



CASE STUDY

“CONCERNING WOMEN’S ACCESS TO LAND THE CASES OF UGANDA AND KENYA

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1. Introduction

The following study is part of a wider research about the Learning Routes developed by PROCASUR in Latin America, Africa and Asia. This investigation has been sponsored by IFAD and IDRC, in the context of the Program "Scaling Up Rural Innovations".It aims to understand the impact of the Learning Routes in the development and diffusion of rural innovations in organizations and institutions involved in these projects.



The objective of this case study was to know the impacts of the Learning Route “Action-research project and its effects in the land access policies. The cases of Uganda and Kenya”, held in year 2010. An adaptation of the methodology that had been applied to study other Routes was used. The first change was to cover a set of experiences, in order to have a more comprehensive vision of the effects of the Route. The second change, was giving a more central role to the former Routers, gathering their testimonies about the experience, the learning achieved, and the adaptation and implementation of such learning to their contexts. Besides, they were asked about the changes they had experienced at a personal level as well as those experienced in the organizations, communities and societies they belong to.

As a result of it four histories of women from Kenya, Uganda, and Madagascar are presented here. They put emphasis in what their protagonists estimated significant, using their own language and their expressions. The histories have been scarcely intervened to preserve the value of their testimonies and originality.

The protagonists are Hellen Kamiri and Jane Nyokabi from the Gatundu Mwirutiri Women Initiative (GMWI) / GROOTS , and Susan Maina from the Young Widows Advancement Programme, YWAP, both from Kenya; Jacqueline Akello and Namubiri Resty from the Uganda Rural Development Training Programme, URDT, de Uganda and Mino Ramarason, from Solidarité des Intervenants sur le Foncier, SIF, Madagascar.

In a second phase of the study, four organizations that were in this Route were invited to a bi-national workshop, with the attendance of ten women. They gave testimonies about their participation in the Route, reflecting together about the innovation processes that were implemented in their organizations and communities after their return. They described their involvement in the fight for land access that women were giving there. These organizations were Uganda Rural Development Training Program (URDT) and AHURICA-FIDAH from Uganda; GAMWI (Groots-K) and Young Widows Advancement Program (YWAP) both from Kenya.

As a result of this workshop, an interesting set of discussions emerged, which is presented below. Some of them were collected by Karim Derrahi to introduce the stories presented in this document.

2. BACKGROUND

In rural areas having property of land or not having it is identified as one of the main factors influencing the poverty situation. It can be added that there is a very unequal access to this asset between men and women, with the latter having less access, what makes their situation of precariousness worse. In Africa, one reason of this inequality is that many women are expelled out from their lands by their in-law relatives when their husbands pass away, situation that has a very negative impact in the development of the rural communities.

Given this situation, PROCASUR and the International Land Coalition, developed in year 2010 a learning Route, with the topic “The Action-Research project and its effects on the policies of land access, the cases of Uganda and Kenya”. The 24 participants were invited to learn about emblematic cases and think together about the main obstacles and opportunities to land access, emphasizing in the identification of the most effective strategies, in different contexts, to improve the certainty of the women rights to land.



Two years after the Learning Route the access to natural resources, and especially to land, still remains in an unequal situation. Despite of women rights in this sense being widely recognized, in practice they continue facing big obstacles to enjoy them.

3. Strategies to improve women's access to land

3.1 Awareness of participants about “psychological blocks” that prevent women to act on behalf their land rights.

One of the main lessons the participants gained during the Learning Route was identifying the information gap as a major obstacle to change. Indeed, due to the lack of information only few women in rural areas are aware of their land rights. As one participant explains: “many women have never seen a title of ownership.” Although some women are willing to act, they often lack of skills to carry on with the battle. In addition, cultural practices lead many women to consider the land property issue as male matter.

