

# Gender Equality and Women's Rights to Land in Uganda: A Long-Term Campaign

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**Abstract:** This paper discusses how feminist theories have been applied in the explanation of gender-based issues and how feminist activists develop different approaches and measures to address these issues. The paper discusses the challenges faced by women in Uganda in accessing land independently and the patriarchal lineage in land ownership patterns which heavily rely on women's relationships with their husband's family and clan. The paper also highlights the efforts of advocacy coalitions such as The Uganda Land Alliance (ULA) and the Uganda Women's Network (UWONET) in promoting women's property rights in the Ugandan Land Act Reform. By tracking the progress of Ugandan women activists' campaign to demand women's rights to land, the paper emphasizes the important role of feminist theories in forming their activism and underscores the need for pragmatic gender equality policies to bridge the existing gender gap.

**Keywords:** Women's rights; Land rights; Patriarchy; Socialist feminism; Postcolonial feminism.

## 1. Introduction

Gender equality is of primary importance for human development, and women's use of land, access to land and control over land - one of the key factors of production, are indispensable for the guarantee of women's rights and equality as well as an adequate living standard. Land-related issues have been given increasing attention globally as they are linked to main global issues such as food security, poverty eradication and sustainable economic development.

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Women's access to assets is a grave issue that remains controversial in Africa. In fact, women are primary cultivators and land users in African countries, including Uganda, where three-quarters of women depend on farming to earn their living compared to two-third of men (Womenkind, 2014:8). Despite this, a study on land ownership of eight African countries finds that women account for less than one-quarter of landholders (Doss et al., 2013:8-15). In Ugandan, women normally do not have access to land independently, but rather through their relationships with their husband's family and clan (Oxfam, 2014; World Economic Forum, 2017). It is common in many societies of Africa, including Uganda that people often perceive a patriarchal lineage in land ownership pattern as customary law, under which women's rights to land are reliant upon the strength of their relationship with their husband's family and clan. Therefore, despite tremendous efforts by women activists to promote women's rights to land, gender imbalance in Ugandan land ownership has always been a problem.

Uganda's statutory law recognises customary land ownership, with over 75 percent of land in Uganda is held by families under undocumented customary law (FAO, 2020). In this regard, the family head should ensure that all members in the family have access to land. When newly married women leave their natal family, withdrawing from their parents' clan and joining their husband's clan, they would be entitled to access and use their husband's allocated land and should become the family head in case the husband dies, taking over the duty of protecting family land for their children. However, women have been facing increasing challenges and threats by more powerful family members, such as the husband's relatives trying to take advantage of customary practices on inheritance which indicate that land transfer must be made through male line, to take claim to land, whilst both the authority and the will of the head of clans to ensure female members' rights to land is eroding (Veit, 2011). Therefore, Ugandan women always suffer from the threats of losing access to land, especially upon the death of their husband or in cases of divorce. This issue is associated to many other gender-based issues because how much power women have in the households or how many assets they own, including land, will affect the decisions that households make. For instance, women's ownership over land may affect their contribution to family decisions about what kind of crops to

grow on land, how much of the products to sell, subsequently this would determine how much income the households could earn, which affects the households' capacity to access education and healthcare services and various other kinds of things.

The movements around land issues started emerging in the 1990s with various land alliances and coalitions established throughout Africa in response to changes in land tenure laws (Tripp, 2001:2). Being among coalitions with the most vibrant movements, the Uganda Land Alliance (ULA) and the Uganda Women's Network (UWONET) have developed a campaign aimed to bring gender equality into land law reform. It started in 1995 when the two advocacy coalitions sought to advance women's property rights in the Ugandan Land Act Reform. The two advocacy coalitions have never stopped their advocacy since then. One of their most notable lobbying efforts is the campaign targeted to demand women's right to co-own land in the 1998 Land Act. In particular, they proposed an amendment aimed to establish married women's rights to co-own part of their husband's land in the 1998 revised Land Act: "*Where land is held or acquired for the joint occupation and use of the spouses, the spouses will hold the land as joint owners and the recorder shall register the spouses accordingly*"; *In the case of polygamous union, each wife shall jointly own with her husband a piece of land on which she resides and works. Where there are many wives occupying and working on the same piece of land, they shall hold the land jointly with their husband*" (Kawamara-Mishambi & Ovonji-Odida, 2003:161).

