent of women and 16 percent of men in our sample reported that they had never been married. These were usually adult children who were still living with their parents. Higher numbers of women reported that they were widowed (16 percent of women and 2 percent of men) or divorced (6 percent of women and 1 percent of men). Those who reported themselves as widowed or divorced were those who considered this their current marital status. It does not necessarily indicate whether they had ever been widowed or divorced. In particular, the low numbers of widowed and divorced men reflects that men usually remarry. In these cases, they would most likely have reported themselves as married. Similarly, women who were widowed but then followed the tradition of marrying their husband's brother would report themselves as married rather than as widowed. This is an important distinction, as we discuss later in this paper.

Although polygamy is not uncommon in these areas of Uganda, no households in the survey reported polygamous marriages. Men did not report multiple wives in their listing of household members. If polygamous, they reported on the wife and children who lived in the dwelling in which they were interviewed. If they had other wives, they would have been living in a separate household. Thus, we did not capture the potential conflict that could arise over



land issues among co-wives. However, given the very high level of tenure security that both men and women reported, there does not seem to be a high level of concern about land going to co-wives in the event of the death of a husband.

## 6.1 Land ownership and inheritance

Land is by far the most important asset in rural areas. Many different definitions of ownership for land could be used for analysis.<sup>4</sup> An owner may be an individual whose name is on a formal ownership document, such as a land title or sales invoice. This is not an appropriate definition in rural Uganda, where there are no such documents for much of the land. For the purposes of this paper, we use definitions of ownership as understood by the primary respondent. We asked each primary respondent to list all of the parcels of land anyone in the household owned and to list the owner(s) of the parcels. A total of 70 percent of men and 60 percent of women were recorded as being owners of land. In the majority of cases, when the first plot of land – which included the dwelling – was listed as belonging to someone in the household, it was listed as belonging jointly to the couple.<sup>5</sup>

Table 2 presents the patterns of ownership in households headed by a couple. Couples include those who are married and those living in consensual unions. Overall, 95 percent of households headed by couples own some land and 63 percent of households headed by couples say they own land jointly. There is some variation by district, with joint ownership more common in Kapchorwa, where much of the land is still under customary tenure systems. In Luwero, where the land tenure system is predominantly *mailo*, fewer couples reported that they owned the land jointly.

**Table 2: Incidence of land ownership of couple-headed\* households, by district**

	Households own land	Couple owns land jointly	N =
All	95%	63%	275
Kapchorwa	93%	70%	107
Kibale	97%	67%	92
Luwero	94%	47%	76

Note: \* Couples include both those that are married and those living in consensual unions.

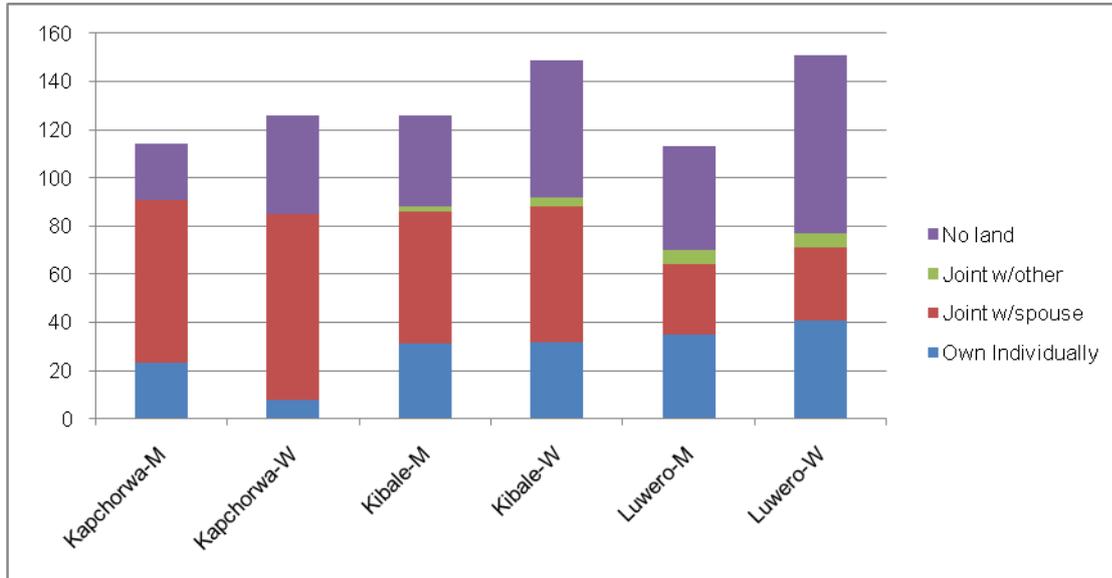
4 In other work based on this project, we are exploring different definitions of ownership, with a particular focus on more limited definitions. Other definitions might be that the owner is the person whose name is on a document or title or the person who has the right to sell or rent out the land.