As a result, the participants have realized that they should first focus on the awareness of the communities, fighting against the lack of information about women's rights to land. Women self-confidence is negatively affected by ignorance, and this is a necessary condition for them to claim their rights. And as pointed out by the participants that courage is particularly important to succeed in their gender equality demands in a culture dominated by men.

From this point of view, the workshop showed that the knowledge gained in the Learning Route empowered the participants and enabled them to strengthen their (self) confidence. However, they realized that in order to mobilize their communities, they should become role models within them. Jane Nyokaby and Phoebe Saga illustrate very well the intellectual and human path taken after the Route. They are two successful participants that have managed to impose the respect of their land rights to their in-laws. They truly have become positive role models in their communities, which is an important factor to mobilize community members. See Box 1 and 2.

Box 1.

Jane asserts the right to her inheritance by raising her case before the justice of her country.

Jane is a widow and mother of 5 children. After the death of her husband, her in-laws gave her an acre of land in Gatundu. The following year, in 1997, Jane began to perform the administrative boundaries to obtain the title to her name. Her brother-in-law strongly opposed, arguing that “women can not inherit land” and that if she pursue in this, she should give the title to one of her sons. Jane refused, as she heard stories of family disputes due to children who refused to divide thereafter the land with their siblings. Since 1996 she had failed to win her case, and therefore she had not received her share of the inheritance.

However, the human and intellectual enrichment that she acquired during the route, reassure her convictions and Jane became, in her words, more aggressive in her demands. Indeed, discovering the struggle the other participants experienced (they came from six different countries) in addition to all the specific knowledge acquired (on land rights), reassured her conviction that their fight was fair because equality and community development were jeopardized.



So Jane returned from the Route more convinced than ever to resume the dialogue with her brother-in-law, in order to obtain the title to her husband's acre of land. However, the dialogue failed and Jane took courage to take their dispute to court, with the support of their local leader.

Justice acknowledged her right to inherit her husband's land and there is an on going procedure to bring the title to her name. Jane has become a true role model for women in her community, as they see that change is possible.

Box 2.

3.2 Phoebe asserts her right to inheritance by restoring dialogue with her in-laws.

Phoebe Saga is a widow and mother of two children. She is an active member of the "*Young Widows Advancement Programme*" based in Kenya. When her husband passed away in 2000, Phoebe decided to claim for her husband's plot of land in Homa Bay to his brother-in-law. He categorically refused, explaining that she should be disinherited because a woman cannot own land. Faced with this refusal, Phoebe decided to quit because she had neither the confidence nor the knowledge to enforce her rights. She was forced to return to live in Nairobi, where she could hardly meet her needs with a laundress job.

In 2010, when she participated in the Route she experienced a change in her life. All the information acquired gave her the knowledge and also the courage, to face her in-laws again, ten years later. After the Route she started a new dialogue with his brother-in-law to convince him to accept her entitlement and bring the title to her name.

After a year of negotiations, she managed to convince them and get his agreement. As Phoebe said, her husband's family was afraid of her determination and realized that "*she knew what she was doing*" by considering her improved knowledge of her land rights.

Today Phoebe left the area to live in Homa Bay where she cultivates her land and started building a house for her family. This journey was a very enriching experience that enabled her to regain self confidence. She is very proud to have become a positive role model for other members of her community. As she explains, she applied one of the lessons of the Route: *the dialogue is a key component in achieving women land rights*.

Hence, Jane and Phoebe have been empowered by participating in the Route. They have become more activists but always favouring dialogue, which in their view, is an essential component in every strategy that redefines the inequalities between man-woman, whatever the cultural context. *Overcoming their personal struggles (Boxes 1 and 2) they have gained credibility and have become role models for women in their communities*. However, they know that the mobilization of their communities on the land property issue, can not be done without a "strategic dialogue" with key actors.



Box 3.

Awareness Sessions

Public meetings organized by the CBO-YWAP⁷¹ to strengthen dialogue, with the help of paralegals among community members.

Promote a strategic dialogue at the local level, by sensitizing local leaders and involving more women in decision-making committees at the local level.