Their proposal faced substantial opposition, notably from the Ministry of Land, which was in charge of preparing the land bill, and also from the Parliament. The opponents took a patriarchal view to form their main opposition, seeing the proposed co-ownership clause as a threat to the property rights of the male individuals. Resistance to this campaign came from a number of technocrats and policy-making agencies questioning the credibility of research outcomes provided by the UWONET, accusing them of being "elitists who do not speak for rural women"; when the UWONET later provided testament to the sufferings of rural women caused by the lack of land ownership, the Uganda's Ministry of Land blamed them to be "driven by emotions"; One of the strongest attacks came from the male members of the Parliament, claiming that their proposed clause

was “ridiculous and unrealistic in Uganda’s context” (Kawamara-Mishambi & Ovonji-Odida, 2003:176-180).

Although the coalition of ULA and UWONET along with their political allies successfully had the co-ownership clause passed by the Parliament, the clause was then omitted from the final land Act draft and subsequently was pulled out of the published 1998 Land Act mainly due to intense hostility and anxiety over women’s empowerment attacking customary system and eroding men’s power and property rights combined with an administrative oversight (Asiimwe, 2001:2-3; Hannay, 2014). The two coalitions then decided that the lobbying for women’s land rights should go beyond the co-ownership clause, emphasising other issues linked to land ownership such as poverty, economic insecurity or human rights violation, and thereby they built alliances with other civil society organisations, NGOs such as Oxfam, Uganda Feminist Forum (UFF), Coalition of Political Accountability to Women (COPAW) to close the gender gap in land ownership in Ugandan society.

This is a long-term campaign that has been happening for over twenty years. The gender gap in women’s land rights has become even more problematic today in light of the privatisation of land, increased commercialised agricultural production, land scarcity and rising land prices, which have encouraged clan leaders and family heads as well as other groups of men in the community to hold land even more tightly and actively and safeguard customary land tenure systems. This paper seeks to track the progress of Ugandan women’s campaign to demand women’s rights to land contributing to closing gender gap in Uganda, and understand the way feminist theories are applied in forming their activism.

The key question to be addressed in this paper is: What role do feminist theories play in shaping gender-based activism in Uganda? The paper presents secondary research which examines existing data on Ugandan women activists’ campaign to fight for women’s land rights and critically analyses the campaign in order to reflect on the ways in which the campaign is informed by specific kinds of feminist theory. Data selected and examined includes not only resources from academic work but also various kinds of information on the campaign that comes from news articles, press statements, NGO reports, etc.

## **2. Application of Socialist feminism in shaping the focus of the campaign**

Socialist feminist theory adopts tenets of both Marxist feminist theory and radical feminist theory to form its own blend of ideas, which suggest that both patriarchy and capitalism are essential driving forces when it comes to the oppression of women (Ehrenreich, 1976). Therefore, women's emancipation can only be achieved through ending both economic constraints and discriminatory cultural beliefs and practices of patriarchal societies.

Socialist feminists, much like Marxist feminist theorists, assert that the capitalist economic structure drives men to uphold their financial and economic dominance over women. This system of capitalism grants control to the individuals who possess private property and means of production. This control has caused women's economic dependence and fueled the emergence of patriarchy and sex-based power dynamics, leading to structural gender inequality (Lee, 2020). Historically, early Marxist and Socialist feminists recognised that the ownership of private property intertwines with many other factors that contribute to male dominance and the subjugation of women. Lack of access to property places women in a situation of insecurity without the protection and provision from men, making their sense of security heavily dependent on the stability of their relationship with their husbands. Therefore, to address and correct gender inequality, the rights of women to property must be ensured.

