

Landownership and Food Security in Uganda

A Study of Land Use and Control Among Households of Women Living with HIV in Four Districts

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Introduction

Women in Uganda, especially widows, disproportionately suffer the impacts of AIDS because of their disadvantaged position due to sociocultural factors. Some of the key factors impacted by the disease are food security, self-esteem, income, and assets, like landholdings. Land is mainly lost in land-grabbing by relatives of the deceased husband, although other factors, such as distress sale, often come into play. The situation is aggravated by the weak policy and implementation framework for protecting the property rights of women and children. The Ugandan Land Act of 2000, the Succession Act, and the constitution attempt to protect these rights but are inadequate, and are often over-powered by cultural and traditional practices.

The Land Act of 1998 provides spousal consent before a man sells family land, but it also allows the man to challenge a refusal to consent “without a good reason or reasons.” The question is who determines what reason is good or not? The Succession Act protects the interests of wives, children, and dependant relatives in family property, but it does not cater for cohabiting wives because they are not recognized. Even the constitution, which advocates for the protection of minority rights and nondiscrimination, has not succeeded in deterring property grabbing. And it fails to include HIV and AIDS as possible grounds for discrimination. An attempt at some affirmative action was made in the National Strategic Framework for HIV/AIDS by advocating for mainstreaming of HIV into all sectoral programs, but this is not backed by concrete action. The Domestic Relations Bill (DRB) of 2003 offered a more solid response to issues of equality in marriage and property rights but it was frustrated by parliament.

The costs of land administration are quite high, and the procedures are extremely bureaucratic. They bar many people from registering their interests in land. Families need ownership documents in order to stake their claim on the land, and to exercise the option of co-ownership if they so wish. Co-ownership would only be effective if it was easy and affordable. This would require a review of the land administration system to ease titling constraints.

The effectiveness of policies in protecting women’s and children’s rights is subject to the influence of the macroeconomic structure. The liberalization and market economics, which Uganda has embraced, have reduced public spend-

ing on social services. Any attempt to reach out to the poor and disadvantaged, or those affected or living with HIV, are likely to be affected by market economics. It therefore becomes very difficult for programs under the Poverty Eradication Action Plan (PEAP), such as the Plan for Modernization of Agriculture (PMA), to effectively address HIV and to devise responsive strategies.

This study explored the relationship between HIV, landownership, and food security using a quasi-experimental design, in which a sample of 287 respondents living with HIV, mainly women, were compared with an equal control sample along a number of land ownership and use variables. Primary quantitative data was collected using a structured questionnaire, while the qualitative data was collected in focus group discussions and key informant interviews. The focus groups comprised people living with HIV, who also represented various organizations, local leaders and representatives of local government departments. The key informant interviews were mainly with institutional staff, both locally and nationally. The study also examined the legal and policy framework within which the AIDS/land/food security relationship unfolds.

Results

The study demonstrates that the relationship between land, food security and AIDS unfolds in a variety of complex ways. While AIDS may bring about loss of property, the extent and outcomes of the loss are influenced by household and personal characteristics. Intervention programs, depending on accessibility, also influence the vulnerability and/or resilience of an individual. At the household level, therefore, the extent to which HIV culminates in food insecurity is a function of a combination of several variables. The following highlights of the study illustrate our assertions here:

- Education is critical. Less educated respondents were found to be less likely to understand their land rights, or to possess landownership documents, and are therefore more vulnerable to land-grabbers.
- Close to 15 percent of respondents, mainly those living with HIV, had unwillingly lost land to in-laws, clan members, or creditors. However, there was no significant correlation between sero-status and loss of land. Nevertheless, the respondents living with HIV believed it increases the chances of land loss.

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¹ The Succession Act defines a wife as a person who at the time of the intestate’s death was validly married to a deceased husband? according to Ugandan laws. We also observe that the Act seems to consolidate male dominance over property ownership by focusing only on male intestate property. Women can also have property that needs to be administered/distributed if they die intestate.

- Close to 76 percent of respondents living with HIV believed it had affected their land use by reducing food and cash crops, reducing labor-intensive crops, and reducing hired labor.
- Type of marriage influences loss or use of land for the bereaved family. The widows who had been in church or civil marriage were less likely than those in customary or cohabitation marriage to report such effects on family property.
- Through self-assessments of the quality of farm enterprises, respondents living with HIV had a higher tendency to perceive their food and livestock production as poor relative to other farmers in the community. They also experienced more inadequate food production at home, and days without enough food.
- Whereas some organizations provide assistance in relation to problems of landownership or use, most recipients were not satisfied because of inefficiency, bureaucracy, long distance to organization, high costs, corruption, and discrimination.
- Many public officers concede that their organizations and programs are unable to competently protect the property rights of bereaved families, and are ill-equipped to mainstream HIV in their activities. Coupled with the fact that many interventions are hindered by an imperfect implementation structure, we assert that policy changes would be futile if the weaknesses in the structure are not addressed.

Recommendations

Efforts in addressing issues of women's land and property rights, and justice for those who have suffered discrimination as a consequence of the AIDS epidemic, need to be enhanced. A starting point in Uganda could be to introduce a relevant section in the National Strategic Framework, and to re-table the Domestic Relations Bill in parliament.

Key interventions should be directed toward laws, policies, procedures, information, enforcement, and capacity in key departments such as the office of the Administrator General or the department of probation and welfare at the local government level. The Administrator General also needs to be more ably represented at the local level.

Co-ownership of land between spouses needs to be more rigorously pursued. The Land Act should take a step beyond requiring a wife's consent before sale of family property, to make it possible for the wife to legally demand co-ownership of the family land.

The Succession Act needs to be strengthened to allow a woman in cohabitation to legally claim a share of the late partner's (husband's) estate. Cohabitation needs to be redefined to allow it some legal recognition because many women (30 percent according to this study) and children are in this situation.

Assisting communities in formulating and financing their own action plans for protecting family property rights is of key importance, and could particularly benefit families weakened by external shocks such as AIDS. Action plans can be done in partnership with local non-governmental community-based organizations.



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About RENEWAL

Facilitated by the International Food Policy Research Institute, RENEWAL is a regional "network-of-networks" in Sub-Saharan Africa. Currently active in five "hub" countries (Malawi, Uganda, Zambia, South Africa, and Kenya), RENEWAL comprises national networks of food and nutrition-relevant organizations (public, private, and nongovernmental) together with partners in AIDS and public health research. RENEWAL aims to enhance understanding of the worsening interactions between HIV, food security, and nutrition, and facilitate a comprehensive response to these interactions. RENEWAL is grateful for support, at present, from Irish Aid, the Swedish International Development Cooperation Agency (SIDA), the International Development Research Centre (IDRC, Canada), and the United States Agency for International Development (USAID).

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