At the end of the process the participants have understood that sharing information with members of the community is the best way to empower them, so they can start a dynamic of change. They have initiated a dialogue at different levels in order to change mindsets:

- Dialogue within the community: the example of CBO-YWAP

According to the participants, the Watch Dog Group initiative in Gatundu visited during the route was a very adequate way to promote horizontal dialogue ⁷² integrating members in community activities. The CBO-YWAP participants found the idea very interesting and have partially replicated this in the Embakasi constituency, in Kenya, where they trained 30 paralegals during 3 weeks. At the end of the training, each one received a diploma as official paralegals recognized by the State. The mission of these paralegals is to mobilize community members, giving them information about their rights. If required, they also have a role as “Whistles Blowers” to the community. The benefit of this local “transmission” system is that reinforce the local community dialogue, because paralegals are settled locally, allowing information to move down, closer to the community members.

Moreover, CBO- YWAP participants agree in regard to the social utility of their actions. They have decided to extend the scope of their intervention beyond Kayole (Nairobi) to cover the Embakasi constituency and rural areas, where traditional unfair practices are more settled. This action is under development. As explained by Susan Maina, a member of CBO-YWAP, the route has flattered them and strengthened their conviction about the social utility of their actions.

After the route, eight awareness workshops have been held in Embakasi constituency (Njiru, Dandora, Mukuru slums, Kaole and Soweto) with paralegals help (Box 3)

Similarly, in order to strengthen the community, the CBO- GAMWI in Gutundu (Kenya) has organized community meetings to spread information obtained in the Route in different regions in Kenya (Laikipite / Kitui / Mathare Slum in Nairobi) where they have also replicated “Women Property Program” originated in Gutundu.

⁷¹ CBO: Community Based Organization; YWAP: Young Widow Advancement Programme

⁷² Exchange among members of a community.



- Include more women in decision-making positions: the example of CBO-GAMWI

The participants have realized due to their experience on the Route, that while women's empowerment and their mobilization are required to change the situation, it is not enough. Indeed, during the Route they noted that besides identifying and mobilizing key local leaders who are already working on this, women need to assume positions of power to drive a real momentum for change, in favour of gender equality.

Resolved in their learning, Jane Nyokabyn and Hellen Kamiri have implemented a real strategy of lobbying to educate their local male leaders about women's access to land. They have held five public meetings where they invited strategic local leaders, officials from the Ministry of Health, etc. After these meetings "our organization has gained credibility" in front of these leaders, but also in front of the whole community.

Beyond awareness of local leaders on this issue, they have also developed a lobbying strategy to promote more women to positions of influence. Therefore, Jane and Hellen, a few months after the route, have been successful in winning a place in several decision committees, enabling them to sensitize policy makers on the status of women. As they explain, this has been possible because the route increased their credibility (Box 4)

Box 4.

Hellen Kamiri is married and has three children. She is responsible for CBO-GAMWI activities in Gutundu. After the route she has been selected as a member of the Economic Development Committee Gutundu in Kenya, which meets once a quarter. In this constituency, she is the first woman selected as a member of that Committee.

Her nomination, as Hellen explains, happened after several meetings of WDG where many local leaders were invited. The dialogue allowed these leaders to discover the work that the CBO had done for the community. Local leaders realized that Hellen could be useful within the Development Committee.

While "this position is an opportunity to assert the right of women to development" Hellen is aware that this is not enough and that she must continue with her persuasion efforts, so that more women access to positions of responsibility. Thus, after her nomination she has continued to sensitize local male leaders on objective 3, from the Millennium Development Goals: "to promote gender equality and women's empowerment."

After the route, Hellen is very proud that 45 women of different WDG groups have succeeded in being selected in several local committees to defend the economic and social rights of women. In the constituency of Gutundu they have launched a campaign pro-women. Hellen says it was inspired by the experiences of the Uganda participants from the Route.