Adopting these ideas of Socialist feminism, UWONET has highlighted the strong and direct association between women's lack of control or limited control over property, including land, and their limited power to engage in the family's decision-making as well as the unwillingness to embark upon long-term investment such as cropping a land for commercial purposes. They argued that men, making up the majority of land owners in Uganda, decide patterns of land use and control the proceeds (Kawamara-Mishambi & Ovonji-Odida, 2003:172). Certainly, in a country like Uganda where agriculture is the back bone of the economy, employing 70% of Ugandan population (World Bank, 2018), land is seen as the most important factor of production. When land, as a primary factor of production, is mostly owned by men, the society is creating a favorable condition for male dominance. This clearly demonstrates how a combination of

economic factors and patriarchy has contributed to female subjugation. Based on this analysis, UWONET lobbied for the co-ownership clause to be included in Ugandan Land Act reform.

The Technical Committee, on the other hand, saw the co-ownership rights of spouses as an abuse of property rights, arguing that a registered land-owner should enjoy constitutional unconstrained rights that cannot be infringed by the requirements of consent from a spouse to a contraction of land. UWONET then argued that spouses' co-ownership rights are necessary for the protection of family land from the abuse by male relatives, which was contained in a number of articles in Ugandan constitution (Kawamara-Mishambi & Ovonji-Odida, 2003:167). Thanks to UWONET, the Technical Committee then included several provisions ensuring women's legitimate rights and interests in land. One of these provisions that later became official in the published 1998 Land Act is the 'consent clause', which imposed restrictions on the transfer of land by family members. In particular, any transmission of land such as sale, exchange, mortgage or lease of land would require written consent of the spouse(s) and the dependent children of majority age, according to Clause 39, Chapter 227, Ugandan Land Act 1998 (Uganda Legal Information Institute, 1998).

However, socialist feminist theory suggests that the true underlying reason that causes women's subjugation and their sense of insecurity is their lack of rights to co-own land, which leads to the lack of power to become involved in the family's decision making on patterns of using land or selling land. This has become the focus of the ULA and UWONET's lobbying activities. They argued that the 'consent clause' was not enough to diminish the insecurity of female spouses and other members in the family as women's consent to a transaction on land where they are not the owner or co-owner of land was seen as "relatively meaningless" (Kawamara-Mishambi & Ovonji-Odida, 2003:170). Their criticism of the "consent clause" is sensible as women's consent could be made under constraints due to their lack of power under a customary land tenure system in a patriarchal society. Therefore, the women activists have been determined to deal with the problems caused by customary land practices, which discriminates against female spouses. This has been supported by Oxfam, which

conducted a media campaign, feeding the public with images and stories of Ugandan women speaking out for their land rights.

The discrimination against women in the customary tenure systems has been commonly acknowledged. Like many society in Africa, women in Uganda do not enjoy the rights to own land, but rather could only have access to it through relations with their husband; even in a few cases where women are capable of purchasing their own land, they tend to register the land under a man's name. This has been happening as a result of Ugandan practices of customary law of inheritance, which prevent women from inheriting or owning land from both their natal families and their marital homes. Indeed, patriarchal customs in Uganda instruct that the transfer of land must be made through male relatives, and the decisions on the allocation of land are up to the male leader of clans or the heads of the families (Asiimwe & Crankshaw, 2011:8). This means that in cases where the husband dies, the women would be placed in a situation with no choice and no way out. Indeed, they would be left feeling totally insecure and at risk of losing access to land for farming, and in many cases, they would have no choice but to unwillingly marry one of their in-laws in order to continue living and farming on the land to support themselves and their children. If they choose to fight against their in-laws, they would lose their user rights to land, their livelihood and suffer violence and intimidation by the in-laws.

The media, supporting the coalitions of Ugandan women activists, has shown ample evidence of this. For instance, Global Press Journal reported the story of Ainembabazi, who was forced to get married to her father-in-law, who nearly forty years older than her, after her husband died. What is more, Ainembabazi's father-in-law devastated her crops and her livelihood, making her become unable to afford the children's school fees, as well as unable to afford a lawyer to defend her claim to land (Namara, 2019).