5 At times, we report the statistics on the first plot on land, which is almost always the largest parcel and the one which includes the dwelling. Generally, we use the individual as the unit of analysis, asking whether the respondent is the owner of any piece of land, whether he or she inherited any piece of land and whether he or she has the rights over any piece of land.

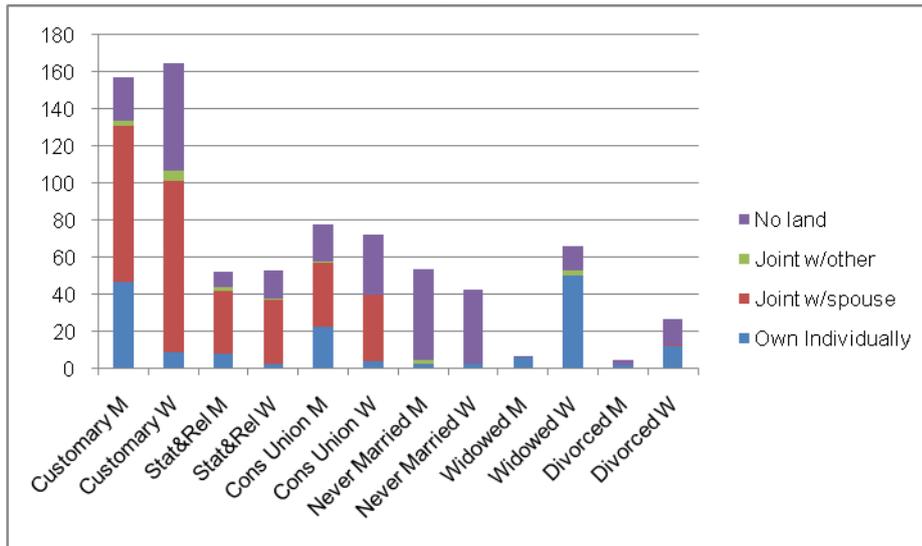


Figure 1 provides additional information on land ownership patterns by sex and district. The unit of observation is a respondent. Again, more people – including both men and women – are likely to own land individually in Luwero. In part, this owes to the fact that fewer people are married or living in consensual unions in Luwero.

**Figure 1: Individual land ownership, by district, sex and mode of ownership**



Land ownership is related to marital status (see Figure 2). For women, marriage is key to land ownership. Figure 2 separates the married couples into those in customary marriages and those in statutory or religious marriages. Compared with never married women or divorced women, those who were married or widowed had higher rates of land ownership. Many married women acquire land rights through their husbands, so married women are more likely to be landowners than women living in consensual unions. Without the formal ties of marriage, women have more tenuous claims on their partner’s land. Their claims may not be recognised as ownership within the community, and the women themselves may not view their claims as equivalent to ownership.

**Figure 2: Individual land ownership by marital status, sex and mode of ownership**

The high proportion of widows who were reported as owning land may be somewhat misleading. Widows who have independent claims to land or who inherited land from their husbands are precisely those women who remain independent and thus appear in our sample. Those without claims to land may return to their natal home or join another household. In particular, those who follow the tradition of marrying their deceased husband's brother may then report themselves as married, even though they have been widowed. And widows who have been evicted from the house and land where they were living when their husband died may not be captured in a sample such as ours.<sup>6</sup> Our sampling methodology does not allow us to say much about what happens to women and their land when their husband dies. A retrospective survey asking women if they were ever widowed and what happened to their property would be necessary to answer this. Very few men reported their marital status as widowed or divorced; most remarry if they are divorced or widowed.