The next goal is to have a female candidate elected from Kenya CBO for the general elections to be held in March 2013.



Documenting actions to better support the dialogue with the community and partners.

During the route many of the participants realized that they could not share much of their activities, as very few, if any, were documented. And the oral transmission has many limitations. As one participant noted, the interest of a trip like this, is to share local experiences. Thus, for Susan Maina from CBO-YWAP *“The Route was like a mirror that has shown the weaknesses that need to be improved in their own organizations”*

Since their return, Jane and Hellen from CBO-GAMWI decided to start a three-week training to learn how to file, use the Internet, create a blog, etc. Today they have created a small information center for their community and are looking to expand and also create an information center for young people. After intense lobbying, they received a donation of land and a container from the district leader. Moreover, they have created a blog to report their actions. (Box 5)

Case 5

The long-term challenge: encourage the empowerment of women, developing their individual planning capacity.

During the Route, the participants have realized that financial instability experienced by women, is a real obstacle to land property. It is not enough to ensure the acquisition of plots, but also provide women with greater economic means, to keep them in the long run. As one participant said: *“After we fought to get the land inheritance of a female member of the community, she resold the land without realizing the consequences this will have on her future.”*

In order to work on that long term vision, the participants have had the opportunity to visit the Uganda project “Rural development and training programme” which helps rural women to clearly identify personal goals, what they want to achieve and define with them the means to implement them, on the basis of a coherent personal strategy.

Having realized the issue of sustainability, CBO-YWAP participants grouped around income-generating activities, helping them to develop abilities towards becoming autonomous in the long run. However, it is too early to draw conclusions from this experience.

In conclusion, participants are unanimous to say that the Route was an extremely positive experience, which marked a change in the way they approach their community activities. Indeed, it is clear from the workshop that participants have a better understanding of their socioeconomic environment and the main factors that affect women in their access to land. Borrowing the words of one participant: *“The Route was a real human and intellectual experience.”*



4. Main learnings from the workshop

The testimonies express a set of valuable lessons. Among them:

- Lack of information about land rights among women is identified as a major obstacle to access and own land;
- « Ownership » versus « Access to land »: the participants to the LR realized that it is very important to insist on the ownership issue since many women living on lands for years don't have any deed title what makes them vulnerable in case their husband dies;
- Promote strategic dialogue: -Sharing information with the community members is key to empower them and trigger a dynamic of change for gender equality; - Promoting dialogue between civil society and strategic local leaders (legal and religious) is a good method to promote gender equality (bottom-up);
- Promote women to positions of influence in local committees is key to assert women's rights and show that women can positively contribute to the entire community;
- Document actions (lessons learnt, etc.) is a key tool to better share (circulate) information with the community members, local leaders and donors.
- Enhance planning capacities education in order to reinforce women's economic autonomy;
- The participants (women) realized during the LR that they can become agent of positive change within their community; however, they understood that changes in the field can take time because changing people's beliefs takes times.

5. New strategies implemented after the learning route

Apprenticeships have been translated into concrete strategies, such as:

Systematize Sharing information with the community members:

After the LR, sharing information has become the rule to sensitize the community members to the land issues. For example, URDT (Uganda) has developed and put in place a one-day LR, titled: « *Securing Women's Land Rights in Northern Uganda* ». Besides, The CBO-GAMWI's president explains that since the LR takes advantage of all the opportunities available to speak during public and private meetings whereas before she was greedy with sharing information because she perceived it as a personal advantage without anticipating negative impacts for the rest of the community. This big change in the participants' strategy is based on the fact that they have been convinced by the LR that *"the solutions to their land issues will come from inside their community"*.



Promote dialogue with local leaders

After the LR, the local leaders became one pillar of participant's organizations pro-women strategy. For example, URDT put in place a discussion platform called BARAZA structured around the local leaders and the community members. According to URDT's participants, this innovation promoted transparency and accountability of the local leaders.