In a press statement in 2018, UWONET expressed their concerns about Ugandan women being systemically denied rights to own land, both ancestral, before or in marriage and out of marriage; they also highlighted that "some cultures still consider women as property to be inherited", resulting in societies of increased male dominance, where women and girls remain inferior, susceptible and

marginalised in both public and private spheres (UWONET, 2018). Since the beginning, UWONET has been consistent on the lobbying focus of securing rights of Ugandan women and girls to land and productive resources, empowering them in decision making, enhancing their economic independence and freeing them from violence and intimidation.

### **3. Influence of Postcolonial feminism in shaping activities of the campaign**

Postcolonial feminism, also known as “Third World Feminism”, is a feminist theory originated in response to feminist theories that focus only on the experiences of women in the developed world. Postcolonial feminist theorists criticise mainstream feminist ideas for universalising women’s issues, pointing out that women living in the Third World countries are often misrepresented. One of the core ideas of postcolonial feminism is that, by using the term “women” as a universal and homogeneous group, women are defined only by their gender, overlooking other factors such as social classes, races or ethnic identities. Crowley (2014) argued in an article that the experience of women living under patriarchal structures varies vastly in accordance with different historical, economic and cultural contexts as there is nothing like a universal model of patriarchal domination, and that “freedom certainly does not mean the same thing to all the women of the world”. Postcolonial feminist theory contributes to forming and shaping the core ideas of feminism from a universal view to an analysis of individual struggles and experiences. It suggests that the campaigners should understand how individual women could acknowledge bias, discrimination and patriarchy from different angles within their own lives. Whilst people living in the Euro-American world see the customary practices in many African countries as “backwards religious and patriarchal structures” (Kamran, 2017); postcolonial or Third World feminist theorists believe that whilst seeking a way to free women from oppression of patriarchal lienage, it is equally important to respect the culture that they have been living in.

The campaigners at first failed to apply the idea of shaping the women rights campaign based on the analysis of individual experiences when assuming that all women are a homogeneous group, having a common view on land issues and facing the same problem caused by the bias and discrimination against

women owning land. However, soon afterwards, they acknowledged the problem after being attacked by opponents of the campaign with an accusation of elitism, notably the technocrats and policymakers who claimed that the co-ownership clause reflected a class and marital status bias amongst the women activists, failing to represent the majority of Ugandan women. UWONET acknowledged the lack of necessary connections to rural women in their coalition, with most advocates of this campaign being labeled as young, educated working activists, and most organisations working together in this advocacy process locating in the urban areas (Kawamara-Mishambi & Ovonji-Odida, 2003:181). This failed to take into account the issues facing women living in rural areas. Indeed, with regard to land ownership, Ugandan women have conflicting positions and interests in line with their classes and marital status. For instance, there may be some groups of women who think that the co-ownership clause is of no benefits to them, such as the propertied women, the rural women using customary land and being under constraints of patriarchal systems who are afraid that their user rights could be threatened, or the second wives who may feel that the spousal co-ownership clause would give an advantage to the first wives (Kawamara-Mishambi & Ovonji-Odida, 2003:181). Here, gender combined with individual women's class, clan and marital status in a patriarchal structure shapes women's positions in the co-ownership clause, and postcolonial feminism suggests that the lobbying activities would fail if the women activists universalise the forms of oppression facing women of different positions, social classes, clans and marital statuses. The issue of women having no rights or limited rights to land is linked to different forms of humanitarian issues such as poverty, violence or threats to their health or religion based on traditional practices of their class, clan and other factors such as their religion and marital status.

Additionally, postcolonial feminism points out that in the global feminist activism, white Western definition of empowerment reigns supreme. Western women's movements have been focusing on goals such as promoting legal rights, equal wage or putting a price tag on unpaid domestic labor. These issues are vitally important, but may not necessarily be the biggest concerns of women living in underdeveloped or developing world. Most Ugandan women grew up being ingrained with a belief that they are born to support the needs of other