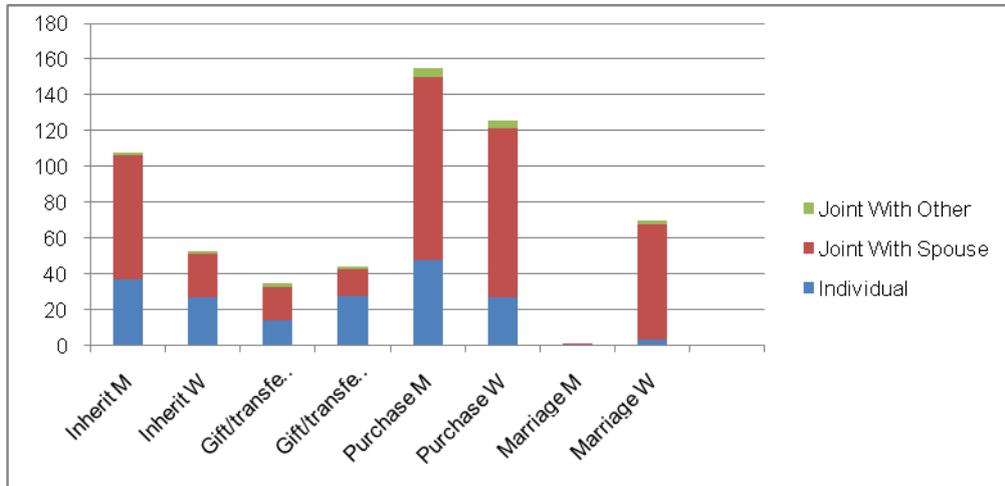
Men who own land are more likely than women who own land to report that they acquired their land by inheritance (see Figure 3). Overall, 32 percent of men and 14 percent of women currently own a parcel of land that they inherited. If gifts and transfers are included, then 44 percent of men and 27 percent of women currently own land that they inherited. Of the individuals who reported that they had acquired any land through inheritance, 67 percent were men, using the narrower definition of inheritance. When gifts and transfers are included, then only 59 percent of those who inherited were men; women were more likely to acquire land through gifts or transfer than through inheritance at the time of a parent's death. While

<sup>6</sup> They may not necessarily be captured in any sampling frame that does not explicitly seek to interview women who had been widowed.



the inheritance patterns are clearly biased in favour of men, a surprising number of women report inheriting land.

**Figure 3: Individual land ownership, by means of acquisition, sex and mode of ownership**



A total of 27 percent of women who are landowners said that they acquired a parcel of land through marriage. Only 4 percent of men claimed they acquired land through marriage.

In several of the life histories, women discussed the social norms that did not allow them to inherit land. For example, Claire did not inherit land from her parents. She and her husband farmed a small parcel of land that her husband purchased and had five animals that he had inherited. While they were still young, her husband was killed. She followed the customary practices in her community and became the wife of her husband's brother. This brother then became the owner of her husband's land and animals.

Similarly, Sarah did not inherit land. When her father became ill, his wife and children decided to sell half of their land to seek medical care. When her father died, her mother continued to farm the land until Sarah and her brothers were adults. At that time, her parents' farm was divided among her mother and six brothers. Sarah gained access to land by marrying a man who inherited land from his parents. In addition, she was involved in organising a communal women's farm on a parcel that a women's group bought by pooling their resources. This women's farm served as a means to provide additional income for the women involved. She says that most of the women had husbands who supported their participation. With the money she has earned, she has been able to purchase a small plot of land of her own. She hopes to continue to purchase land and livestock so her children, both boys and girls, will receive an inheritance. Thus, through marriage to a man who received an inheritance and has remained healthy, and through participation in a women's group, she has been able to obtain land, and she plans to bequeath it to her children.

In a separate section of the survey questionnaire, we asked if the respondent had ever inherited any assets, including land. If the answer was yes, then we asked the identity of the



person who had bequeathed the assets. As expected, the majority of men inherited land from their father (76 percent). Similarly, women also inherited land from their fathers (49 percent of those who inherited land). But 28 percent of women said they inherited land from someone other than a parent, aunt or uncle or grandparent. No men reported inheriting from anyone other than these relatives. Similarly, the majority of women who reported that they had ever inherited a dwelling (57 percent) said they had received it from someone other than a parent, aunt or uncle or grandparent. The qualitative evidence suggests most of these women inherited from their husbands. In addition, respondents were asked if they still owned the land they had inherited. There is a striking gender pattern in the responses: 8 percent of men but 20 percent of women said they no longer had land that they had inherited.

## 6.2 Inheritance of other assets

In our Ugandan sample, very few assets other than land were reported as having been inherited. In rural areas, dwellings are generally located on the primary agricultural land of the household and are not considered separate from the land. Thus, they would be inherited with the land and not separately.