The LR created awareness about dialogue as a key component to solve out land issues.

Institutionalize women participation to local public affairs:

The LR highlighted the importance for women to "institutionalize" their roles in order to increase their influence on public decisions. By consequence, some organizations have started lobbying after the LR to have women appointed in local committee to assert women's rights. For instance, the CBO-GAMWI (boxes 1 and 4) has in this way succeeded to have two women members appointed in several local committees. Afterwards, 45 other women from the same CBO have been also appointed in different local committees. This new situation has a double advantage: - women appointed will be empowered by doing (speak in public, etc.) – and show the other leaders that women can positively contribute to the community. By consequence, women have become more respected because more credible.

Document activities:

According to the participants, documentation was one of the most important learnings during the route. Once back home, the participants from Gatundu in Kenya developed their skills based on a 3-week training, put in place a resource center for the community and created a blog.

6. Enabling factors of innovation

- From my discussions with the different participants, 2 main factors have been highlighted as key to explain the implementation of rural innovations after the LR:
- The constitutional reform launched after the post-electoral violence in 2008 has been a great opportunity to promote the implementation of a gender equality land reform. The political Kenyan situation is currently followed by the International Community, what may have also helped to promote women's land rights.
- The support provided by their organization is as well a key factor explaining the success in the implementation of the rural innovations presented during the post LR workshop.

7. Lessons learnt

The main lessons we can draw from the workshop:

- The LR is a very good research tool characterized by two advantages: it empowers the capacities of the participants and involves them in the development of solutions for their own community; so they are agents of positive changes, increasing in that way their self-esteem.



- Depending on the type, there are different views about the value of owning a piece of land: while for men, the earth is more often a source of virility⁶, women are more a source of stability for the family. This may seem logical since the woman is likely to spend most of his life in the private sphere with family responsibilities. So, it is appropriate to consider this dimension in campaigns.
- Social interactions in East African countries are defined by the coexistence of both positive and customary laws. Voting laws in favor of gender equality without implementing actions in the field to enforce them is a challenge. For instance, men and women in Uganda and Kenya have equal land rights according to the national law. However, in practice women have not yet an effective control over their lands (choice of the crops...) in these two countries. This shows that education campaigns are key to change unfair social practices and to effectively enforce progressive laws.
- Customary laws depend on the power relations in place within a community; the customary laws are not atemporal but evolve according to different contingencies. By consequence, women have a strong interest in organizing themselves to change the customary laws to their favor;
- Changing laws in favor of women is always a good thing as long as steps are taken so that they are effectively enforced. According to a study led by Groots-Kenya (2011), many women face high difficulties to raise the money necessary to pay for the land register fees in order to get their deed title (an important document to claim their land plot before a court);
- The higher the level of corruption, the more difficult for a grassroots woman to assert her land rights. Women in social and psychological distress are more easily victim of corrupted greedy civil servants;
- There is a clear correlation between documentation and credibility: the more an organization documents its actions, the higher credibility it has vis-à-vis the local leaders and donors.
- Promote full female land ownership may reinforce women participation to local public affairs. Land gives in many African societies a dignity and a social status reinforcing the sense of community belonging. So, land ownership and the use of citizen rights are positively correlated.
- The land ownership is not a sufficient condition to the women's economic autonomy. They also need to be empowered to use their land plot in a more strategic way.
- Since the land question covers various societal issues, meaningful land reforms must embrace wide public policies from education, justice... to the fight against corruption.

8. Current Challenges context

In some parts of East African regions, the land market has drastically gone up, increasing the competition access to land. We can fairly expect that if the situation of women regarding access to land doesn't improve in the near future, they will be the first victim of the increasing trend of the land market.

East Africa is particularly affected by the climate change. And one of the most likely climate change effect is the rarefaction of the most fertile lands. By consequence, it's very likely that a higher competition will take place to access to the most fertile lands still available. And once again, the women will probably be the first victims if they are not empowered to face this coming challenge.