members in the family, including their husband and their children, and may have never questioned their position of being beneath their male counterparts. For many groups of women in Ugandan societies, what they really care about is not the equal rights to land, but rather they concern about what may affect their livelihoods, their capacity to work and take care of the children and meet the basic needs of the family. With this in mind, the UWONET then decided to broaden their approach to women's land rights beyond the co-ownership proposal through developing stronger links between women's land ownership and other socio-economic issues such as poverty. This has helped bring more powerful interest groups on board and also has built a linkage with the grassroots of different communities whose rights and interests they are fighting for (Kawamara-Mishambi & Ovonji-Odida, 2003:182). For instance, Uganda Feminist Forum is amongst many organisations that have been working to strengthen the efficiency of Ugandan feminist movement both at regional and national levels, including the campaign for women's land rights. They have highlighted how fulfilling women's land rights could contribute to reduce hunger and poverty in Uganda.

Furthermore, the campaigners sought to have the voices of women of all classes and socio-economic background heard through promoting the participation of women in the Parliament. This was expected to advance responsiveness from decision-making actors to women's need. Therefore, the Coalition on Political Accountability to Women (COPAW) was established in 2001 with the focus of activism lying in putting gender on political agenda and ensuring that gender equality plays a central role in Uganda's political and legal processes (ESRC, 2015). Their efforts have galvanised the activism of various organisations on promoting women and girls' participation in national life, such as Make Every Women Count (MEWC) - a young African women-led organisation serving as an information, advocacy and training platform for African women, advocating women's influence in policy and decision making (MEWC, 2010).

Postcolonial feminists also examine how gendered history of colonialism keeps affecting women today. Patriarchy and colonialism have been historically entangled. Decades after the fall of colonialism, its legacies still have been entwined with patriarchal structures to continue oppressing women in

postcolonial countries (Shital et al., 2012). Many postcolonial feminist theorists have pointed out how women continue to be marginalised in the former colonies like Uganda. Particularly, before British colonialism, Ugandan land inheritance was implemented under patriarchal customs, which facilitate male supremacy and the oppression of women. When the British colonial governors came, they did not make any changes in these patriarchal customs. Rather, new property ownership laws imposed by the colonial administrators entwined with inherent patriarchal customary practices have intensified the oppression of women on land issues. Indeed, the British colonial administration, seeking a transformation of customary land tenure system, introduced the 'mailo' tenure system in 1900, which provides individuals the legal rights to own land, both by leasehold and freehold (Kisamba-Mugerwa, 1998). The new tenure laws in fact have helped extend the patriarchal customs of allocating land to male heirs to new forms of property ownership under which individual men enjoy statutory rights to own land with legal deeds. Moreover, upon their deaths, the title deeds would be transferred to their sons, who are often referred to as the family heir, while their spouses enjoy no legal rights of land ownership. Even in cases where men do not have a son, none of their daughters are likely to become the heir, rather, it would be the closest male relative who inherits the home and the land (Asiimwe & Crankshaw, 2011). This situation intensifies the widows' insecurity even more in cases they have no sons, pushing them at risk of losing access to land they had been cultivating for years, losing livelihoods to support themselves and raise their daughters. In many cases, they could be kicked out of the home. The women activists therefore have emphasised the impacts of a blend of institutions and social practice in formerly colonised countries on socio-economic issues, which contribute to oppressing and marginalising women: women's lack of legal rights, power and control over resources and factors of production like land would inhibit their decision-making capacity at the household level, such as control over work on the fields or the income earned from selling crops, this could make them hesitate to invest in land development or commercial crops and also limit their productivity. This also increases the possibility of land conflicts and exacerbates women insecurity, especially for widows.

Saferworld is an organisation working on preventing violent conflicts and building safer lives. They have created a community support network aimed to

remedy land conflicts through providing training on approaches and skills to resolve disputes regarding women's rights to land and other properties. Furthermore, they also have been holding individual meetings with the grassroots to create opportunities for them to voice their own stories and issues in a safe and comfortable environment. Equally important, they have been working with radio stations throughout northern Uganda to raise public awareness of land laws and women's rights as well as galvanise discussion among the grassroots. As a result, Saferworld and its partners have won the support of some groups of men for women's land rights (Saferworld, 2018).