Relatively few people reported having any financial assets at the time of the survey: 12 percent of respondents reported that they had money in bank accounts and another 12 percent had money in informal savings programmes. Only 4 percent or fewer reported having money in a cooperative or a non-governmental institution or another type of savings programme. Nobody reported inheriting any of the money that was in these accounts.<sup>7</sup>

While among some communities livestock are an important source of wealth and may be inherited, we did not find this to be the case among the communities we analysed. Respondents were asked how they acquired the animals they currently owned. This would underestimate the overall impact of inheritance since, if they inherited a cow 20 years ago, the respondent might not list her progeny as being inherited. Nobody reported that any of their cattle had been inherited, but seven people reported that at least one of their cows was received as a gift or transfer. Two people reported that a goat was inherited or received as a gift or transfer and one person reported this for a pig.

Similarly, very few individuals reported inheriting any business assets. Only three people reported that they had inherited any business assets and nine that they had received business assets as a gift or transfer. It should be noted that these businesses are in

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<sup>7</sup> Respondents were asked how they acquired the money and were allowed multiple responses, including inheritance.



predominately rural areas, and the business assets are limited. But they are primarily acquired through purchase rather than inheritance.

Table 3 shows the means of acquisition for a variety of items, including agricultural equipment, consumer durables and vehicles. The numbers of items received through inheritance or as gifts is insignificant when compared with the number purchased.

**Table 3: Number of individuals reporting various means of acquisition of physical assets, by gender**

	Women			Men		
	Inherit/gift	Purchase	Other	Inherit/gift	Purchase	Other
Hoe	10	295	18	3	271	9
Panga	12	273	21	1	270	8
Axe	11	243	13	2	242	5
Ox plough	7	198	0	1	191	3
Sickle	9	172	1	1	169	0
Spray	8	135	1	1	139	0
Other agricultural equipment	4	110	3	1	115	0
Bed	8	137	21	0	143	6
Table	9	94	18	2	101	4
Chair	5	82	21	1	85	6
Mosquito net	2	39	10	0	42	2
Radio	3	46	17	0	48	4
TV	0	9	1	0	10	1
Phone	3	31	13	0	34	4
Stove	1	6	1	0	6	2
Bike	2	14	13	0	24	3
Motorbike	0	7	2	0	10	2
Car	0	3	0	0	2	1

*Note: Ownership may be joint or individual.*

Thus, land continues to be the primary asset that is inherited in rural Uganda. As the country develops, we might expect other assets to gain in importance. Consequently, there is an opportunity to ensure that inheritance and ownership patterns of other assets are more gender-equitable than those for land.



## 7 The importance of inheriting land

It is challenging to demonstrate quantitatively the impact of land inheritance on the lives of men and women. The empirical analyses are fraught with endogeneity problems. Yet, research in other countries suggests a positive impact of women's land ownership on a range of outcomes. Using nationally representative data from Ghana, Doss (2006) finds that the share of farmland rural women hold impacts household expenditures patterns. Others find similar patterns, demonstrating that the distribution of assets within the household affects expenditure on food, health, education and household services (Katz and Chamorro, 2003; Thomas 1999). Asset ownership by women may increase children's anthropometric status (Duflo, 2000) and the incidence of prenatal care (Beegle *et al.*, 2001). A growing literature examines the relationships between HIV/AIDS and asset ownership and land ownership. A lack of assets may make women more vulnerable to AIDS, and contracting HIV/AIDS frequently means women lose access to any property that they had (Strickland, 2004). Work from Latin America and India suggests asset ownership may help protect women from domestic violence (Friedemann-Sánchez, 2006; Panda and Agarwal, 2005).

Considering the impact of asset inheritance on eventual outcomes presents additional endogeneity problems. We would certainly expect that parents who bequeathed land to their daughters are different in many other ways from those who did not. In particular, parents who bequeathed land to their daughters also may have given their daughters higher levels of self-esteem and other intangible benefits than those who did not. These intangible benefits may be crucial for women to acquire and retain assets, including land.

Although the endogeneity problems in such a quantitative analysis may be severe, the qualitative evidence – and especially the life histories – demonstrates the benefits to women of owning land. One of the important benefits is that land ownership provides them with security if their marriage dissolves. One of the interviewees, Alice, inherited a substantial amount of land (15 acres) at her father's death when she was 18 years old. When she married, she moved to her husband's smaller plot within the same village. When her marriage disintegrated, she was able to return to the land that she had inherited. Over the years, she has increased her assets, acquiring cattle and goats, more land and two motorcycles – which she rents out to drivers as taxis. She proclaims that her own story should serve as concrete evidence of the paramount importance of women's land rights.

A second woman, Judith, inherited an eighth of her father's 1 acre plot. This parcel was too small for farming, but could be used for a dwelling. While she currently lives in a nearby village with her husband, she sees her land as a form of security that she can turn to if her marriage does not go well. While her marriage is strong, she expresses great comfort in knowing there is land belonging solely to her.



In contrast, Irene described the situation of her natal family. Her parents owned land but, when her father passed away, the custom in their community did not allow her mother to inherit the land. Because the mother had a son, she was allowed to manage the land until he was old enough to claim ownership rights. The respondent and her eight sisters received no inheritance and were expected to rely on marriage as a means to acquire land. The respondent is now married; she manages the farm she and her husband purchased. However, she has no ownership rights over the land. Although she is the primary farmer, she will not be able to bequeath the land to her daughters. Her husband has the ownership rights.

Thus, it becomes clear that inheritance patterns differ widely, both across and within communities. The fact that some women have inherited land in these communities suggests this is possible. The life histories suggest health shocks have a big impact on women's lives. The death of a father or husband can leave women, especially those without land, vulnerable to poverty.

While ownership of land is important for women, when men and women are asked about the rights they have over land, the patterns clearly differ by gender and by how the land was acquired. Survey respondents were asked whether or not they had the right to sell, bequeath or rent out each parcel of land they owned.<sup>8</sup> If they had the specific right over the land, they were asked whether or not they could do this independently or whether they had to consult with someone else.

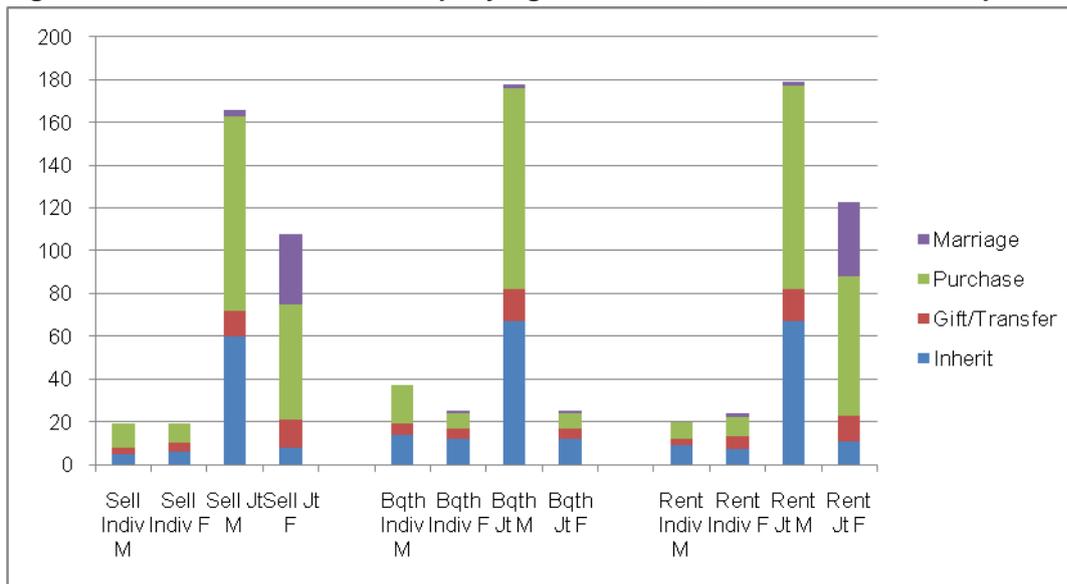
For each set of rights, women were significantly less likely than men to say they had the right, regardless of how they had acquired the land (see Figure 4). For inherited land, a higher percentage of women said they had the right to take these actions alone, but a much smaller percentage said they had the rights jointly with someone else.

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<sup>8</sup> Respondents were asked if they had these rights and, if they said yes, they were asked if they had the right to do so independently, in consultation with someone else or with the permission of someone else. Very few people responded that they needed permission, so those responses are combined with those saying that they would make the decision in consultation with someone else.