#### **4. Progress of the campaign**

The campaign has suffered tremendous criticism from opponents, including the policymakers. The opponents' concern was that how to realise rights of women and children without violating the Ugandan norms and customary practices, providing women the right to jointly co-own land with their husband without coercing the husbands into giving up their interests in the land they owned. In this regard, they believed that spousal co-ownership of land should not necessarily be legalised. Rather, it should be left to individuals in the households to negotiate and the women should encourage their husband to voluntarily share their property. In this regard, women's lobby for the inclusion of the co-ownership clause into Ugandan Land Law reform has failed despite collective efforts of women activists from various coalitions. The clause has been repeatedly removed from Uganda land law amendments for fear that it would upset traditional practices and clan cohesion in cases when widows get married to a man from outside the clan.

Nevertheless, they have successfully made a minimal change in an amendment, making spouses' consent mandatory for any transaction of family land. In particular, the 2004 and 2010 Land Act amendments provide further protection for female spouses through giving them the 'right to security of occupancy on family land', meaning women now have the rights to use family land, live on land and decide whether to give or withhold her consent to transactions of family land according to section 38A in Uganda's Land (Amendment) Act 2004 (Hannay, 2014; Uganda Legal Information Institute, 2004, 2010).

This, however, did not stop the women activists' efforts for the co-ownership clause as men still stay dominant in the clan's decision-making process thanks to their exclusive rights to own land. Their efforts have made some progress in Uganda's National Land Policy 2013. In fact, section 4.10 titled 'Land Rights of Women and Children' of the Policy expresses the acknowledgement of Ugandan statutory law's failure to address concerns regarding women's rights to land and inheritance caused by discriminatory practices (Ministry of Lands, Housing and Urban Development, 2013: 24-26). Drawing this section in the National Land Policy, the Ministry of Lands, Housing and Urban Development called on the government to take steps to reform statutory laws in order to eliminate discrimination in Uganda's land ownership and inheritance.

ULA and UWONET with their partners and allies have never stopped their lobbying activities for women's land rights. Alongside legal and political advocacy, they also have been working to raise public awareness on the discrimination against women in both private and public sectors. Ugandan traditional beliefs that women should not own land and that women should be beneath men have been deeply pervasive in those patriarchal societies. This needs to be changed through public training and grassroots meetings, which UWONET and many other civil society organisations have been doing.

## **5. Conclusion**

Feminist theories have been long established for the purpose of understanding the nature of gender-based issues. Each theory examines both men and women beliefs, experiences and their social roles under certain socio-economic contexts and structures. Feminist activists, looking at gender equality through different lenses of feminism, would develop different approaches and measures to address the problems.

Throughout this long-term campaign, the Ugandan women activists have analysed women's issues concerning rights to land and properties through the lens of socialist feminism and postcolonial feminism to see that women are the victims of not only patriarchy. Rather, they suffer from a blend of various factors, such as discriminatory cultural practices and beliefs of a patriarchal society, an economic structure that encourages men to hold on to property

and the economic control they have over women, and a political institution influenced by the legacy of colonialism. All of these factors have contributed to inhibiting women's rights to access to land and control over land, affecting their livelihoods and standards of living. And thus, any approaches that overlook these factors would do little to change the reality of women's land ownership and gender inequality in Uganda. Equally important, the activists need to ensure that the voices of women of different classes suffering different forms of oppression will be heard and take into account their issues when shaping activism.

Vietnamese women activists can learn from Uganda's experience by adopting a similar approach to analyse the root causes of gender inequality and other gender-based issues in the country. This would involve examining the socio-economic context and structures that contribute to gender inequality, as well as the cultural practices and beliefs that perpetuate it. By doing so, Vietnam can develop a more comprehensive understanding of the problem and develop more effective approaches and measures to address it. It is also important for Vietnamese feminist activists and policymakers to ensure that representatives of women of different classes, such as women from both rural and urban areas and women of both dominant and minority groups, can voice their opinion and effectively engage in the policy-making process. This will help to ensure that the approaches and measures developed are inclusive and address the needs of all women from different areas and cultural groups in the country.

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