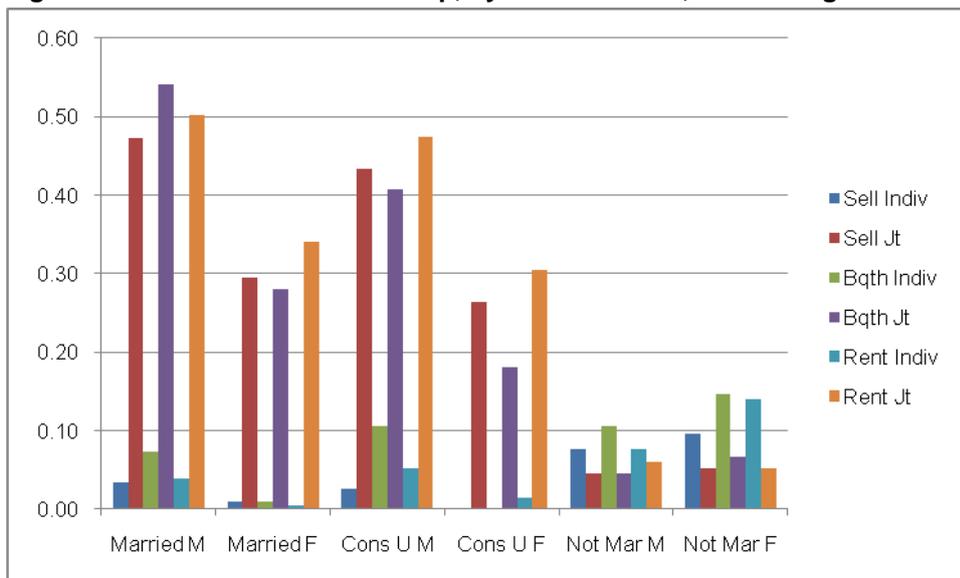


**Figure 4: Individual land ownership, by rights over land, sex and mode of acquisition**



Examining the bundle of rights by marital status tells a more interesting story (see Figure 5). Women who are not married are the ones most likely to say they have the right to sell land individually. This group is primarily widowed and divorced women; if widowed and divorced women are able to remain independent and own land, these are the women most likely to say they can make decisions about selling land independently. The story is similar for bequeathing and renting out land. Recall from the discussion earlier that there are very few men who are divorced or widowed.

**Figure 5: Individual land ownership, by marital status, sex and rights over land**



The majority of men who are married and own land say they can sell it but would need to consult with their spouse. It should be noted that we have only self-reported



characterisations of individual rights. For a man to say he would make decisions in consultation with his spouse does not tell us how much say his wife would actually have in the decision. But these results are more hopeful than the comment we occasionally heard in rural areas, that women cannot own property because they themselves are property. The survey results indicate that, in many households, there is an understanding that both men and women have rights over land.



## 8 Conclusions and policy implications

Patterns of ownership, inheritance and rights over assets are all embedded in relationships within the household and the community. Many women gain access to land – and even claim ownership – through their marital relationships. Both husbands and wives often indicate that land is owned jointly. However, rights over land differ for men and women, with women having fewer rights than men.

Women do inherit land, both from their fathers and from their husbands, although it is much more common for men to inherit land. But the fact that women do inherit land suggests that it is possible; while there may be strong *de jure* social norms against it in some areas, it is occurring *de facto*.

While women may successfully access land through their husbands, and may even claim ownership, these rights frequently depend on the stability of the marriage. Under most customary systems, a widow can claim land that belonged to her husband only if she has a son. The land will be inherited by the son, and the mother can continue to farm it until the son is grown and can claim it. Women without sons are at risk of losing access to the land, depending on their relationships with their husband's family and the community. In spite of this arrangement, some widows have been able to maintain independent claims on land.

There is a need for policies that strengthen women's claims to the land they farm – and especially to support their ownership claims in the event of marital dissolution, since this is an important issue in terms of income security. This may or may not involve granting married women independent land rights. But it does mean ensuring they have claims to the land if their husband divorces them or dies.

Understanding what happens to women when their husbands die requires an approach other than standard household surveys. To the extent that a woman remarries following the death of her husband – and especially if she marries the brother of her deceased husband – she will no longer be counted as a widow in the data. Many of the widows and divorced women who appear in the data are those who have been able to retain their claims to land and remain living in their marital home. These are a highly selected and atypical group of women.

The life histories suggest that land provides women with a sense of security. Women are vulnerable to health shocks of their fathers and husbands. Thus, providing safety nets for women is critical.

As Uganda continues to move from a subsistence-based agricultural economy to a market economy, assets other than land may gain in importance. The history of ownership patterns in Europe and North America suggests that women gain a greater share of wealth once land becomes less dominant. Business assets, livestock and financial assets can all be



bequeathed to daughters with fewer changes in the structure of social and community norms. Thus, it will be important for development policymakers to consider how to grant women secure property rights over a wide variety of assets.



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